

The Westfield Washington Township Board of Zoning Appeals met in regular session at 7:00 p.m. on Monday, October 18, 2004 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, William Sanders, and Craig Wood. Also present were Community Associate Planner Tom Higgins and Attorney Bruce Bittner.

Wood moved to approve the July, August, and September minutes as written.

Mueller seconded and the minutes passed by unanimous voice vote.

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.

Higgins stated that after review of the tape by Mr. Roger Kilmer and the appellant, agreed upon time was that hours of operation will cease at 10:00 p.m. He added that a letter of grant will be drafted by the Community Development Department and so registered with them with your approval.

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-SF11).

Mr. Scott Ingram, Petitioner, returned to the Board this month to share further information including how the common drive was going to be laid out and also an agreement for the maintenance of the common drive.

Mueller asked about the size of the other house on the property as well as the size of the lots.

Ingram responded with the estimated size of the house and the acreage of the lots.

Miller chose to open up the matter for a Public Hearing even though a Public Hearing was held previously.

A Public Hearing opened at 7:16 p.m.

Ms. Gloria Del Greco spoke in favor of this variance stating that four large parcels would be a very good use for this land rather than forcing the petitioners to go into a PUD and creating far more homes.

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

Sanders asked Mr. Phillip Stackhouse, owner of the property, what his plans were for the platting of the rest of the property.

Stackhouse answered that he had begun to research on that and was looking into the possibility of putting a planned unit development there if that becomes necessary, but also has two or three other buyers looking into buying large parcels.

Sanders expressed concern about the lack of a second curb cut.

Higgins assured the Board that there was room for two driveways on the property.

Sanders moved to approve 0408-VS-020 on the basis of this curb cut and allowing one additional curb cut at some point in the future.

Mueller seconded and the motion passed 3-1 (Miller).

Wood stated that on behalf of the voting majority, the following Findings of Fact were submitted: That due to the irregular topography and outline of the parcels, we concurred that we would pass the variance and that we would allow for one additional curb cut to facilitate future development of the remaining parcel if so needed.

Findings of Fact passed by voice vote.

NEW BUSINESS

0408-VS-028: 17317 Westfield Park Road – Truss Partners, LLC - is the appellant and requesting a Variance of Development Standard from WC 16-06-050-(A). The appellant is requesting a use variance to allow the elimination of the required planting. The parcel is zoned Enclosed Industrial (EI) and is within the US 31 Overlay Zone.

0408-VS-029: 17317 Westfield Park Road – Truss Partners, LLC - is the appellant and requesting a Variance of Development Standard from WC 16-06-060-(B). The appellant is requesting a use variance to reduce the Buffer yard size from fifteen (15') feet to zero (0) on the east side of the site. The parcel is zoned Enclosed Industrial (EI) and is within the US 31 Overlay Zone.

0408-VS-030: 17317 Westfield Park Road – Truss Partners, LLC - is the appellant and requesting a Variance of Development Standard from WC 16-06-060-(C). The appellant is requesting a use variance to reduce the Buffer yard planting requirements from two (2) trees and nine shrubs (9) to zero (0). The parcel is zoned Enclosed Industrial (EI) and is within the US 31 Overlay Zone.

Mr. Dwain Pitzer reviewed the details of the three variances including buffer yard and landscaping issues.

Mueller discussed the US 31 project and the Monon project and the appearance of the property and asked Pitzer how they planned to treat that part of the land.

Pitzer responded that they support the Monon Trail and would work with the Town on the landscaping. However, if it is decided that the US 31 project is not going through, they would most likely list the property for sale and relocate somewhere else.

Pitzer stated that this did bring up a concern he had on condition number three (3) which states that no further variances will be sought on the site until the US 31 project is finalized. In the event that the US 31 project is set back by several years, would not want to be precluded from coming back before the Board if Truss needs to discuss another issue. This would be circumstances beyond their control and Pitzer asked for clarification on this point.

A Public Hearing opened at 7:46 p.m.

No one spoke, and the Public Hearing closed at 7:47 p.m.

Miller moved to approve 0408-VS-028, 0408-VS-029, and 0408-VS-030 with the following conditions:

1. All variances sought after the US 31 project is finalized will be subject to the then current codes.
2. This variance is valid until the US 31 project claims the property or the highway layout is altered in a fashion that preserves the site.

Wood seconded and the motion passed unanimously.

Miller moved that the Staff's Findings of Fact on 0408-VS-028, 0408-VS-029, and 0408-VS-030 as the Board's own.

Motion passed by unanimous voice vote.

0410-VS-031: 20495 Horton Road – Michael and Lydia Brunner are the appellants and requesting a Variance of Development Standard from WC 16-04-030-(B) 5 (a), Residential Districts, Agriculture/Single Family 1, Minimum Lot Frontage on Road, a minimum of two hundreds fifty feet (250). The request is to allow the minimum road frontage to be reduced from 250 feet to 101 feet on a 9.257 acre parcel.

Mr. Michael Brunner presented the background and details of the request for variance.

A Public Hearing opened at 7:55 p.m.

Ms. Bev Kraus spoke against the variance.

Mr. David Coburn, the potential buyer of the property, expressed concern about drainage issues, septic issues, and lack of top soil and therefore spoke against the variance.

The Public Hearing closed at 8:04 p.m.

Miller asked Brunner what his thoughts were on coming back to the Board when he has a potential buyer who is ready to tell the Board exactly what they have planned and who is in support of the petition.

Brunner and the Board agreed to continue this item for six months, April, 2005.

0410-VS-032: 20478 Horton Road - Timothy and Melanie Bales are the appellants and requesting a Variance of Development Standard from WC 16-04-030-(B) 5 (a), Residential Districts, Agriculture/Single Family 1, Minimum Lot Frontage on Road, a minimum of two hundreds fifty feet (250). The request is to allow the minimum road frontage to be reduced from 250 feet to 0 feet on a 5.82 acre parcel.

Mr. Tim Bales presented the details of the variance request including a discussion of the current landscaping.

A Public Hearing opened at 8:18 p.m.

Mr. Greg Sherley stated his concerns about the variance including a drainage issue.

Del Greco spoke in favor of the variance.

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

Bales assured the Board that he would work with Sherley to come up with a suitable solution to the drainage issue.

This item was continued to November in order that the current owner of the property may be present for discussion.

0410-VS-033: Southwest Corner 151st Street and Town Road– Central Christian Church is the appellant and requesting a Variance of Development Standard from WC 16-06-060, Buffer Yard Requirements. The request is for total relief from the buffer yard screening, size and planting requirements.

0410-VS-034: Southwest Corner 151st Street and Town Road– Central Christian Church is the appellant and requesting a Variance of Development Standard from WC 16-06-050-B, Onsite and Street Frontage Landscaping Requirements (B) Road Frontage Standards. All required plantings would be relocated to an alternative location on site.

Mr. Barth Hendrickson, landscape architect, explained the details of the variance requests including buffer yard requirements and the landscaping plans.

A Public Hearing opened at 8:50 p.m.

No one spoke, and the Public Hearing closed at 8:51 p.m.

Miller moved to approve 0410-VS-33 and 0410-VS-34 with the following conditions:

1. All required planting by Ordinance will occur on site in an alternative location.
2. Berms and plants adjacent to perimeter parking rows to block headlights at night and full visibility of parking generally.

Sanders seconded, and the motion passed unanimously.

Miller moved to adopt the Staff's Findings of Fact as the Board's own.

Sanders seconded, and the voice vote passed unanimously.

0410-VU-009: 21414 Horton Road – Tim Batman - is the appellant and requesting a Variance of Use from WC 16-04-030-(B) 3, Residential Districts, Agriculture/Single Family 1, Permitted Home Occupations, to allow an Assembly Hall usage. The request is to allow this single family home to be utilized as an Assembly Hall for corporate retreats, training and conferences. The parcel is approximately 12 acres and zoned AG-SF 1.

Ms. Carla Levy represented Mr. Tim Batman, the appellant. She discussed the plans for the property and explained the details of the variance of use request.

Discussion followed including signage, whether anyone would live on the premises, expansion plans, etc.

A Public Hearing opened at 9:02 p.m.

Mr. Ron Pettijon, who lives across the street, asked questions regarding the frequency of the gatherings, hours of operation, and days of operation.

Levy answered Pettijon's questions.

The Public Hearing closed at 9:05 p.m.

Sanders raised concerns about security.

Levy responded that there would certainly be groups they could not accommodate.

Miller moved to approve 0410-VU-009 with the removal of condition number three which states that "all proposed activities will occur inside the current structure" and that the hours of operation will be 7:00 a.m. to 8:00 p.m.

Mueller seconded and the motion failed 2-2 (Wood, Miller).

Wood moved to deny 0410-VU-009.

Miller seconded, and the motion failed 2-2 (Mueller, Sanders).

This item will be continued to November when we have a quorum.

The meeting adjourned at 9:19 p.m.

Chairman

Secretary