

The Westfield Washington Township Board of Zoning Appeals met in regular session at 7:00 p.m. on Monday, August 16, 2004 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Bill Sanders, and Craig Wood. Also present were Town Attorney Brian Zaiger, Community Director Kevin Buchheit, and Associate Planner Tom Higgins.

The July minutes were not available and were tabled for approval at the September meeting.

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

OLD BUSINESS

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

Miller stated that there was a partial public hearing held last month on issues the petitioner is here to discuss tonight. Then the floor will be open for a full public hearing this evening.

Mr. Joseph Scimia presented details of the project, including the parking plan with 202 parking spaces, security, fencing, restroom facilities, hours of operation, and lighting. He also presented a petition from Countryside subdivision showing there were no negative responses to the Roundtripper Baseball facility.

Zaiger asked about the number of handicapped parking spaces.

Scimia answered that there were 6.

Miller asked about netting.

Scimia answered that they don't see that as a need at this point; can be added later.

Mueller resumed a discussion from the last meeting about parking on the street, stating that it shouldn't be the neighbors' responsibility or the Westfield Police Department's responsibility; it should be the petitioner's responsibility to enforce and be sure people don't park on the streets in the business park. He asked what will the appellant do to make sure people do not park on the street.

Scimia responded with possible resolutions, stating that signs could be installed stating "No Parking Along the Streets." They will also be sending out brochures introducing the facility and stating the rules and regulations including that there will be no parking along the streets in the facility. Another option is to report any violators.

Mueller asked about the capacity during a tournament and whether this site could handle the crowd.

Scimia responded that they were not concerned about a problem during tournaments.

Mueller stated that he still feels he has presented the worse case scenario and that the petitioner has presented the least case scenario; that we need something in between and that we have no data for tournament participation. He asked about the number of restroom facilities and whether one is enough for each gender.

Scimia responded that if there is a problem, they can expand.

Miller asked if there is a restroom facility inside the building and whether people will have access to it.

Scimia responded that they will not encourage it but it is available.

A Public Hearing was opened at 7:42 p.m.

Mr. Jim Kent spoke representing himself and several other business owners. The properties these gentlemen represent are the 106 acres surrounding the subject property. The development standards for these properties were recorded March 21, 2001 and April 19, 2001. Back in May, 2002 the ground began to be developed for an outdoor soccer practice field. Attached to the packet is the letter we sent stating that this would not be allowed in Southpark Industrial Park. This hardship would be to the area property owners who abide by the rules and regulations and have invested nineteen million dollars in the Town of Westfield. We ask that you deny this.

Mr. Wayne Beverage spoke as one of the co-developers of South Oak, the land south of the proposed development. The petitioner stated that he has a signed petition from land owners in favor of this, but I have not signed it. The parking on the street is a major concern in addition to other concerns previously stated. The underlying factor in our opinion is that this whole area is an enclosed industrial area. We came in under that guideline and do not favor this petition.

Sanders asked Beverage what the flavor of the proposed developments in South Oak and West Oak are.

Beverage responded that in West Oak there is a day care center under construction and there is a matter pending now with the Plan Commission on a housing development in West Oak and south of South Oak.

Mr. Jack Strong spoke in support of Roundtrippers and stated that they are a very quality operation.

Mueller initiated a discussion with Strong regarding his experience with Roundtrippers.

Sanders questioned Strong on the areas he has seen Roundtripper facilities in other cities.

Mr. Jeff Gordon spoke in support of the Roundtripper facility.

Ms. Mary Burnett spoke in support of the Roundtripper facility, stating her family moved to Westfield because of this facility.

Mr. Ed Deer spoke in support of the Roundtripper facility.

Mr. Brian Morales expressed concern about the amount of traffic the Roundtripper facility will cause, and although he believes this is a great idea, he believes there must be a better location than the current proposal. Morales also expressed concern about the parking plans and traffic patterns.

Ms. Marjorie Rainey spoke in support of the Roundtripper facility.

The Public Hearing closed at 8:25 p.m.

Scimia responded to the concerns stated in the Public Hearing.

Miller asked if there was a plan for bus parking.

Scimia stated that there is no current plan for bus parking.

Miller asked if there was any intention to install a public address system.

Scimia responded no.

The Board took a short recess from 8:35 p.m. to 8:50 p.m.

Buchheit spoke prior to voting on the above issue and encouraged the BZA not to feel compelled to make a decision tonight if they have received new information to consider. Buchheit acknowledged the community support but stated this is not a question of the integrity of or need for this facility but determining "where" to place this use. Buchheit stated that he believes the staff's finding of facts is sound, secure, and based on the town's policies and regulations and does not feel anything has been said tonight that would prompt him to change the recommendation.

Miller moved to approve 0406-VU-006 with the following conditions:

1. Latest hour of operation would be 10:00 p.m. on weeknights and Sunday nights.
2. No parking on the street with all reasonable and necessary steps taken to insure that this doesn't happen including posting signs and putting notes on people's cars who may be parking on the street.
3. No public address system is to be installed.

Mueller seconded, and the motion carried unanimously.

Miller moved to adopt the Petitioner's findings of fact previously submitted last month as Tab I.

Sanders seconded, and the Petitioner's findings of fact were adopted.

0407-VS-019: NE corner of 169th St. and Ditch Rd. – Maple Knoll Elementary School. The appellant is requesting a development standard variance from the Maple Knoll PUD Ordinance (04-02, Exhibit 15, II, 4d) to have less doors and windows on their structure than required. The parcel is zoned Planned Unit Development (PUD).

Mueller recused himself and left the room.

Dr. Mark Keen presented details of the project.

A Public Hearing was opened at 8:54 p.m.

No one spoke and the Public Hearing closed at 8:55 p.m.

Miller moved to approve 0407-VS-019 with the following condition:

1. Petitioner must comply with all conditions of approval associated with previously approved petitions (0406-DP-26, 0406-SIT-20, 0304-PUD-02, Ordinance 04-02).

Sanders seconded, and the motion passed unanimously.

Miller moved to adopt staff's findings of fact.

Sanders seconded, and motion passed unanimously.

NEW BUSINESS

0408-VU-008: 17317 Westfield Park Road – Truss Partners, LLC. The appellant is requesting a use variance to allow outdoor storage of dimensional lumber, finished wall panels, and finished trusses. The parcel is zoned Enclosed Industrial (EI) and is within the US 31 Overlay Zone.

Mr. D. Pitzer presented details of the project.

Miller asked how they planned to move back and forth between the two properties once the Monon Trail is built.

Mr. D. Pitzer is open to suggested solutions when this occurs.

A Public Hearing opened at 9:05 p.m.

No one spoke, and the Public Hearing closed at 9:06 p.m.

Miller moved to approve 0408-VU-008 with the following conditions:

1. This variance is valid for three years. After three years the BZA can hear this case and extend the variance for up to two additional years.
2. If the Monon Rail Trail develops in this area prior to business relocation, the applicant is responsible for all required trail crossing features to ensure pedestrian and vehicular safety.
3. All proposed outdoor storage must be screened from adjacent EI zoned parcels. Screening shall be comprised of opaque fencing, landscaping, or a combination of the two.

Wood seconded, and the motion passed unanimously.

Miller moved to adopt staff findings of fact.

Mueller seconded, and the staff findings of fact were adopted.

0408-VS-020: 18965 Eagletown Road. – Scott Ingram. The appellant is requesting a development standard variance from 16.04.030 (B)(5)(a) *Minimum Lot Frontage on Road*, to allow the minimum road frontage to be reduced from 250 feet to 35 feet. The parcel is zoned Agriculture Single Family (AG-SF1).

Mr. Scott Ingram presented details of the project, including his commitment to build a common drive.

A Public Hearing opened at 9:20 p.m.

No one spoke and the Public Hearing closed at 9:21 p.m.

Discussion on future splits of the remaining property and road frontage requirements. Mr. Ingram asked to bring the property owner, Mr. Stackhouse to the next meeting to discuss conditions of approval.

This item was continued until September so that Mr. Stackhouse, the property owner, could be present at the meeting.

0408-VS-021: 2002 W. 166th Street – James and Tammy Kartes. The appellant is requesting a development standard variance from WC 16.04.100 (2)(c) (i)(1) *Accessory Building, Building Location, Front Setback*, to allow the replacement of an accessory building within the front yard of the primary structure. The parcel is zoned Agriculture Single Family (AG-SF1).

0408-VS-022: 2002 W. 166th Street – James and Tammy Kartes. The appellant is requesting a development standard variance from WC 16.04.100 (2)(b) (vii) *Accessory Building, General Standards*, to allow the replacement of an accessory building that exceeds the primary structure in total square footage. The parcel is zoned Agriculture Single Family (AG-SF1).

Mr. James Kartes presented details of the project.

Wood asked if it was possible to reduce the square footage of the barn in order to do what they want to do.

Petitioner responded yes, if they had to.

A Public Hearing opened at 9:33 p.m.

No one spoke, and the Public Hearing closed at 9:34 p.m.

Sanders moved to approve 0408-VS-021 with the following conditions:

1. The new structure must be at least 105 feet from the West 166th Street (distance of existing structure).
2. The new accessory structure must be subordinate to the existing accessory structure in both height and bulk.
3. The new structure shall not in any way be used for residential purposes.

Mueller seconded and the motion carried 3-1 (Wood) -0.

Miller moved to adopt findings of fact that are in direct opposition to the staff's findings of fact on 0408-VS-021.

Mueller seconded and the motion carried.

Sanders moved to approve 0408-VS-022 with the following conditions:

1. The new structure must be at least 105 feet from the West 166th Street (distance of existing structure).
2. The new accessory structure must be subordinate to the accessory structure in both height and bulk.
3. The new structure shall not in any way be used for residential purposes.

Mueller seconded and the motion carried 3-1 (Wood) -0.

Miller moved to adopt findings of fact that are in direct opposition to the staff's findings of fact on 0408-VS-022.

Mueller seconded and the motion carried.

0408-SE-001: 17913 Countyline Road – Millwood Homes. The appellant is requesting a Special Exception to allow a kennel that includes outdoor runs. The parcel is zoned Agriculture Single Family (AG-SF1).

Mr. William McKinley, Millwood Homes, representing the owner presented details of project.

Miller asked if the play area could be confined to one side of the building in order to cut down on the potential for noise.

McKinley responded there are kennels on both sides of the structure.

Wood asked if the open sided kennels would only be used in the warmer weather.

McKinley responded the animals would not be out for extended periods of time in the cold or rainy weather. The dogs will not be left outside at night.

Wood asked about the handling of waste.

McKinley responded there would be separate waste facilities for the animals.

Wood asked what the plan is for the existing house on the property.

McKinley responded owner would move into the home.

A Public Hearing was opened at 10:07 p.m.

Joe Hague spoke of his concerns about the noise and appreciates that the dogs will not be out after 6:00 p.m. in the evenings.

The Public Hearing closed at 10:10 p.m.

Wood moved to approve 0408-SE-001 with amendments with the following conditions:

1. That kennel plans are submitted to the Hamilton County Health Department and the Hamilton County Surveyor's Office for review approval of septic and drainage, respectively; and
2. That any recommendations of the Hamilton County Health Department and Hamilton County Surveyor's Office become binding on the petitioner; and
3. That the petitioner have slats installed in the chain link fence; and
4. No animal access to outdoor runs after 6:00 p.m. or before 8:00 a.m.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Sanders seconded, and motion passed unanimously.

0408-VS-023: Reit Realty III, LLC. 410 East Main Street The appellant is requesting a development standard variance from WC 16.06.060-01, Minimum Required Buffer yard, to reduce the minimum required side buffer yards from 40 feet to 0 feet. The parcel is zoned Single Family 3 (SF3).

Mr. Ron Wright, Reit Realty, presented the details of the variance request.

A Public Hearing opened at 10:17 p.m.

No one spoke and the Public Hearing closed at 10:18 p.m.

Sanders moved to approve 0408-VS-023 with the following conditions:

1. All planting requirements of *16.06.060 Buffer Yard Requirements* shall be met; and,
2. All previous conditions of approval shall be met.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Sanders seconded, and the staff's findings of fact were adopted.

Meeting adjourned.

Chairman

Secretary