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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,
3 March 10, 2009 at Westfield City Hall. Members present included Dan Degnan, Craig Wood,
4 and Martin Raines. Also present were Jeremy Miller, Planner I, Jennifer Miller, Planner I, and
5 City Attorney, Brian Zaiger.

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8 **APPROVAL OF MINUTES**

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10 Wood moved to approve the February 10, 2009 minutes as presented.

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12 Degnan seconded, and the motion passed by voice vote.

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14
15 Raines reviewed the Public Hearing Rules and Procedures.

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17 Raines announced continued agenda items.

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19 Ms. Miller announced that the Freedom Trail Park agenda item, 0903-VS-05, will be continued
20 to the next agenda since staff has been notified that this notice was mailed improperly. She
21 stated that new notice will be given.

22
23 The Appellant for 0810-SE-02 requested a continuance to April since the Board member who
24 requested further information is not present this evening.

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26 Mr. Miller stated as a matter of clarification that if this petition gets continued to the April
27 meeting that this item will no longer be continued since the petition will have been on the docket
28 for six months. He further stated a decision will have to be made at that time that or the case will
29 be dismissed.

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31 Degnan moved to continue 0810-SE-02 to the April meeting.

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33 Wood seconded, and the motion passed 3-0.

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36 **NEW BUSINESS**

37
38 **0903-VS-04 1424 East 191st Street; *Scott and Amy Kirkwood***

39 The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning
40 Ordinance (WC 16.04.010, I) to allow to a second primary structure on one lot.

41
42 Miller reviewed the petition stating the property has previously been to the Board in order to split
43 the property. He further stated the Appellant is requesting to convert an existing garage into a
44 secondary primary residence. He also stated that the Appellant has requested to connect the
45 existing drive way to the one-bay garage; however, these plans have not been submitted to staff
46 at this time. Miller further stated that staff is recommending the driveway be twelve feet in
47 width to match the current driveway. The Appellant further stated after the residential use is no

1 longer needed, the property would revert to a non-primary structure type of application. Staff has
2 recommended denial of the request stating there is no practical difficulty.

3
4 Mr. Scott Kirkwood reviewed the request and stated the septic will be updated to accommodate
5 the extra living space. He further stated he has discussed the plans with neighbors and has
6 support from surrounding neighbors.

7
8 Wood asked what the width is on the garage.

9
10 Kirkwood responded 30 feet, then another 17 feet from garage to the property line.

11
12 Wood asked if any thought had been given to future uses.

13
14 Kirkwood responded possibly a pool house or storage. Kirkwood stated that he did not want to
15 lease or rent the proposed conversion if approved and when the relative is no longer using the
16 proposed structure.

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18 A Public Hearing opened at 7:21 p.m.

19
20 No one spoke, and the Public Hearing closed at 7:22 p.m.

21
22 Degnan moved to approve 0903-VS-04 with the following conditions:

- 23
24 1. That the variance be in place for no more than ten years;
25 2. That the property not be used as a rental property;
26 3. That the Kirkwood's family member be the sole resident; and
27 4. That this variance applies to the Kirkwoods only.

28
29 Wood seconded, and the motion passed 3-0.

30
31 Wood moved that the finding of fact be adopted as discussed since a practical difficulty was
32 discovered in allowing this use and the conditions remedied all concerns stated by staff.

33
34 Degnan seconded and the motion passed 3-0.

35
36 Zaiger stated the Board had indicated an interest in the opportunity to discuss past cases and
37 issues; therefore, staff has agreed to set a time for such discussion with the Board and City
38 Attorney if that is desired.

39
40 Mr. Miller announced there will be another training session after the April BZA meeting.

41
42 The meeting adjourned at 7:33 p.m.

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45 _____
46 Chairman

Secretary