

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, May 21, 2007 at Westfield Town Hall. Members present included Martin Raines, Bill Sanders, Cindy Spoljaric and Craig Wood. Also present were Kevin Todd and Town Attorney, Brian Zaiger.

APPROVAL OF MINUTES

Raines moved to approve the April, 2007 minutes as presented.

Sanders seconded, and the motion passed by voice vote. (3-0-1) (Spoljaric)

Wood reviewed the Public Hearing Rules and Procedures.

NEW BUSINESS

0705-VS-010: 21500 Anthony Road: Michael Tinder: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B4), to reduce the minimum lot size standard from 3 acres to approximately 1.32 acres in the AG-SF1 District.

0705-VS-011: 21500 Anthony Road: Michael Tinder: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B5), to reduce the minimum road frontage standard from 250 feet to 145 feet in the AG-SF1 District.

Mr. Michael Tinder presented the details on the variance requests, which will make the subject property conforming and will allow a room addition. The room addition will adjoin the house to where the existing garage is currently located and a new garage will be built. Tinder stated this will not change the use of the property. He further stated he is a car collector who works on his own cars; he does not repair cars other than the ones he owns. Tinder also stated his expansion is limited by the location of an existing septic tank and finger system.

Spoljaric asked how large the existing garage is.

Tinder responded 32 feet x 48 feet including the existing lean-to.

Spoljaric asked if the lean-to is illegal.

Tinder responded he was told since the lean-to is not a permanent structure, it is not illegal.

Spoljaric asked if any cars have been sold from this location in the past five years.

Tinder responded one, maybe two, through the newspapers.

Spoljaric asked what types of repairs are done on his own cars.

Tinder responded engine, brakes, install radios, etc.

Wood asked if you build this garage, would it be filled by the number of vehicles you have on the premise, or would you have room for additional vehicles.

Tinder responded counting the vehicles he and his family drives, it would be full.

Wood asked if you fill the garage with cars, will there be additional vehicles sitting outside during the course of the year, and if so how many.

Tinder responded no more than two.

Wood asked if Tinder anticipated expansion of this proposed garage for additional storage.

Tinder responded no, not beyond what has been requested.

Spoljaric asked how many garage doors will face Anthony Road.

Tinder responded none.

Spoljaric asked what types of building materials would be used.

Tinder responded RBB siding, framed, concrete foundation, room addition on crawl space.

A Public Hearing opened at 7:18 p.m.

No one spoke, and the Public Hearing closed at 7:19 p.m.

Spoljaric moved to deny 0705-VS-010 as presented.

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

Wood stated the Findings of Fact will have to be restated.

Discussion followed regarding the Findings of Fact and the Board's concerns regarding public safety, surrounding property values, orientation of the primary frontage and orientation toward Anthony Road.

Sanders moved to revisit 0705-VS-010 for further consideration.

Raines seconded, and the motion passed unanimously.

Sanders moved to approve 0705-VS-010 and 0705-VS-011 with the following condition as pertaining to the existing property:

1. That, prior to receiving a building permit, the two (2) parcels of land associated with this request be legally combined and established as one (1) single parcel of land.

Raines seconded, and the motion passed unanimously.

Wood stated the staff's Findings of Fact would be adopted.

0705-VS-012: 21500 Anthony Road: Michael Tinder: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B6a), to reduce the minimum front yard setback standard from 80 feet to 44.5 feet in the AG-SF1 District.

Raines moved to approve 0705-VS-012 with the following conditions:

1. That, prior to receiving a building permit, the two (2) parcels of land associated with this request be legally combined and established as one (1) single parcel of land;
2. That no more than nine (9) vehicles in total be stored, kept and used on the property;
3. That all vehicles be stored and kept indoors;
4. That all vehicle repairs be conducted indoors;
5. That all vehicles on the property be street-legal;
6. That a vapor barrier be installed underneath the concrete slab of the garage;
7. That an epoxy coating be applied to the garage floor; and,
8. That no retail activities, including but not limited to vehicle repair, body work, or sales occur on the property.

Sanders seconded, and the motion passed 3-1 (Spoljaric).

Raines moved to adopt the staff's Findings of Fact.

Sanders seconded, and the motion passed 3-0.

0705-VS-013: 16199 Joliet Road: Orville & Damene Viles: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B5), to reduce the minimum road frontage standard from 250 feet to 0 feet in the AG-SF1 District.

Mr. Michael Wright presented the details of the variance request, which is to eliminate the road frontage on the north side of the property.

A Public Hearing opened at 8:17 p.m.

No one spoke, and the Public Hearing closed at 8:18 p.m.

Sanders moved to approve 0705-VS-013 with the following conditions:

1. That, in order for Parcel C (see Exhibit 3 in the Staff Report) to be considered conforming and to the satisfaction of the Westfield Community Development Department

staff, an access easement of no less than 50-feet in width be legally established for the current driveway;

2. That, in order for Parcel C (see Exhibit 3 in the Staff Report) to be considered conforming and to the satisfaction of the Community Development Department staff and Westfield Fire Department staff, the legally-established access easement be maintained, operable, and accessible to and for emergency vehicles;
3. That no further subdivision of Parcel C (see Exhibit 3 in the Staff Report) occur; and,
4. That in order for any future modifications to occur on Parcel B or Parcel D, they be legally combined to create a single parcel (Parcel E; see Exhibit 3 of the Staff Report).

Raines seconded, and the motion passed unanimously.

Sanders moved to adopt the Staff's Finding of Fact.

Spoljaric seconded, and the motion passed by voice vote.

The meeting adjourned at 8:25 p.m.

Chairman

Secretary