The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, June 3, 2008 at Westfield Town Hall. Members present included Dan Degnan, Randy Graham, Martin Raines, William Sanders, and Craig Wood. Also present were Kevin Todd, Planner II; Jeremy Miller, Planner I; Jennifer Miller, Planner I; and City Attorney, Brian Zaiger.

APPROVAL OF MINUTES

Wood moved to approve the May 13, 2008 minutes as presented.

Graham seconded, and the motion passed by voice vote.

Sanders reviewed the Public Hearing Rules and Procedures.

Todd stated there will be a staff report for each petition following the introduction of the case.

NEW BUSINESS

0805-VS-06 2809 State Road 38 East; *Balanced Bodywork, Janet A. Tarr*
The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.08.010, F3) to allow a monument sign for a home occupation in the AG-SF1 District.

0805-VS-07 2809 State Road 38 East; *Balanced Bodywork, Janet A. Tarr*
The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.08.010, F2) to allow for an increase in allowable signage from four (4) square feet to twenty-four (24) square feet for a home occupation in the AG-SF1 District.

Todd reviewed the variance requests, which is an increase in signage and to allow a monument sign for a home occupation. He stated staff has worked with the petitioner to gather additional information.

Ms. Janet Tarr thanked staff for their additional effort on these requests. She stated that she would still prefer a twenty (20) square foot sign rather than the recommended sixteen (16) square feet due to the speeds on the road and the small window of opportunity to read such a sign.

Wood moved to approve 0805-VS-06 and 0805-VS-07 as presented with the conditions submitted by staff:

For 0805-VS-06:

1. That the subject property be limited to one (1) sign;
2. That the monument sign, including its support structure, have the character and appearance of a residential sign, as determined by the Community Development Director, or designee;

3. That the monument sign not be temporary in appearance, structure or materials, as determined by the Community Development Director, or designee;
4. That the monument sign not exceed the maximum allowable sign area for a home occupation on the subject property;
5. That the monument sign have a maximum height of six (6) feet, from grade;
6. That the monument sign be located at least five (5) feet from the edge of the road right-of-way;
7. That the monument sign not be internally illuminated;
8. That any external illumination be solar powered;
9. That any external illumination not exceed 100 watts;
10. That any external illumination comply with all applicable sign lighting requirements;
11. That the base of the monument sign be planted with a combination of low level shrubbery, plants, and flowers that are consistent with the site;
12. That the monument sign is not eligible for sign area bonuses;
13. That the monument sign comply with all applicable regulations; and,
14. That this variance of standard be rendered null and void when the existing home occupation (Balanced Bodywork: Massage, Reflexology, Reiki, Retreats by Janet Tarr) changes or ceases to operate after three (3) months.

For 0805-VS-07:

1. That the allowable sign area for a home occupation on the subject property not exceed sixteen (16) square feet per face;
2. That any signage not be eligible for sign area bonuses;
3. That any signage complies with all applicable regulations; and,
4. That this variance of standard be rendered null and void when the existing home occupation (Balanced Bodywork: Massage, Reflexology, Reiki, Retreats by Janet Tarr) changes or ceases to operate after three (3) months.

Raines seconded, and the motion passed unanimously.

Wood moved to adopt the staff's Finding of Fact for 0805-VS-06 and 0805-VS-07.

Raines seconded, and the motion passed by voice vote.

0806-VS-08 2719 South County Road 1200 East; *Garland and Jean Elmore*
The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.100, 2 c i 2 ii) to allow a primary building to be located behind accessory structures in the AG-SF1 District.

Miller reviewed the staff report and the variance request stating the staff recommends approval of this variance request pending the condition that any future accessory structures constructed or placed on the property are located behind the plane of the home located closest to the right-of-way.

Mr. Garland Elmore stated his full agreement with the staff report and shared some slides with the Board. He introduced his wife, Jean, and their builder, Greg Montgomery. Elmore stated they have met with neighbors and the neighbors have all been supportive.

The Public Hearing opened at 7:30 p.m.

Todd stated that Pat Farrows as well as Larry and Andrea Hopkins, neighbors of the Elmores, offered letters of support for the variance request.

The Public Hearing closed at 7:32 p.m.

Raines moved to approve 0806-VS-08 with the following condition recommended by staff:

1. All future accessory structures constructed or placed on the property must be located behind the plane of the home that is closest to the right-of-way.

Degnan seconded, and the motion passed unanimously.

Raines moved to adopt the staff's Finding of Fact

Sanders seconded, and the motion passed by voice vote.

0806-VS-09 19814 Tomlinson Road; *Mark Bettinger* The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.030, B 6 b) to decrease the north side yard setback from thirty (30) feet to twelve (12) feet in the AG-SF1 District.

Todd reviewed the staff report and explained the variance request, which is to decrease the side yard setback. Todd further stated this property was platted in 1973 prior to zoning taking effect in Westfield-Washington Township. However, he continued that at this time the property is zoned AG-SF1 so the AG-SF1 standards do apply and there is a thirty (30) foot side yard setback requirement in this district, which is what the petitioner is seeking relief from at this time. He stated the petitioner would like to build an approximately six hundred seventy (670) square foot detached garage to the north of the residence which would replace the existing garage and would be encroaching eighteen feet into the required side yard. Staff believes there are other locations on the property where this building can be accommodated and meet all setbacks and recommends denial for lack of a practical difficulty. However, he further stated that if the Board approves the request, Staff recommends the condition that no further encroachment or reduction on the side yard setback occur.

Mr. Mark Bettinger discussed the details of the variance request, stating the neighbors have no issue with the variance request. He stated the existing structure is a pool shed, which houses pool and garden equipment; the new structure will be a garage and workshop as well as storage. He further stated that the encroachment would be fifteen feet into the required side yard, not the eighteen feet encroachment that was indicated in the submitted application.

Wood asked if the petitioner currently has an asphalt driveway.

Bettinger responded no, currently have a gravel driveway.

Sanders asked about building materials for the structure.

Bettinger responded a single door, siding to keep in context with the house, as well as roof shingles and the same color scheme to match the house.

The Public Hearing opened at 7:48 p.m.

Mr. Dave Compton, adjacent property owner to the north, spoke in favor of the variance request.

Mr. Robert Yell, neighbor, spoke in favor of the variance request.

The Public Hearing closed at 7:51 p.m.

Wood discussed the orientation of the building.

Discussion followed regarding the location of the building.

Raines moved to approve 0806-VS-09 (as amended by the petitioner to decrease the side yard setback to fifteen (15) feet instead of the originally requested twelve (12) feet) with the staff's recommended condition as follows:

1. That no further encroachment of or reduction of the reduced side yard setback occur.

Graham seconded, and the motion passed 4-1 (Degnan).

Sanders moved to approve the staff's Finding of Fact, with an amendment stating that because the petitioner decreased the requested side yard reduction by three (3) feet, there is a practical difficulty in the location of the structure. The motion passed by voice vote.

The meeting adjourned at 8:00 p.m.

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Chairman Secretary