

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, September 9, 2008 at Westfield Town Hall. Members present included Dan Degnan, Martin Raines, Randy Graham, and William Sanders. Also present were Kevin Todd, Planner II; Jeremy Miller, Planner I; and City Attorney, Brian Zaiger.

### **APPROVAL OF MINUTES**

Sanders reviewed the Public Hearing Rules and Procedures.

Degnan moved to approve the August 12, 2008 minutes as presented.

Graham seconded, and the motion passed by voice vote.

### **NEW BUSINESS**

0808-VU-04 18945 Moontown Road; *Mary Hession*

The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.030, D3) to allow the use of dog boarding as a home occupation in the SF-2 District.

Miller reviewed the petition and the staff report, which is for a dog boarding retreat with about ten suites. He stated the appellant originally wanted to put a bathing/sink area in the garage; however, after discussion with the Hamilton County Health Department, it was determined that the existing septic system would not meet the extra demand. Miller stated that currently the appellant has agreed not to install the sink/bathing area and the plans have been withdrawn. He also stated that the Westfield Fire Department did a site visit and believes the driveway width may be a concern; however, the Fire Department has worked with the applicant and has concluded it would be supported. Miller further stated the appellant will go to the State for a variance for the driveway width. He further stated there is a plastic corrugated pipe across the drive which raised concern that if the pipe was crossed by emergency vehicles, it may be crushed; therefore, the appellant has agreed to replace the pipe with a steel pipe. Miller stated that staff is recommending denial of this petition due to the fact that Finding Four is non-compliant.

Mr. Jim Shinaver, Nelson & Frankenberger, reviewed the details of the proposal, including additional buffering, fencing, and insulation. He added there will be no signage, no other employees, and no external changes to the current structure; the appellant has met with almost all surrounding owners and neighbors. Shinaver stated that although the Board of Health did not state any specific requirements for a project this size, the appellant has agreed to collect waste daily and such waste will be removed on a weekly basis. Shinaver discussed the fourth Finding of Fact, as well as the Finding of Fact prepared by the appellant.

Ms. Mary Hession, Appellant, spoke of the proposal.

Shinaver stated to the Board that the Appellant agrees to the staff's recommendations.

The Public Hearing opened at 7:25 p.m.

Mr. Arthur Hueser spoke in favor of the proposal.

Mr. David Copenhaver spoke in favor of the proposal and stated the neighborhood unanimously supports the proposal.

Mr. Kevin Trivet spoke in favor of the proposal.

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

Sanders asked if this facility would have portable structures.

Hession responded no, this will be all suites and no movable structures.

Sanders asked if the animals would be kept inside all the time; or is there a run.

Hession explained a typical schedule for the “guests” and showed where the dogs would exit into a larger fenced-in area for exercise. She further stated the dogs would only be with dogs in the same family.

Sanders asked if the dogs would be outside alone.

Hession responded no, she would be outside with the dogs at all times.

Degnan asked if the corrugated plastic pipe would have been an issue whether the appellant opened a business or not.

Mr. Garry Harling, Westfield Fire Department, stated that the Fire Department would have no jurisdiction over a residential structure; the fire code would apply to a business only.

Degnan asked about the state variance.

Harling responded that the driveway is in excess of 150 feet; therefore, the appellant must follow the Fire Department Access Road, which means that the driveway width from end to end must be 20 feet wide to allow for passing of emergency vehicles and must provide adequate turn around radius for the largest piece of apparatus currently held by the fire department.

Sanders asked if the fire department mandates the length of the pipe.

Harling responded he believes the pipe is put in as a drainage issue between the driveway and the fields.

Shinaver stated that if the Board approves the variance and for some reason the State denies the variance for the width of the driveway, that in order for the appellant to operate this business, the driveway would have to be widened to meet those standards as well as provide proof to the Fire Department that requirements have been met.

Graham moved to approve 0808-VU-04 with the following conditions:

1. That the plastic corrugated pipe be replaced with a steel pipe with the strength to support the weight of fire emergency vehicles as approved by WFD;
2. That the petitioner comply with all WFD requirements regarding site access width;
3. That no additional connections into the existing residential septic system be constructed;
4. That no more than ten (10) dogs be boarded at any given time.

Raines seconded, and the motion passed 4-0.

Todd stated the Board would have to draft a new Finding for the Fourth Finding of Fact.

Raines moved to adopt Staff's Finding of Fact, numbers 1, 2, 3, and 5 and the Appellant's Finding for 4.

Motion passed 4-0.

The meeting adjourned at 7:44 p.m.

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Chairman

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Secretary