

The Westfield Washington Township Board of Zoning Appeals met at 7:15 p.m. on Tuesday, January 18, 2005 at Westfield Town Hall. Members present included Patrick Miller, Bill Sanders, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Wood made a motion to approve October and both sets of November minutes as presented.

Sanders seconded and the minutes for October, November and the Special November meeting were all approved.

Miller stated that the election of officers would be tabled to the future.

### **OLD BUSINESS**

**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.

Brunner stated that he and his wife have decided if they cannot sell their property, they will build a house on the property for their own occupancy. If they were to get an offer on the property, they would still sell. However, they have decided it is in their best economic interest to build a house on the property. Therefore, they are still seeking the above variance. Brunner stated he does have two approved locations for the septic system from the Health Department.

Wood asked how the two proposed locations of the septic systems were relevant to the other parcel and the pond.

Brunner stated that one proposed location of the septic system is closer to where he would build the house.

A Public Hearing was opened at 7:28 p.m.

Ms. Bev Crouse, owner of the adjacent property, spoke against the variance because of the drainage problem.

Mr. Bill Anderson, owner of property on the north side of the Brunner property, spoke against the variance and expressed concerns about the pond and the drainage problems.

The Public Hearing closed at 7:35 p.m.

Brunner responded to the public hearing comments stating the reason the pond was built was because the area was low and held water all the time. He also stated with respect to the side toward the Crouse', it floods behind there, but the pond itself is not large enough to take care of the area behind the Crouse'.

The Public Hearing reopened at 7:48 p.m.

Crouse spoke again stating she was talking about her property out front next to the pond when she discussed the flooding situation.

The Public Hearing closed again at 7:50 p.m.

Miller moved to approve 0410-VS-031 with the condition that the petitioner be the applicant for the relevant building permits within the next eighteen months.

Wood seconded and no action was taken since the vote was 2-1.

Miller stated this item would come before the BZA next month.

### **318 North Union Street**

**0411-VS-035:** 318 North Union Street - Christ United Methodist Church- The Appellant is requesting a variance of Development Standards of Maximum Building Height requirement, WC 16-04-030-E-7. The variance calls for an increase in the height of the building to ninety-six feet (96'). The addition itself will have a gable height of fifty-eight feet five inches (58' 5") and the steeple will rise another thirty-eight feet seven inches (38' 7"). The parcel is zoned Single Family Three (SF-3). The appellant is reporting this is an expansion of the facility to accommodate partisans.

Since this is the second continuance, Michael Johnson, Aspen Group, appeared to request a continuance on this item until April 18, 2005 in order to have time to finalize parking lot design, landscaping design, and address some drainage concerns.

Miller stated this continuance is approved with the stipulation that the Christ United Methodist Church would readvertise.

### **NEW BUSINESS**

**0501-VU-002:** Northwest corner of 181<sup>st</sup> Street and Market Court (just east of US Highway 31 and 181<sup>st</sup> Street) – Ken Fineis. The Appellant is requesting use variances to allow a list of prohibited land uses to occur on site at the Northwest corner of 181<sup>st</sup> Street and Market Court (just west of US 31 and 181<sup>st</sup> Street) Westfield, Indiana. The parcel is located in the US Highway 31 Overlay Zone and the list of requested uses is documented by the appellant. The three (3) parcels that comprise the site have an underlying zoning of General Business (GB). The three parcels total ± two and three quarter (2.71) acres. The site is partially developed (Indy Cycle) and is undeveloped between 181<sup>st</sup> Street and Indy Cycle along Market Court. The Use Variance is being requested in an effort to expand the number of potential lease opportunities at the site.

Mr. Dennis Olmstead, Steppeworth & Associates, representing Ken Fineis, presented details of the variance request including some specific uses for the above referenced property.

Wood asked for an explanation regarding the six-bay building.

Olmstead responded there were six partitions on the inside of the building, similar to the appearance of a strip mall.

Wood asked about rear building access, such as loading dock doors or garage doors.

Olmstead responded there would most likely be a garage door accessing the rear.

A Public Hearing was opened at 8:24 p.m.

No one spoke and the Public Hearing closed at 8:25 p.m.

After much discussion, the Petitioner requested that 0501-VU-002 be continued to the February 22, 2005 BZA meeting.

Miller stated the request for continuance is granted.

**0501-VS-002:** Northwest corner of 181<sup>st</sup> Street and Market Court (east of US Highway 31) – Ken Fineis. The Appellant is requesting a standard variance to allow a reduction in landscaping to occur on site at the Northwest corner of 181st Street and Market Court (just west of US 31 and 181<sup>st</sup> Street) Westfield, Indiana. The parcel is located in the US Highway 31 Overlay Zone. The parcels underlying zoning is General Business (GB) and is approximately two and three quarter (2.71) acres. The Standard Variance is being requested in an effort to address the potential US 31 realignment and maximize exposure of the site.

Petitioner requested that 0501-VS-002 also be continued to the February BZA meeting.

**0204-VU-01: 481 South CR 1200 East (17111 County Line Road)** A variance of use – WC 16.04.030, B, 1, Permitted Uses – to permit a catering operation and meeting facilities in the Agriculture – Single Family 1 (AG – SF 1) district. An expansion of hours of operations to the general public from one day per week to seven, which would include breakfast and dinner served daily, and modify the conditions of approval from 0204-VU-01.

Ms. Jenny Head introduced herself and her mother, Debbie Head; they are the owners of the Palomino Ball Room. Head presented details of the variance request, highlighting the fact that this is a request to amend a previous use variance and expand the hours of operation. She has also requested to be allowed to have outdoor, after dusk activities. Head stated she understood that the conditions of no additional lighting or sound systems would be imposed. Head also requested the restriction be lifted on the paving of the gravel parking lot as they currently have plenty of parking and don't use the gravel lot.

Sanders asked if the parking issue could be continued to a later date.

A Public Hearing opened at 8:33 p.m.

Mr. Karl Winkler, representing Indianapolis Executive Airport, spoke in favor of this variance.

The Public Hearing closed at 8:35 p.m.

Sanders moved to approve 0204-VU-01 based on the findings of staff report with the following conditions:

1. No additional lighting or audio systems be constructed or used for outdoor events on site.
2. Hours of operation stop at 11:00 p.m. on Sunday through Thursday and 1:00 a.m. on Friday and Saturday. Hours of operation are allowed to be expanded to accommodate all three meals.
3. All other conditions from 0204-VS-36, 0204-VS-37, and 0204-VU-01 are applicable.

Miller seconded and the motion passed unanimously.

Miller moved to adopt staff findings as their own.

Wood seconded and motion passed unanimously.

**0501-VS-001:** West side of Oak Ridge Road, South of State Highway 32 and north of Mapleton – Portrait Homes, the appellant is requesting a Development Standard Variance WC 16.04.040(B) (4) (b) to allow the development of a two (2) unit active adult paired ranch community within three – fourth (3/4) of a mile from another multi family zoning district. The Villas at Oak Ridge are a four (4) unit attached active adult community within three-fourth (3/4) of a mile of the proposed new development, The Oaks. The site is approximately seventeen (16.98) acres with sixty eight (68) units proposed.

Mr. Matthew Skelton, Bingham McHale, presented the details of the variance request and introduced the Petitioner, Mr. John Talbot, Portrait Homes. Skelton stated this project has been introduced to the Town Council, was sent to the Plan Commission (where they received a favorable recommendation), went to Committee, and have had a couple of neighborhood meetings. He stated they have reviewed the staff report and the recommendations and the commitments/conditions they have proposed and are happy to comply with said conditions.

A Public Hearing opened at 8:44 p.m.

Mr. Brian Morales, who lives south of the proposed development, expressed concern about the density of the targeted area and increased traffic.

The Public Hearing closed at 8:50 p.m.

Skelton responded to the public hearing comments by highlighting a few of the reasons these types of uses are usually very well received: generating a lot of assessed valuation for a community without putting children in schools; tend not to have the same peak hours of traffic due to lower trip generation; and finally, the requirement by the Town to stub into the existing Quail Ridge neighborhood which will alleviate some traffic congestion. Skelton responded to

Morales' comment about the developer "walking away," stating that even if this happened, the strict zoning conditions would apply to the project no matter who would work on the project.

Sanders moved to approve 0501-VS-001 based on staff findings with the following condition:

1. All commitments made to the Town Council and Advisory Plan Commission will be followed.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt staff findings of fact as their own.

Wood seconded, and the motion passed unanimously.

Higgins presented details of Administrative Case Citation Clarification which includes the withdrawal of 0407-VS-017 Westfield Washington Community Schools, as well as the withdrawal of 0404-VS-008, 0404-VS-009, 0404-VS-010 which were all encompassed into one variance.

Miller stated all above would be shown as withdrawn.

The meeting adjourned at 9:20 p.m.

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Chairman

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Secretary