

The Westfield Washington Township Board of Zoning Appeals met in regular session at 7:00 p.m. on Monday, September 20, 2004 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Steve Riley, and Craig Wood. Also present were Community Director Kevin Buchheit and Associate Planner Tom Higgins.

The July, August, and September minutes will be reviewed for approval at the October meeting.

Miller read the introductory statement that outlines the rules, procedures, and function of the Board of Zoning Appeals, and the right to an appeal.

OLD BUSINESS

0406-VU-006: 16708 South Park Drive -- Roundtripper Baseball – Headfirst Holdings, LLC. The appellant is requesting a use variance to allow three outdoor baseball fields. The parcel is zoned Enclosed Industrial (EI), and is partially within the US 31 Overlay Zone.

Mr. Joseph Scimia, Baker and Daniels, represented the appellant, requesting the hours of operation be between 4:00 p.m. and 10:00 p.m., Monday through Friday; 8:00 a.m. to 11:00 p.m. on Saturday; 8:00 a.m. to 10:00 p.m. on Sunday; and holidays immediately proceeding or following a weekend, 8:00 a.m. to 10:00 p.m. The clarification we are looking for is whether this is ceasing operations at 10:00 p.m. or basically saying “play ball” at 9:58 p.m.

Mueller responded that the BZA’s understanding was that operations would cease at 10:00 p.m.

Scimia disagreed and responded that they would like to see a game played to conclusion even if it is 10:00 p.m. They understand no significant activity will commence after 10:00 p.m. so as to shut down as soon as possible. However, there are certain activities that will take place at 10:00 such as dragging the fields, dispensing of trash, and making sure people get to their vehicles safely. He offered a solution to the Board stating lights out Monday through Wednesday at 10:00, lights out at 11:00 p.m. Thursday through Saturday with the understanding that no game will begin after 10:00 p.m. and will complete the inning started.

The Board generally agreed that since there are discrepancies in what was agreed to last month, the Board will be listening to the meeting tapes to clarify what was agreed to.

Riley asked if they would be willing to begin earlier in the morning.

Scimia responded that they could begin at 7:00 a.m. and asked if they could just complete whichever inning they are in at 10:00 p.m.

Mueller responded that the games shall end as close to 10:00 p.m. as practical and no inning shall be commenced after 10:00 p.m.

Buchheit suggested that Miller had the best suggestion of listening to the tape for clarification rather than renegotiating at this meeting.

Miller stated that he would listen to the tape and get with Buchheit, that the appellant is welcomed to listen as well and that the appellant will be notified if he needs to return to the Board next month.

0408-VS-020: 18965 Eagletown Road – Scott Ingram. The appellant is requesting a development standard variance from 16.04.030 (B)(5)(a) *Minimum Lot Frontage on Road*, to allow the minimum road frontage to be reduced from 250 feet to 35 feet. The parcel is zoned Agriculture Single Family (AG-SFI1).

Mr. Scott Ingram, Petitioner, returned to the Board this month to have Mr. Phillip Stackhouse speak on the plans for the rest of the property. Ingram expressed concern about the condition to not further split the parcel.

Stackhouse presented his plans for the remainder of the parcel in question which is to allow people to build homes on the remaining acreage, from two to six homes.

Miller asked about their time line.

Ingram responded that he has the building permit ready to go and is planning on getting the house framed before the winter weather. His plan is for the house to be occupied by mid-March. However, the process has taken a little longer and the goal for occupation now is April.

Mueller moved to approve 0408-VS-020 with the following conditions:

1. There will be a common road put into the property, and
2. A written recorded agreement for this common road for any future use including Mr. Ingram.

Wood seconded and the motion failed 2-2 (Miller, Riley)-1 (Sanders).

Miller moved to deny 0408-VS-020.

Riley seconded and the motion failed 2-2 (Miller, Wood)-1 (Sanders).

This item was continued to the October meeting.

NEW BUSINESS

04-09-VS-026: 16800 Block of Joliet Road – David and Sandra Keller. The appellant is requesting a development standard variance from WC 16-04-220 *Subdivision Process*, to allow the subdivision of an 18.251 acre parcel into three (3) parcels: 6.75 acres, 4.41 acres. The parcel is zoned Agriculture Single Family (AG-SF1).

04-09-VS-027: 16800 Block of Joliet Road – David and Sandra Keller. The appellant is requesting a development standard variance from WC 16-04-030 (B)(5)(a) *Minimum Lot Frontage on Road*, to allow the minimum road frontage to be reduced from 250 feet to 0 feet on an 18.251 acre parcel for parcels two (2) and three (3): 6.75 acres, and 4.41 acres. The parcel is zoned Agriculture Single Family (AG-SF1).

Mr. David Keller read a statement of his request for a variance.

Higgins announced a correction to his report that there was 775 feet of road frontage rather than 748 feet of road frontage and that this has not altered the staff's recommendation.

A Public Hearing opened at 8:20 p.m.

Mr. John Stater stated it appears be to a subdivision and he understood there were not supposed to be any subdivisions in this area without following the rules of subdivisions. If a variance is approved here, this sets a precedent for having more subdivisions to the north and west without any water and sewer at this time.

Ms. Jennifer Smith expressed her disapproval of the proposal as far as the road, noise, topography, and traffic.

Miller announced a letter in opposition to the petition which had been received from Alex and Julie Newhart.

The Public Hearing closed at 8:34 p.m.

Buchheit shared a graphic of possible configuration of parcels without obtaining any variances or control by the BZA. Discussion followed regarding the Comprehensive Plan and the density issue.

Miller asked Keller if he agrees with the three conditions the staff recommends.

Keller's only disagreement is with the road being a "lane" and not a county road.

Higgins responded that the staff recommendation was more in line with the construction materials as opposed to the width.

Keller responded to public hearing comments and concerns and stated that there will be no further division of the property, no continuation of the road into Boone County, and that he hopes to increase property values with this petition.

Miller moved to approve 0409-VS-026 with the following conditions:

1. The proposed “Common Lane” on the fifty foot (50’) easement will be constructed to a minimum standard of local residential streets; and
2. All final plat recordings will follow Step Three (3) of the Subdivision Ordinance, with the exception of bonds; and
3. The parcels created in this subdivision will not be divided again.

Wood seconded, and the motion passed 3-1(Mueller) -0.

Miller moved to approve 0409-VS-027 with the following conditions:

1. The appellant will develop and adopt deed covenants that allows for the construction of a common lane, with a fifty foot (50’) easement, including maintenance, repair and construction standards; and
2. The common lane will be constructed using materials consistent with the minimum standard of local residential roads; and
3. There will only be one curb cut for the three parcels and no further requested; and
4. There will be no further subdivision of any of the three (3) parcels.
5. The access road is deemed a local road and not a collector road which would have any potential of becoming a through road in the future.
6. Also the conditions the Petitioner has offered in their written material (Exhibit A) specific the building requirements and issues (A-G with various subparts).

Wood seconded, and the motion passed 3-1 (Mueller) -0.

Miller moved to adopt staff’s findings of fact.

Motion passed and staff’s findings of fact were adopted.

04-09-VS-025 322 West Main Street Road – Westfield Washington School. The appellant is requesting a development standard variance from WC 16-06-070 (2) *Parking Area Landscaping, Parking Lot Islands* to develop the site without islands. The parcel is zoned Single Family Three (SF3).

Withdrawn by Appellant

04-09-VS-024: 322 West Main Street Road – Westfield Washington School. The appellant is requesting a development standard variance from WC 16-04-120 (2) (e) *Off Street Loading and Parings, Off Street Parking, Size* to develop parking spaces nine feet (9’) feet by eighteen feet (18’) were code

is ten feet (10') by twenty feet (20'). The parcel is zoned Single Family Three (SF3).

Mr. Chris Hinkle, Paul Cripe Engineering, represented Westfield Washington schools and presented details of the requested variance to add a multi-purpose instructional facility building which would be located on top of the existing parking lot and maintaining the existing condition of the parking lot for the reconfigured parking area around the new building.

A Public Hearing opened at 8:55 p.m.

No one spoke, and the Public Hearing closed at 8:56 p.m.

Mueller recused himself from further consideration of the matter and left the room.

Miller moved to approve 0409-VS-024 as presented with the following conditions:

1. The appellant will develop the parking facility with spaces no smaller than nine feet by eighteen (9' x 18'); and
2. There will be no further requests for variances in reference to a reduction in parking size requirements.

Riley seconded, and the motion passed 3-0-1 (Mueller).

Miller moved to adopt staff's findings of fact.

Motion passed and staff findings of fact were adopted.

The meeting adjourned at 8:56 p.m.

Chairman

Secretary