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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,
3 June 9, 2009 at Westfield City Hall. Members present included Dan Degnan, Randy Graham,
4 Bill Sanders, Craig Wood, and Martin Raines. Also present were Jeremy Miller, Planner I;
5 Matthew Skelton, Director; and City Attorney, Brian Zaiger.

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8 **APPROVAL OF MINUTES**

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10 Wood moved to approve the May 12, 2009 minutes as presented.

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12 Graham seconded, and the motion passed by voice vote.

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14 Sanders reviewed the Public Hearing Rules and Procedures.

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16 Raines arrived at 7:03 p.m.

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19 **OLD BUSINESS**

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21 0905-VS-06 900 East Main Street; Paul Aaron Starr

22 The Appellant is requesting a Variance of Standard from the Westfield-
23 Washington Zoning Ordinance (WC 16.04.010, I) to allow a second principal
24 structure on one lot.

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26 Miller reviewed the staff report and the history of the parcel stating the applicant wishes to
27 convert the existing commercial building into a secondary principle structure. He further stated
28 staff has visited the site stating the structure blends well with the community and would not be
29 out of place for the structure to appear to be residential. Miller stated staff recommends approval
30 of the variance with conditions.

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32 Mr. Starr followed up with comments regarding the request for variance.

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34 A Public Hearing was opened at 7:14 p.m.

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36 No one spoke, and the Public Hearing was closed at 7:15 p.m.

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38 Wood moved to approve 0905-VS-06 with the following conditions:

- 39
40 1. That the variance be in place for no more than ten years.
41 2. That the converted structure not be used as a rental property.
42 3. That the property owner's family members be the sole residents.
43 4. That the variance applies to the property owner only.
44 5. That the owner complies with all regulations and requirements of the Hamilton County
45 Health Department prior to occupying the Commercial Building for residential use.

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47 Raines seconded, and the motion passed 5-0.

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NEW BUSINESS

0906-VS-07 1306 Monmouth Dr.; Paul Wilson

The applicant is requesting a variance of development standard (WC 16.04.110, A, 6) to reduce the rear yard setback from 30 feet to 10 feet for lot number 563 (1306 Monmouth Drive)

Graham stated although he is a Centennial resident, this petition does not directly affect him; therefore, he will be voting on this petition.

Miller reviewed staff report and history of petition stating there was a 30 foot setback; a variance in 2001 reduced the setback to 15 feet; this request would reduce the set back to 10 feet. He further stated there is a 10-foot drainage and utility easement where a fence has been placed. Staff has proposed a solution in that the petitioner could purchase the lot adjacent to the property at which time no variance would be necessary. Staff is recommending denial of this request.

Wood asked if the petitioner would have to purchase the entire adjacent lot or just a portion.

Miller responded a portion of the lot.

Mr. Wilson reviewed the variance request.

A Public Hearing opened at 7:32 p.m.

Mr. Herbert Miller spoke of the history of the property and spoke in favor of the petition.

Mr. Lou Peragallo spoke of concerns regarding the fence, the original plan for the Centennial community, and the existing variance.

Ms. Leah Yee spoke of her concern regarding the original plan for the community and drainage.

Mr. Joe Manoa spoke against the variance.

Mr. Mike Lyons stated the parcel staff spoke of the petitioner purchasing is common area and is not for sale. He further stated the addition to the property would improve the property value.

Mr. Lou Peragallo stated that while he agreed the addition would improve the property value of the petitioner, it would not improve the property value of his property.

The Public Hearing closed at 7:53.

Mr. Herbert Miller responded to a previous public comment.

Zaiger recapped the variance for the evening stating the previous variance is irrelevant.

Degnan moved to deny 0906-VS-07.

1 Raines seconded, and the motion passed 3-2.

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3 Sanders moved to adopt the staff's finding of fact.

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5 The motion passed by voice vote.

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7 The meeting adjourned at 8:09 p.m.

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Chairman

Secretary