

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Wednesday, July 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 and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Motion: move to approve the June 12, 2018 meeting minutes subject to staff administratively modifying the minutes to reflect the petitioner’s representative’s public hearing rebuttal, under Docket No. 1806-VS-09, so that it reflects his lack of assurance that approving the variance would not have a substantially adverse impact on neighboring property values.

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

REVIEW OF RULES AND PROCEDURES

Todd reviewed BZA rules and procedures.

ITEMS OF BUSINESS

1806-VS-09
[ADOPTION OF
FINDINGS OF FACT]

3989 Birkdale Drive
Tiffany Bedsworth by True North Surveying, LLC
Adoption of Findings of Fact for Variance of Standard that was denied on June 12, 2018.
(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Schmitz stated that he believes that the presented draft findings reflect the discussion surrounding the denial of this case. He specifically noted that the second and third criteria were the problematic items for approving the petition.

Recommended Findings:

- 1) **Criteria:** *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the Development Standards of Ord. 06-49. The rear setback encroachment typically affects the rear adjoiner, in this case the rear adjoiner is a common area and detention pond.

- 2) **Criteria:** *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: The proposed variance would affect the value of the area by devaluing property values and alter the characteristics of the immediate community.

- 3) **Criteria:** *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would not result in practical difficulties. The property’s use as a residence will not be affected by the denial of this variance.

Motion:

Schmitz motioned to accept the staff finding of Facts for denial of 1806-VS-09.

Motion passed. Vote 5-0.

1807-VS-11
[PUBLIC HEARING]

18250 N. Union Street

Westfield Washington Schools—Westfield High School

The petitioner is requesting multiple Variances of Development Standard related to loading space screening (Article 6.3 (F)(2)(c) and Article 6.8 (H)(2)); wall planes (Article 6.3 (F)(5)(b)); Minimum Lot Landscaping Requirements (Article 6.8 (K)); Foundation Plantings (Article 6.8 (L)); External Street Frontage Landscaping Requirements (Article 6.8 (M)(2)); Interior Parking Area Landscaping (Article 6.8 (O)(1); and Perimeter Parking Area Landscaping (Article 6.8 (O)(2)) in the GB-PD: Business / Planned Development District and EI: Enclosed Industrial District.

(Planner: Kevin Todd - KTodd@westfield.in.gov)

Todd overviewed these requests for Variances of Development Standard.

Jennifer Lash with Cripe Architects and Engineering, representing the petitioner, summarized the requests for these variances. She presented the overall plan for renovating Westfield High School (WHS), including a 50,000 square foot building addition, landscaping updates, and parking lot improvements, that require deviation from the applicable standards. She outlined the reasons for the request, including: access and safety, responsible use of tax-payer dollars, line of sight and safety concerns, and improved traffic circulation.

Public Hearing for 1807-VS-11 opened at 7:14 p.m.

No public comments.

Public Hearing for 1807-VS-11 closed at 7:15 p.m.

Motion:

Schmitz motioned to approve 1807-VS-11.

Raines seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1807-VS-11.

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:

Schmitz motioned to adjourn the meeting.

Kingshill seconded. Motion passed. Vote 5-0.

The meeting adjourned at 7:30 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director