

The Westfield Washington Township Board of Zoning Appeals met in regular session at 7:00 p.m. on Monday, June 21, 2004 at Westfield Town Hall. Members present included David Mueller, Steve Riley, and Craig Wood. Also present were Town Attorney Brian Zaiger and Planner Matthew Griffin.

Vice President, Mr. Craig Wood presided in the absence of BZA President, Mr. Patrick Miller.

Mr. Wood called the meeting to order.

Mr. Griffin called role; a quorum was present.

The May 17, 2004, Minutes were approved with the following revisions:

1. Corrections to the April minutes shall be called out in detailed, and not simply mentioned.
2. All dissenting votes will be identified by name.
3. On page 1, the name shall read Mike Aldi, and not "Alby".

Mueller made a motion to approve the May minutes with noted corrections.

Wood seconded and the minutes were adopted into the public record by unanimous voice vote.

Wood read the introductory statement that outlines the rules, procedures, and function of the Board of Zoning Appeals, and the right to an appeal.

NEW BUSINESS:

0405-VU-003: 3131 West State Road 32 – Jay and Betty Milligan. The appellants are requesting a use variance to allow a Convenience Store/Gas Station. The parcels are zoned Agriculture Single Family (AG-SF1) and are in the State Highway 32 Overlay.

Mr. Steve Milligan presented details of the petition as well as the reason for the petition.

BZA members discussed several questions in regards to brand of gas, possible store franchises, traffic control, lighting, ATM machines, and alcohol.

The BZA noted that they received a letter of concern from an adjacent land holder and asked Mr. Milligan if he had seen this letter. Milligan responded "no", and Griffin provided a copy for his review.

A Public Hearing opened at 7:16.

Mr. James Brooks spoke of his concerns as follows:

1. Underground gas storage tanks when the residential area is mostly on private wells.
2. Per the Comprehensive Plan, will this change in use set a precedent that over time changes the area to commercial when it is currently residential?
3. Will there be enough room for semi-trucks to turn around in the parking lot when they come in to purchase diesel fuel?
4. What is the reason this is considered a hardship? Mr. Brooks feels leaving the area residential will not cause a hardship.

Mr. and Mrs. Dave Pappenaugh, who are neighbors, spoke of their concerns:

1. The specific reason they purchased their property was because it is in the country. They are concerned the lighting will become an issue for them. The business faces directly into their bedroom.
2. The Pappenaughs have a feed plot for the wildlife around their property. This would certainly disturb the wildlife.
3. Security is a concern
4. Noise is a concern.
5. Increased traffic, speed limit, and number of accidents.

Mr. George Thacker spoke of his concerns:

1. Drainage runoff.
2. Lights.
3. Storage tanks and safety.

The Public Hearing closed at 7:29.

Petitioner responded to concerns and stated that there are larger gas storage tanks to the west. He added that the "hardship" validating this variance of use request was the need for convenience services in this underserved area.

Wood asked a few more questions regarding visibility, type of gas, drainage, and type of paving to be used.

Petitioner stated that he would likely pave the area in the future, but for now would use gravel.

Riley expressed some concern about property values. He also mentioned his concern for safety in the case of a fire, having to bring in water trucks since the area is not on city water.

Mueller expressed concern about the lack of room for a tanker to come in and fill the tanks.

Mueller made a motion to deny this variance of use request as per the findings by staff.

Riley seconded the motion and the motion was passed unanimously.

Riley made motion to adopt use of staff's finding of facts.

Mueller seconded and motion carried.

0406-VU-005: 410 East Main Street – Reit Realty III, LLC. The appellant is requesting a use variance to allow general office/administration use. The parcel is zoned Single Family 3 (SF3).

Mr. Ron Reit, Esq. presented the petition details.

BZA members reviewed materials, discussed, and asked questions regarding parking, delivery, hours of operation, signage, shed in rear, and types of tenants.

The petitioner indicated the number and types of tenants for the proposed office use, as well as the anticipated traffic and hours of operation.

The petitioner explained that their future plans for the area, and their proposed site layout. The proposed parking lot for this site is in a location that makes it impossible for the desired accessory structure to meet the required setbacks.

A Public Hearing opened at 8:00 p.m.

The Public Hearing closed at 8:01 p.m.

Riley made motion that 0406-VU-005 be approved as presented.

Mueller seconded and motion passed unanimously.

0406-VS-013: 410 East Main Street – Reit Realty III, LLC. The appellant is requesting a development standard variance from WC 16.04.030 E (6) Minimum Setback Lines, to reduce the minimum required rear yard setback from 30 feet to 2 ½ feet. The parcel is zoned Single Family 3 (SF3).

Riley made a motion to approve 0406-VS-013 with the following condition:

1. The primary structure shall meet all set back requirements of the zoning ordinance.

Mueller seconded and motion passed unanimously.

Mueller made a motion to adopt staff's findings of fact.

Riley seconded and the motion carried.

0406-VS-014: **302 West Main Street – Rocchio-Kiley Insurance. The appellant is requesting a development standard variance from WC 16.04.050 (D) (4) Minimum Lot Area, to reduce the minimum required lot size from 5 acres to 0.39 acres. The parcel is zoned Local Business (LB).**

0406-VS-016: **302 West Main Street – Rocchio-Kiley Insurance. The appellant is requesting a development standard variance from WC 16.04.050 (D) (6) Minimum Setback Requirements, to reduce the minimum required side yard setback from 60 feet to 3 feet for the west side yard setback and 10 feet for the east side yard setback, and to reduce the required rear yard setback from 60 feet to 3.5 feet. The parcel is zoned Local Business (LB).**

There was no representation for the above two items. Both items are tabled until next month.

0406-VU-006: **16708 South Park Drive – Headfirst Holdings, LLC. The appellant is requesting a use variance to allow for three outdoor baseball fields. The parcel is zoned Enclosed Industrial (EI), and is partially within the US 31 Overlay Zone.**

As per petitioner's request, this item has been continued to the July 19, 2004, BZA meeting.

0406-VS-015: **18881 US Highway 31 North – Indiana Mills & Manufacturing, Inc. The appellant is requesting a development standard variance from WC 16.08.010 Sign Standards, to allow signage that is not permitted within the current sign ordinance. The parcel is zoned Enclosed Industrial (EI).**

Lisa Lorenz, Art Director of IMMI, and Kurt Aikman, Security Director of IMMI, presented the case.

BZA members reviewed materials presented and discussed questions.

A Public Hearing opened at 8:23 p.m.

Billie Sebastian, who lives adjacent to the IMMI property, spoke of her concern that a sign at 191st and East Street would impair the view of oncoming traffic when accessing the highway.

Petitioners responded to concerns and said there will not be a sign at that intersection. The sign currently located there was the sign to announce the public hearing for this variance. The Permanent sign locations were not near this intersection, and would not block views when accessing the highway.

The Public Hearing closed at 8:27 p.m.

Mueller made a motion to approve 0406-VS-015 with following conditions:

1. All signage on site shall comply with the Westfield Sign Ordinance except for those detailed and specifically requested in the application materials.
2. Signage granted by this variance shall conform to dimensions and locations as presented in the sign details of the appellant's request.

Riley seconded and the motion passed unanimously.

Riley made a motion to adopt staff's findings of fact.

Mueller seconded and motion carried.

Wood adjourned the meeting at 8:30 p.m.

Chairman

Secretary