

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, September 15, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Jesse Pohlman, Senior Planner; Kevin Todd, Senior Planner; Jeffrey Lauer, Associate Planner; Amanda Rubadue, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Rothrock moved to approve the August 11, 2015, meeting minutes.

Schmitz seconded, and the motion passed by 4-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a brief presentation of the progress made for the modification, noting the construction will be completed prior to the next meeting. Metzel requested a continuance.

Schmitz motioned to approve the continuance as requested.

Rothrock seconded, and the motion passed 4-0.

1506-VU-06

14939 Ditch Road

Jeff Kelich

The petitioner is requesting approval of a Variance of Use to allow a lawn and landscape business in the SF2: Single-Family Low Density District (Chapter 13: Use Table).

Rothrock noted a conflict with this petition and recused himself from the meeting for this item.

Todd presented an overview of the requested Variance of Use as summarized in the department's report to allow a lawn and landscape business in the SF2: Single-Family Low Density District.

Joe Calderon, on behalf of the petitioner, gave a brief presentation updating the Board regarding modifications to the plan, plan of operation, and commitments since meeting with neighbors following the public hearing.

The Board discussed opening the meeting for public comment since the public hearing was closed at the August 11, 2015 meeting.

Raines opened the meeting for public comment at 7:25 p.m.

Don Sawyer, 1310 Mayfield Court; expressed his concern with noise and commented that the buffers are not high enough to make a noise barrier. He stated the E.P.A. has set outside residential limits at fifty-five (55) decibels and a diesel pick-up truck runs at eight-five (85) decibels. This property is zoned residential, and he believes it is unfair to the surrounding neighbors to sell this to a business. He commented that there is still someone interested in developing this property as residential homes, not a business. He requested the Board deny the petition.

Jeff Kirk, 1359 Annapolis Drive; presented a short video of an above ground fuel tank explosion and the damage to the neighborhood it can cause. He requested the Board deny the petition.

Joe Plankis, 514 Stockbridge Drive on behalf of the Centennial Homeowners' Associations; Mentioned that at the August 11, 2015 BZA meeting, he recalls Schmitz stating that he felt the petition did not meet the Comprehensive Plan and that he would not vote for the petition. Plankis continued, stating that he still disagrees with the request because of noise, hours of operation and more intense use of the property, and he believes that it would be injurious to the neighborhood's safety and health. He requested the Board deny the petition.

Raines closed the opportunity for further public comment at 7:33 p.m.

Todd presented to the Board additional written comments that have been submitted to the Department since the public hearing.

Raines asked the petitioner whether any party has inquired about purchasing the property to building homes.

Caldron stated that no builder has stepped forward with any plans for residential building. He further elaborated that noise standards and Department of Transportation standards are included in the commitments, as they come directly from the City's ordinances. He noted that they have agreed to comply with any requirements of the City's Fire Marshal and that there has been fuel storage on this site previously. He added that the farms around the area also have fuel storage areas.

Garry Harling, Fire Marshal, gave an overview at Raine's request of the applicable requirements for fuel storage above and below ground and that as proposed, the fuel storage would comply.

Schmitz made a motion to deny the petition.

The motion died due to a lack of second.

Sanders made a motion to approve the petition with the Department's recommended conditions and with the condition that no fuel storage shall be permitted on the property.

The motion died due to a lack of second.

Raines made a motion to approve the petition with the Department's recommended conditions.

The motion died due to a lack of second.

The petition was automatically continued until the next meeting.

Rothrock returned to the meeting.

1509-VU-08
[PUBLIC HEARING]

203 Jersey Street

Penny Foster

The petitioner is requesting approval of a Variance of Use to allow a barber and beauty shop in the MF1: Multi-Family Low Density District (Chapter 13: Use Table).

Lauer presented an overview of the requested Variance of Use, as summarized in the Department's report to allow a barber and beauty shop in the MF1: Multi-Family Low Density District.

Penny Foster, the petitioner, gave a brief presentation.

Public Hearing opened at 7:55 p.m.

Larry Clarino, 2533 Live Oak Lane; presented his support for this business and Penny Foster.

Public Hearing closed at 7:56 p.m.

Sanders motioned to approve Petition 1509-VU-08 with the following conditions:

1. This Variance of Use approval shall expire on September 15, 2017, unless an extension is otherwise granted by the Board of Zoning Appeals.
2. The Variance of Use shall be limited in scope and operation to the Petitioner's Statement of Intent and Site Plan; and
3. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

Schmitz seconded, and the motion passed 4-0.

Sanders moved to adopt the Department's recommended findings of fact.

Schmitz seconded, and the motion passed 4-0.

1508-VS-12 **14946 Trotter Court (Village Farms)**

[PUBLIC HEARING] *Amy Heid by Mudslingers Pool & Patio*

The petitioner is requesting approval of a Variance of Development Standard for a reduction in the Rear Yard Minimum Building Setback Line in the SF-2: Single-Family Low Density District (Article 4.5(E)(3)).

Rubadue presented an overview of the requested Variance of Development Standard as summarized in the department's report to allow for a reduction in the Rear Yard Minimum Building Setback Line in the SF-2: Single Family Low Density District.

Public Hearing opened at 7:59 p.m.

No public comments.

Public Hearing closed at 8:00 p.m.

Raines motioned to approve the petition.

Schmitz seconded, and the motion passed 4-0.

Raines moved to adopt the Department's recommended findings of fact.

Schmitz seconded, and the motion passed 4-0.

1509-SE-02 **19540 Lamong Road**

[PUBLIC HEARING] *Cindy Tripp (Heavenly Care Kennels)*

The petitioner is requesting Special Exception approval to allow a kennel business in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table).

1509-VS-13 **19540 Lamong Road**

[PUBLIC HEARING] *Cindy Tripp*

The petitioner is requesting approval of a Variance of Development Standard for a reduction in the Minimum Lot Frontage requirement in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2 (D)).

Todd presented an overview of both 1509-SE-02, the requested Special Exception as summarized in the Department's report to allow a kennel business in the AG-SF1: Agriculture/Single-Family Rural District, and 1509-VS-13, the requested Variance of Development Standard as summarized in the department's report to allow a reduction in the Minimum Lot Frontage requirement in the AG-SF1: Agriculture/Single-Family Rural District.

Cindy Tripp, the petitioner, gave a brief presentation.

Todd distributed a packet of written comments supporting the petitions.

The Public Hearing for both items opened at 8:11 p.m.

Kristin Fettig, 320 West Columbine Lane; presented her support for the petitions.

Dan Shoaf, 19490 Lamong Road; presented his support for the petitions.

Public Hearing closed at 8:18 p.m.

Schmitz motioned to approve Petition 1509-SE-02 with the following condition:

1. The size and scope of the kennel business be substantially similar to the information depicted in Exhibits 4-8 of the Department report.

Sanders seconded, and the motion passed 4-0.

Schmitz moved to adopt the Department's recommended findings of fact.

Sanders seconded, and the motion passed 4-0.

Schmitz motioned to approve Petition 1509-VS-13 with the following conditions:

1. Only one (1) driveway cut is allowed for the entire 11.8 acre property.
2. An access easement for the shared driveway is legally established and recorded prior to the subdivision of the Property.

Rothrock seconded, and the motion passed 4-0.

Schmitz moved to adopt the Department's recommended findings of fact.

Sanders seconded, and the motion passed 4-0.

REPORTS/COMMENTS

Plan Commission Liaison Report by Schmitz.

Economic and Community Development Department.

Schmitz motioned to adjourn the meeting.

Rothrock seconded, and the motion passed.

The meeting adjourned at 8:22 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director