

The Westfield Washington Township Board of Zoning Appeals met in a special session at 6:00 p.m. on Monday, November 22, 2004 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Steve Riley and Craig Wood. Also present were Kevin Buchheit, Planner Kevin Todd and Attorney Brian Zaiger.

Miller called the meeting to order at 6:00 p.m.

Minutes for the October and November meetings will be approved at the January, 2005 meeting.

### **OLD BUSINESS**

**0410-VS-031** 20495 Horton Road – Michael and Lydia Brunner are the appellants and request a Variance of Development Standard from WC 16-04-030-(B) 5 (a), Residential Districts, Agriculture/Single Family 1, Minimum Lot Frontage on Road, a minimum of two hundred fifty feet (250). The request is to allow the minimum road frontage to be reduced from 250 feet to 101 feet on a 9.257 acre parcel. **Continued for six months; October 18, 2004 to April 18, 2005**

### **NEW BUSINESS**

**0411-VS-035** 318 North Union Street - Christ United Methodist Church - The Appellant is requesting a variance of Development Standards of Maximum Building Height requirement, WC 16-04-030-E-7. The variance calls for an increase in the height of the building to ninety-six feet (96'). The addition itself will have a gable height of fifty-eight feet five inches (58' 5") and the steeple will rise another thirty-eight feet seven inches (38' 7"). The parcel is zoned Single Family Three (SF3). The appellant is reporting this is an expansion of the facility to accommodate partisans. **Appellant is requesting a continuance until January, 2005 as other Variances will be filed.**

**Note:** Wood stated that when this item is on the agenda in January, he will recuse himself as he is a member of the congregation.

**0411-VS-036** 14931 Greyhound Court - BJS Investments, William Sanders – The Appellant is requesting a development standard variance to allow retail signage on the rear side of a new structure, 14931 Greyhound Court, Westfield, Indiana. The parcel is located in the US Highway 31 Overlay Zone and the signage requested is documented by the appellant. These types of signs are prohibited and called out in the US Highway 31 Overlay Zone (WC 16-080-10-I-4-d). The parcel's underlying zoning is General Business (GB). The parcel is ± one and a quarter (1.26) acres. The site is

undeveloped and abuts U S Highway 31 and Greyhound Court. The development standard variance is being requested in an effort to expand the number of visitors/patrons to the site.

**Public Hearing**

**0411-VU-010**

14931 Greyhound Court - BJS Investments, William Sanders – The Appellant is requesting a use variance to allow a list of prohibited land uses to occur on site at 14931 Greyhound Court, Westfield, Indiana. The parcel is located in the US Highway 31 Overlay Zone and the list of requested uses is documented by the appellant. These uses are prohibited and called out in the US Highway 31 Overlay Zone. The parcel's underlying zoning is General Business (GB). The parcel is  $\pm$  one and a quarter (1.26) acres. The site is undeveloped and abuts US Highway 31 and Greyhound Court. The Use Variance is being requested in an effort to expand the number of potential lease opportunities at the site.

**Public Hearing**

Mr. Bill Raguse, Street Corner Group, presented details of the two above projects. The first request discussed by Raguse is a signage opportunity to expand signs to the back side of the building. He stated each sign would maintain a twenty-five square foot area. Raguse discussed the types of businesses speculated for this parcel, including food service, movie gallery, and/or quick service.

The second request Raguse discussed involved the predetermination of some allowable uses in order for tenants to not have to go before the BZA for approval of the use; these uses included possibilities such as a cellular phone store, variety store, self-service food and beverage, movie gallery, specialty hardware, custard stand, and auto parts store.

Mueller questioned parking lot size.

Raguse stated they don't anticipate a parking problem since they don't anticipate any more than one or two food service tenants, with one being more focused on lunch and the other maybe focused on dinner.

Mueller asked how many tenants they anticipate.

Raguse stated they don't anticipate any more than five or six tenants, possibly seven.

Raguse stated even though the monument sign may have less spots than the possible number of tenants, it would be on a first come-first serve basis.

Mueller asked if Raguse could commit to no more than five tenants, rather than six or seven?

Raguse stated he could make a commitment of no more than six, but did not feel he could commit to only five.

Raguse stated the signs would be turned on at dusk and would be turned off at the close of business.

Raguse agreed to limit the size of each individual sign to twenty-five feet even in the case where the tenant leases a double space.

Mueller expressed concern about the sign ordinance being adhered to as far as preventing the use of neon open electric signs in the windows, signs on benches for advertising, etched advertising in the glass windows, and exterior banners and posters in the tenant spaces.

A Public Hearing was opened at 6:35 p.m.

No one spoke, and the Public Hearing was closed at 6:36 p.m.

Miller stated there was submission of a letter from David Gill in opposition to both petitions.

Raguse asked if it would be unreasonable to request no more than six signs on the 31 side allowing the possibility of seven tenants.

Wood stated he is not comfortable with seven tenants.

Mueller added that one of the reasons the Board is not comfortable is originally the Board was presented with five tenants and now it is being presented with the possibility of seven tenants.

Wood responded there is enough of a difference between five and seven tenants, particularly with the size of the building, that he would not feel comfortable with seven.

Riley moved to approve 0411-VS-036 with the following conditions:

1. Maximum of twenty-five square feet per sign per tenant on the east side.
2. Signs will be on timers and will turn on at dusk and turn off at the close of business.
3. There will be no wall signs on the north and south sides of the building.
4. No electric neon "open/closed" signs in the windows inside the tenant spaces.

Raguse stated they could make number four above part of their (CCR) Covenants and Restrictions for their tenants.

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

Miller moved to adopt the staff's findings of fact as their own.

Motion carried by voice vote.

Miller moved to approve 0411-VU-010 be approved with the following conditions:

1. That there be a maximum of six tenants.

2. The removal of number five in the Variance Use List for US Highway 31, which is “Bars and Restaurants, which have less than thirty-five (35%) percent of their proposed gross sales derived from food sales.”

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

Miller moved to adopt staff’s finding of fact as their own with the exception finding opposite on d. that it does constitute an unnecessary hardship due to certain unclear things and ambiguities within the definitions in the ordinance concerning the prohibited uses.

Wood seconded and motion carried by voice vote.

The meeting adjourned at 6:50 p.m.

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Chairman

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Secretary