

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, April 10, 2018, at Westfield City Hall.

Members present: Jeannine Fortier, Ken Kingshill, Martin Raines, Dave Schmitz, and Robert Smith.

City staff present: Kevin Todd, Senior Planner; Daine Crabtree, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Motion: move to approve the April 10, 2018 meeting minutes as presented.

Motion: Schmitz; Second: Raines. Motion passed. Vote 5-0.

REVIEW OF RULES AND PROCEDURES

Todd reviewed BZA rules and procedures.

ITEMS OF BUSINESS

1804-VS-07

[PUBLIC HEARING]

348 Old Ashbury Road

Jason Richarz by Pools of Fun

The petitioner is requesting a Variance of Standard to reduce the Minimum Rear Yard Setback in the Chatham Hills PUD District (Section 9.1 of Ord. 13-24).

(Planner: Daine Crabtree - DCrabtree@westfield.in.gov)

Crabtree presented a summary of this request for a Variance of Standard.

Public Hearing for 1804-VS-07 opened at 7:04 p.m.

No public comment.

Public Hearing for 1804-VS-07 closed at 7:05 p.m.

Motion:

Schmitz motioned to approve 1804-VS-07 with the following condition:

- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder’s Office and return a copy of the recorded instrument to the Economic and Community Development Department.

Fortier seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1804-VS-07.

Kingshill seconded. Motion passed. Vote 5-0.

1805-SE-01

[PUBLIC HEARING]

17115 Joliet Road

Linda Sullivan

The petitioner is requesting a Special Exception to allow an Equestrian Facility in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2).

(Planner: Daine Crabtree - DCrabtree@westfield.in.gov)

Crabtree presented an overview of this request for a Special Exception for an Equestrian Facility.

Linda Sullivan, petitioner, stated that she bought the property that has operated as an Equestrian Facility for the past 25 years, and she wants to obtain a Special Exception in order to continue that use.

Schmitz asked what triggered this request.

Todd responded that a building permit review caused staff to review the use, and determine that the proposed use required Special Exception approval.

Public Hearing for 1805-SE-01 opened at 7:09 p.m.

Ginny Kelleher, 3920 West 166th Street; stated that she fine with the use requested by this facility as long as it complies with the conditions outlined in the letter submitted to the Board by Jen Smith.

Kim Shields, 17021 Joliet Road; stated she supports this request if the following points are agreed upon: manure removal; limited number of horses on the property; and fly management.

Public Hearing for 1805-SE-01 closed at 7:16 p.m.

Schmitz asked if the City has a standard that applies to the maximum number of horses allowed on a property.

Todd responded that the City does not have a rule regulating the number of horses on a property.

Motion:

Raines motioned to approve 1804-VS-06 with following conditions:

1. That manure shall be kept in an enclosed receptacle and removed from the Property;
2. That the Petitioner may keep up to 36 Saddlebred horses on the Property. Should ownership of the Property change, the number of horses allowed on the Property shall be limited to 20;
3. That downspouts of the arena and stable addition shall be tiled and drained to the creek in accordance with the Hamilton County Drainage Board rules;
4. That parking shall not be permitted west or south of the stable and arena;
5. That equine contests and events shall not be held on the Property; and,
6. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

Kingshill seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-SE-01.

Kingshill seconded. Motion passed. Vote 5-0.

1805-VU-03

[PUBLIC HEARING]

4105 W. SR 32

Gregg and Mary Roberts by the Law Office of Edward Anania

The petitioner is requesting to modify of the conditions of approval of a previously approved Variance of Use that permitted a Self-Storage Facility use within the LB: Local and Neighborhood Business District (Article 13.2).
(Planner: Matt Pleasant - MPleasant@westfield.in.gov)

Crabtree summarized this request to modify of the conditions of approval of a previously approved Variance of Use. He explained that the petitioner is requesting modifications of the 1995 conditions to allow the Variance to be transferred to a new owner.

Edward Anania, 4630 Lisborn Drive on behalf of Lukenlola Properties, LLC (potential buyer); explained the need of the variance was prompted through the financing. He stated that he would like the wording of the first Finding of Fact to be clarified by removing the word "not".

Public Hearing for 1805-VU-03 opened at 7:23 p.m.

No public comment.

Public Hearing for 1805-VU-03 closed at 7:24 p.m.

Schmitz asked if this variance would be attached to the owner or the property.

Crabtree responded it would go with the land.

Kingshill questioned that this action may cause conflict in the future with concepts in the Comprehensive Plan for this area. He asked about approving this with a time limit.

Anania indicated that an imposed time limit on the variance would prohibit the financing.

Discussion took place regarding the future character of the Eagletown Village, including how the widening of State Road 32 would change the area.

Todd indicated that if State Road 32 was widened, that these structures would likely be impacted.

Motion:

Schmitz motioned to approve 1805-VU-03 with the following conditions:

1. The Landscape Plan approved in July of 1995 be properly maintained,
2. Maintain the previously approved 1995 condition for the fence located at the west and south property lines.

Raines seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-VU-03 with the modification of Finding #1 to remove the word “not”.

Raines seconded. Motion passed. Vote 5-0.

1805-VS-08

[PUBLIC HEARING]

Greyhound Pass Trailhead at the Monon Trail

City of Westfield

The petitioner is requesting a Variance of Standard to permit an Electronic Sign in the Right-of-Way of the Monon Trail at the Greyhound Pass Trailhead (Article 6.17).

(Planner: Pam Howard - PHoward@westfield.in.gov)

Todd presented a summary of this request for a Variance of Standard.

Christopher Larsen with the City of Westfield Informatics Department explained the project, and that the goal of the kiosk is to convey information to, and provide safety features for, the community.

Kingshill asked Larsen if he considered this a sign.

Larsen said no.

Kingshill asked Larsen if AED will have instructions.

Larsen replied yes.

Kingshill asked why this variance is even needed.

Zaiger responded that the Economic and Community Development Director determined that the kiosk is a sign, and that it does not meet the UDO’s standards for signage.

Public Hearing for 1805-VS-08 opened at 8:01 p.m.

No public comment.

Public Hearing for 1805-VS-08 closed at 8:02 p.m.

Motion:

Kingshill motioned to approve 1805-VS-08.

Schmitz seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-VS-08.

Kingshill seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING:

1609-AA-01
[CONTINUED]

14939 Ditch Road

Indiana Structural Foundations, LLC

The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant to a previously approved Variance of Use (79-V-12).

1803-AA-01
[CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03)

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department.

ADJOURNMENT

Motion:

Raines motioned to adjourn the meeting.

Fortier seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:06 p.m.



Chairperson
~~Robert Smith, Esq.~~

Dave Schmitz



Secretary
Matthew S. Skelton, Esq., AICP
Director