The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, August 12, 2008 at Westfield Town Hall. Members present included Dan Degnan, Martin Raines, William Sanders, and Craig Wood. 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.

Wood moved to approve the July 15, 2008 minutes as presented.

Sanders stated that he did not move to adopt Staff's Finding of Fact for 0807-VU-03. The correction was made that Raines made the motion instead.

Wood moved to approve the July 15, 2008 minutes as amended.

The motion passed by voice vote.

NEW BUSINESS

0611-VS-066 (0808 Amendment) 19901 Lamong Road; Stefanie Collier

The Appellant is requesting an amendment to the first condition of a previously approved Variance of Standard (0611-VS-066) to extend the timeframe to start construction of the residence after the issuance of the barn/stable permit by 36 months.

Todd reviewed the staff report, discussed the amendment which was to extend the deadline to start construction, and reviewed the history of variances on the property. He further stated the original condition was to begin construction on the residence after eighteen months of receiving a permit for the barn; the appellant is requesting to extend that time frame by 36 months. Todd stated staff is recommending a twelve month extension be granted which would result in a start date on construction of the residence of December 11, 2009.

Mr. Richard Ferguson, the appellant's representative, spoke on reasons for the amendment, stating the desire to build the home, but an extension request is due to the current economy and housing market, citing that appellant must sell a current home before building the new home. He further stated there is a water/drainage issue, which they are discussing with the County in order to tie into the nearby County drain.

Wood asked what the realistic timeline for getting started would be.

Ferguson responded that they are requesting the 36 months.

The Public Hearing opened at 7:20 p.m.

No one spoke and the Public Hearing closed at 7:21 p.m.

Raines moved to approve 0611-VS-066 with Staff's recommendation of a 12-month extension, which would result in construction of the residence commencing by December 11, 2009.

Wood seconded, and the motion passed 4-0.

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

Sanders announced a change in the agenda, that 0808-VS-13 will be the last item heard on the agenda.

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 stated the appellant wishes to continue 0808-VU-04 for 30 days to work through some issues with neighbors.

Wood moved to accept the appeal for continuance of 0808-VU-04, and that the public hearing notice will carry over as well.

Raines seconded, and the motion passed 4-0.

0808-VS-13 329 Westlea Drive; Matt & Colleen Gonzalez
The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.040.030, E6) to reduce the north side yard setback from 10 feet to 1 foot.

Todd distributed new information to the Board and stated public notice was served properly. He further stated this petition came to the attention of staff due to lack of a building permit and he reiterated the appellant has stopped construction pending variance approval. He then reviewed the staff report and reviewed the Staff's recommendation of denial of the variance.

Mrs. Colleen Gonzalez discussed the details of the variance request as well as the background.

The Public Hearing opened at 7:50 p.m.

Ms. Lynn Marie Hoskins spoke in favor of approval of the variance.

Mr. Russ Lamb spoke in favor of the approval of the variance.

Mr. Charles Siebe spoke in favor of the approval of the variance.

Mr. Phillip Bayer spoke in favor of the approval of the variance.

The Public Hearing closed at 8:08 p.m.

Wood asked about exterior and roof line.

Gonzalez stated the exterior of the garage would match the house.

Wood asked about the timeline for completion.

Gonzalez stated about fifteen days from approval.

Raines moved to approve 0808-VS-13 with staff's recommendations as follows:

1. That no further encroachment of or reduction of the reduced side yard setback occur.
2. That the ground between the structure and the northern property line be covered with maintenance free material such as gravel, stone, or a vegetative ground cover other than grass, so as to prevent weeds from growing in that area.

Wood seconded, and the motion passed 4-0.

Sanders listed the Board's Findings of Fact:

1. That there are no safety issues because an adequate side yard on the south side of the structure exists, allowing for emergency access; and that prior property deficiencies and safety concerns have been addressed by the existing property owner;
2. That the testimony of neighboring property owners supports that the subject improvement will not adversely affect property values and may enhance neighboring property values;
3. That the existing southern side yard provides adequate room to gain access to the rear of the subject property; and that the addition will not be adverse to the residential orientation of the neighborhood.

Wood moved to adopt the Board's Finding of Fact as stated previously.

Raines seconded, and the motion passed 4-0.

Todd announced the Department is putting together a training session for the Board and that details are forthcoming.

The meeting adjourned at 8:15 p.m.

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Chairman Secretary