

1  
2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,  
3 December 14, 2010 at Westfield City Hall. Members present included Dan Degnan, Randy  
4 Graham, Bill Sanders, Craig Wood, and Martin Raines. Also present were Kevin Todd, Senior  
5 Planner; Matthew Skelton, Director; and City Attorney, Brian Zaiger.

6  
7  
8 **APPROVAL OF MINUTES**

9  
10 Graham moved to approve November 9, 2010 minutes as presented.

11  
12 Woods seconded, and the motion passed by voice vote.

13  
14 Sanders reviewed the Public Hearing Rules and Procedures.

15  
16  
17 **NEW BUSINESS**

18  
19 **1011-VU-06**

20 PUBLIC HEARING

**800 East Main Street; City of Westfield.**

The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.050, D2) to allow an auto repair business in the LB District.

21  
22  
23  
24  
25 **1011-VS-07**

26 PUBLIC HEARING

**800 East Main Street; City of Westfield.**

The Appellant is requesting multiple Variances of Standard from Westfield-Washington Zoning Ordinance (WC 16.04.050, D) to allow for development of the property for a relocated auto repair business.

27  
28  
29  
30 Skelton reviewed the case, which is a request for a variance of use and some development  
31 standards to accommodate the relocation of a downtown Westfield business. The business,  
32 Mufflers and More, is currently located on South Union Street, south of State Road 32. He  
33 stated that the proposed site is located in an existing business district and some of the adjacent  
34 uses compliment this business. He suggested adding the following conditions to an approval: 1)  
35 that all vehicles owned or to be serviced by petitioner will be parked and/or stored on petitioner's  
36 property. 2) that no vehicle shall be parked outside the enclosed vehicle storage area for more  
37 than 24 hours. 3) that vehicles dropped off after hours shall be parked in the designated drop off  
38 area, except those delivered by wrecker shall be immediately stored in the enclosed vehicle  
39 storage area.

40 Skelton shared a letter in support of the relocation plan from the Grand Junction Task Group. He  
41 stated that the decision for the Board is a land use decision and reiterated that this is a successful  
42 business and we want them to remain in the City of Westfield.

43  
44 A Public Hearing opened at 7:10 p.m.

45

1 Mr. Bob Hart, current owner of the property, spoke against the relocation to the proposed site.  
2 He stated that it was never explained to him that the contract he signed to sell the property was  
3 for an auto-repair shop.  
4

5 Mr. Mic Mead, representing the Grand Junction Task Group, stated that the Grand Junction's  
6 desire is to make the existing Mufflers and More site available for redevelopment. He further  
7 stated that they support moving this business.  
8

9 Mr. Roger Crimm, owner of the adjacent Antique Shop, expressed his support of the Grand  
10 Junction Task Group. He also expressed concern regarding the size of the property for this  
11 business. He expressed concerns about the number of cars in the proposed fenced area and  
12 questioned how the rule that no car will be parked outside of the enclosed area for more than 24  
13 hours will be enforced.  
14

15 Ms. Julie Sole, Westfield Chamber of Commerce, spoke in support of the variances as long as  
16 issues raised by Mr. Crimm are addressed.  
17

18 Mr. John Whitaker, 108 South Street, spoke in support of the variances.  
19

20 Ms. Tina Keller, 800 East Main Street, expressed concern about the safety of her children with  
21 the additional traffic being added to the shared drive.  
22

23 Mr. William Lyman, Montessori School of Westfield, spoke against the variance expressing  
24 concerns about the proposed location being too small to accommodate the number of cars, noise,  
25 and oil and gas residue leaks.  
26

27 Mr. Aaron Starr, 900 East Main Street, expressed concern that the property is too small for what  
28 is being planned.  
29

30 Ms. Anne Poynter, Executive Director of the Downtown Westfield Neighborhood Association,  
31 spoke to the character of the parties involved in with this project.  
32

33 Ms. Sarah Randall, attorney representing Mufflers and More, addressed the lot size concerns  
34 expressed by other public speakers stating the lot size will allow the petitioner to expand their  
35 business and allow for additional bays. She requested approval of the requested variances and  
36 that any ownership issues are addressed outside of the proposed variance requests.  
37

38 The Public Hearing closed at 7:35 p.m.  
39

40 Degnan asked if there was another place in Westfield where this business could go without  
41 requesting a variance.  
42

43 Skelton responded there is no better available place in Westfield for this business to relocate.  
44

45 Sanders believes this use is too intense for this site.  
46

47 Wood asked if increasing the number of bays from two to four would result in business growth  
48 or faster turn-around.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Skelton responded that he did not know the business strategy.

Raines asked about the size comparison of the existing site to this proposed site.

Skelton responded that the current site is approximately 0.25 acre and the proposed site is approximately 0.5 acre.

Sanders expressed concern with the number of development standard variances needed to accommodate the proposed site development. He said that he believes the site is undersized for additional development.

Raines asked how many cars are on the current site at this time.

Scott McDonough, owner of Mufflers and More, responded that there are currently approximately 40 cars on the site. He added that the additional bays on the new site would provide faster turn-around and better service for their customers, not expand the business.

Raines asked if they would be willing to change the second condition, so that no vehicles could be stored outside of the enclosed vehicle storage area after business hours, instead of 24 hours as proposed.

Randall responded yes.

Wood expressed concern about the Board approving a “concept” and not an actual site plan.

Skelton clarified that what they are planning to build will be in substantial compliance to what is before the Board, but there may be some slight modifications to the development plan.

Raines stated that the decision tonight has nothing to do with the Grand Junction plan.

Sanders commented that the Board is here to entertain the variance requests, not the purpose of the request.

Zaiger explained to the Board that the variances are a result of the land and the uses that are on it, not the petition, and that the sole purpose of the BZA is granting variances and other relief from the zoning ordinance, which is not anticipated to be a document where one size fits all. He further stated that the City is asking for a variance because the property downtown, where the petitioner is currently located, is being acquired by the City and these variances would allow the business to remain in the same general vicinity in Westfield.

Degnan does not believe that a variance is the right thing to do in this situation. He commented that he supports the Grand Junction Plan, but he thought the business could be located elsewhere in the community without the need for variances.

Wood moved to approve 1011-VU-06 and 1011-VS-07 with the following conditions:

- 1 1. That all vehicles owned or to be serviced by petitioner will be parked and/or stored on
- 2 petitioner's property;
- 3 2. That no vehicle shall be parked outside the enclosed vehicle storage area after hours of
- 4 operation;
- 5 3. That vehicles dropped off after hours shall be parked in the designated drop off area,
- 6 except those delivered by wrecker shall be immediately stored in the enclosed vehicle
- 7 storage area.
- 8

9 Raines seconded, and the motion passed 3-2 (Degnan, Sanders).

10 Sanders moved to approve the staff's findings of fact.

11 Raines seconded, and the motion passed by voice vote.

12  
13  
14 **REPORTS/COMMENTS**

15  
16  
17 Degnan reported that the APC forwarded the Viking Meadows PUD amendment proposal to the  
18 City Council with a favorable recommendation, and that the City Council approved the proposal  
19 (5-2).

20  
21 The meeting adjourned at 8:15 p.m.

22  
23  
24  
25 \_\_\_\_\_  
26 Chairman  
Bill Sanders

Secretary  
Matthew Skelton