The Westfield-Washington Township Board of Zoning Appeals (BZA) met at 7:00 p.m. on Tuesday, September 15, 2020 at Westfield City Hall.

OPENING OF MEETING: 7:00 PM

ROLL CALL
- Members Present: Jeannine Fortier, Ken Kingshill, Victor McCarty, and Dave Schmitz.
- Members Absent: All present.

City staff present: Kevin Todd, Director; Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; Corey Harris, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES
- August 11, 2020 BZA Minutes
  - McCarty motioned to approve the August 11, 2020 Minutes.
  - Fortier seconded. Motion passed. Vote 4-0.

PRO-TEMPORE REPLACEMENT
- Member Resigned: Martin Raines.
  - Kingshill motioned to appoint McCarty as new Pro-Tempore.
  - Fortier seconded. Motion passed. Vote of 4-0.

REVIEW RULES AND PROCEDURES
Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

2009-VU-06
[PUBLIC HEARING]

223 Jersey Street
Josh and Kate Kneifel

The Petitioners request a Variance of Use to permit a Professional Office (Counseling) Use on 0.24 acres +/- in the MF1: Multi-Family Low Density District (Article 13.2).

(Planner: Pam Howard – phoward@westfield.in.gov)

Howard overviewed this request a Variance of Use. She said one public comment had been received by Staff and distributed to the board members. She stated that the Petitioners had coordinated with the Grand Junction task Group and had received its letter of support.

The Petitioners, Josh and Kate Kneifel, summarized this proposed project and use for three private offices. They spoke about the proposed upgrades, both interior and exterior. They addressed parking and indicated that they would add three additional parking spaces similar to other nearby businesses.
Kingshill asked if all three offices would be counseling.

- The Petitioners replied that as of now, yes, although they would be open to another wellness businesses.

Schmitz asked if the Petitioners were the current owners of the property and if they were comfortable with the proposed conditions.

- The Petitioners replied yes to both questions.

Howard explained the conditions of the variance and the coordinated time lines for the expiration dates of variances in this area.

McCarty said he appreciated this type of use and asked about the types possible of meetings/events.

- The Petitioner replied that they had already coordinated with the Westfield Schools for team building and the business would respond to the needs of the community including movement and art therapies.

Public Hearing for 2009-VU-06 opened at 7:14 p.m.

Hi Pam, I understand the new owners, Josh and Katie Kneifel are coming before the BZA asking for a variance of use for the property at 223 Jersey Street. I want to go on the record as a close neighbor and local real estate agent that I completely support what they are proposing. The changes on Park Street and on Jersey Street are creating a desirable destination for our downtown, This type of use is the vision we see for this area. Please add my name to those who are in favor of granting the variances.

Thank you, Melody Jones

Public Hearing for 2007-VU-06 closed at 7:16 p.m.

Kingshill asked if the parking spaces would be partially in the right-of-way.

- Howard replied yes, and that they would coordinate with Westfield Public Works and that this is consistent with other nearby businesses.

Schmitz asked if number of parking spaces would be consistent with the use.

- Howard replied, yes that a professional office requires one parking space per 300 square feet of office area. They added that other areas downtown have no minimum parking standards because they are zoned LB-H which have no parking minimum.

McCarty motioned to approve 2009-VU-06 with the following staff conditions:

- That the approval be limited to a counseling business, as described in the Statement of Intent.
- That approval of this variance shall expire on December 31, 2024 and any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2024.

Kingshill seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VU-06

Kingshill seconded. Motion passed. Vote 4-0.

2009-VS-20 16426 River Crest Court
[PUBLIC HEARING] Brian Metzger by Property Pros Land Management

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Website: http://www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov
The Petitioner requests a Variance of Development Standard to encroach six feet seven inches (6' 7") into the thirty (30) foot Minimum Rear Yard Setback on 0.50 acres +/- in the SF2. Single-Family Low Density District to accommodate a swimming pool and deck (Article 4.5(E)(3)(a)).

(Planner: Corey Harris – charris@westfield.in.gov)

Harris overviewed this Variance of Development Standard request. He said that Westfield Public Works had reviewed this encroachment. He added that a side yard setback was currently under review by Hamilton County Surveyor’s office. He said he would work with the Petitioner on the landscape requirements. He said one public comment had been received by Staff, and has been distributed to the board.

Josh Spring with Property Pros Land Management, on behalf of the Petitioner summarized the details of this request. He said they had taken the landscape plan into consideration so as to not create any safety issues.

Kingshill said the Property Owners’ Association had submitted that it had no objections. He asked if there had been any comments from the neighbors.

- Harris replied no.

Schmitz asked about the encroachment distance.

- The Petitioner replied that some of the landscaping had been updated to positively affect the area of encroachment area and that the plan would be compliant.

Kingshill asked if the change related the regulated drain would affect the site plan condition.

- Harris said that a possible change would affect the retention wall, but not the pool.

Public Hearing for 2009-VS-20 opened at 7:27 p.m.

September 10, 2020
Re: Public hearing on Tuesday, September 15, 2020 at pm
Petition 2009-VS-20 filed by Joshua Spring (Property Pros Land Management LLC) on behalf of Brian & Kristen Metzger pertaining to real estate at 16426 River Crest Court, Westfield, IN
Request for Variance of Development Standard

Dear Westfield-Washington Township Advisory Board of Zoning:

In response to receipt of the Westfield-Washington Township Board of Zoning Appeals Public Notice, the Brookside Property Owners Association, Inc., [hereinafter "POA"] offers the following written response to the proposed plan. The POA has no objection to the request for the Metzger's Pool to encroach approximately 6'7" in the Single-family Low Density Zoning (SF2) District's 30 foot Minimum Rear Yard Setback Line assuming that the proposed drawings are correct in that the entire project - pool including plantings and retaining wall - do not exceed the request for variance. Waiver of any objection by the POA is conditioned upon the rendering’s representation that the entirety of the project including plantings and the retaining wall do not exceed a 24'5" set back, and as per Article III, Section 3.2 of the Declaration of Covenants, Conditions and Restriction of Brookside, said design would not change the grade in this area so as to restrict the flow of stormwater. Moreover, this waiver is also conditioned upon

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compliance to Article I, Section 1.13 of the Declaration of Covenants, Conditions and Restrictions of Brookside which states that, "No downspouts shall be tied to the sub-surface drains. Sump pump lines are to be connected to the available subsurface drains provided for each lot."

With regard to the proposed drawings there also appears to be encroachment into the County's dedicated drainage easement on the South side of the property, including the construction of a boulder retaining wall. It is the understanding of the POA that these areas are reserved for maintenance by the City and County who will perform work necessary to ensure proper drainage and water flow located within this easement. Per Article III, Section 3.2 of the Declaration of Covenants, Conditions and Restriction of Brookside, "Within these areas there shall be located no structures including but not limited to trees, plants, landscape, mounds, fences, out buildings, swing sets, play equipment, docks, decks, boats, etc. These areas shall be maintained with a property cut stand of grass at all times. No change of grade shall be permitted within these areas which may restrict the flow of stormwater." The POA respectfully requests the County to review this particular encroachment based upon its standards and/or any maintenance concerns posed by this proposed construction as the City/County is ultimately responsible for maintaining the unhindered flow of water via this easement.

Thank you very much for your consideration. Please direct any questions or commentary to Josh Cox, President, Brookside POA at (317) 331-6475 or the undersigned.

Very truly yours,

Lisa J. Macha
Vice President, Brookside POA
(818) 857-1610

Public Hearing for 2009-VS-20 closed at 7:28 p.m.

Fortier motioned to approve 2009-VS-20 with the following modified Staff conditions:

- Approval shall only be valid for the pool noted on the Site Plan in Exhibit 3.
- Construction shall be substantially compliant with the Site Plan in Exhibit 3.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-20.

Kingshill seconded. Motion passed. Vote 4-0.

2009-VS-21
[PUBLIC HEARING]

1254 Lewiston Drive

Mike and Lori Weber

The Petitioners request a Variance of Development Standard to encroach one foot two inches (1’ 2”) into the thirty (30) foot Minimum Rear Yard Setback on 0.24 acres +/- in the SF3 Cluster: Single-Family Medium Density Cluster District to accommodate a swimming pool and deck (Article 4.6(E)(3)).

(Planner: Corey Harris – charris@westfield.in.gov)

Harris overviewed this Variance of Development Standard request. He said no public comments had been received by Staff.

Lori Weber, the Petitioner, stated that the variance was being requested for safety reasons.
Kingshill asked if there had been any comments from anyone.

- Harris replied no.

Public Hearing for 2009-VS-21 opened at 7:32 p.m.

No public comments.

Public Hearing for 2009-VS-21 closed at 7:33 p.m.

Kingshill motioned to approve 2009-VS-21 with the following Staff conditions:

- Approval shall only be valid for the pool noted on the Site Plan, Exhibit 3.
- Construction shall be substantially compliant with the Site Plan, Exhibit 3.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz Fortier motioned to adopt Staff’s Findings of Fact for 2009-VS-21.

Fortier seconded. Motion passed. Vote 4-0.

2009-VS-22
[PUBLIC HEARING]

1250 W. 161st Street

Matthew Obras

The Petitioner requests Variances of Development Standard to reduce Minimum Lot Frontage and Minimum Lot Size standards for three (3) new lots on approximately 6.83 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Articles 4.2(C) and 4.2(D)).

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for Variances of Development Standard which included Minimum Lot Frontage for one lot from 250 feet to 200 feet; Minimum Lot Frontage for two lots from 250 feet to 0 feet; and Minimum Lot Size for three lots from 3 acres to 1 acre. He said no public comment had been received by Staff.

Public Hearing for 2009-VS-22 opened at 7:37 p.m.

Dave Bigot, 16379 Man O’War Lane; said he wanted these homes to be constructed to the same standard as the existing Derby Ridge community and be required to build the same distance from the legal drain. He said he was not opposed to the proposal, he just wants to make sure the standards are in line with Derby Ridge so as not to negatively affect existing property values.

Public Hearing for 2009-VS-22 closed at 7:39 p.m.

Matthew Obras, The Petitioner, responded that only the front three lots were included in the build plan and the rear area isn’t buildable as it is floodplain. He said the lot sizes would be larger than Derby Ridge and that the homes would be same quality and standards.

Schmitz asked about applicable developmental standards

- Crabtree responded AG-SF1 developmental standards.

Kingshill asked about mail and trash pick-up as they relate to a single driveway. He said he had he was concerned about these lots having up to nine trash containers along 161st Street.
The Petitioner replied he would make sure there would be adequate space for the trash containers.

McCarty said they would need to think about how to keep the trash containers straight.

Kingshill asked about the rationale for lot frontage requirement.

- Crabtree and Howard replied to avoid creating orphaned parcels as well as to prevent too many road cuts on high speed roads.
- Zaiger went into additional detail on the lot frontage requirement.

Schmitz mentioned that the adjacent lots are narrower and could presumably have the same number of trash cans in the same area.

Kingshill asked if we had a prohibition on flag lots.

- Howard replied no, that the frontage standard addresses that issue.

Schmitz mentioned that most similar variance are AG-SF1 compliant in size; however, given the adjacent zoning of Derby Ridge, he said that this seemed to be a good transition.

McCarty stated he was most worried about safety of new residents with increased traffic.

McCarty motioned to approve 2009-VS-22 with the following Staff conditions.

- The approval of the variances is contingent upon the approval an associated Secondary Plat by the Community Development and Public Works Departments that is in substantial compliance with the Concept Plan.
- 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 Community Development Department.
- Fortier seconded. Motion passed. Vote 3-1. (Kingshill)

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-22. Fortier seconded. Motion passed. Vote 4-0.

2009-VS-23 [PUBLIC HEARING] 20945 Anthony Road

Brad Canada

The Petitioner requests a Variance of Development Standard to permit a new lot with zero (0) road frontage on 15.78 acres +/- in the AG-SF1: Agriculture-Single-Family Rural District (Article 4.2(D)).

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero feet to allow for the creation of a new, 6.0 acre +/- lot. He said no public comments had been received by Staff.

Public Hearing for 2009-VS-23 opened at 7:57 p.m.

Public Hearing for 2009-VS-23 closed at 7:59 p.m.

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Brad Canada, the Petitioner, said he would be planting trees against the neighboring property.

Kingshill asked if lot 2 contained an existing home.

- The Petitioner replied yes, that a home was built last year.

Kingshill mentioned the trash container issue, but said he felt this situation was different as Anthony Road was not as busy.

Schmitz motioned to approve 2009-VS-23 with the following Staff conditions:

- The approval of the variances is contingent upon the approval an associated Secondary Plat by the Community Development and Public Works Departments that is in substantial compliance with the Concept Plan.
- 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 Community Development Department.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-23.

Fortier seconded. Motion passed. Vote 4-0.

2009-VS-24  
[PUBLIC HEARING]

15742 Capital Spending Road

Ryan and Amanda O’Neil

The Petitioners request a Variance of Development Standard to encroach eight feet and 8 inches (8’ 8”) into the twenty-five (25) foot Minimum Rear Yard Setback on 0.24 acres +/- in the Viking Meadows PUD District to accommodate a swimming pool and deck.

(Planner: Corey Harris – charris@westfield.in.gov)

Harris overviewed this request for a Variance of Development Standard to allow a rear yard encroachment of a swimming pool by eight feet and eight inches. He said that one public comment had been received by Staff and emailed to the Board.

Ryan O’Neil, the Petitioner, summarized the request including the property boundaries and said that it was a purchased as a premium lot backing up to HOA property.

Kingshill said he was glad this had HOA approval, which carried more weight than a single neighbor down the street. He asked the Petitioner if they had spoken with the neighbor who submitted a complaint.

- The Petitioner replied no.

Kingshill asked if he had been given a copy of the covenants when he purchased the property.

- The Petitioner replied yes, but not a copy of the PUD, and he said that the survey had wrong setback.

Kingshill asked the Petitioner intended to build a pool when they purchased the property.

- The Petitioner replied no, he wasn’t planning to build a pool at that time; however, with current pool closures a reason arose to build a pool.
Public Hearing 2009-VS-24 for opened at 8:10 p.m.

No public comments.

Public Hearing for 2009-VS-24 closed at 8:14 p.m.

Schmitz said he thought that the 30-foot buffer worked in the Petitioner’s favor.

McCarty thinks that any opposition being from further way carries less weight than if opposition had it been submitted from close by.

Kingshill said he had trouble with last Finding of Fact.

Schmitz said he thought that lack of neighbor remonstrance superseded in this issue and that a pool was less intrusive than a building.

Fortier motioned to approve 2009-VS-24 with the following Staff conditions:

- Approval shall only be valid for the pool noted on the Site Plan, Exhibit 3.
- Construction shall be substantially compliant with the Site Plan, Exhibit 3.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-24.

Fortier seconded. Motion passed. Vote 4-0.

2009-VS-25
[PUBLIC HEARING]

15621 Hidden Oaks Court
Pete Davis

The Petitioner requests a Variance of Development Standard to encroach fifteen (15) feet into the fifty (50) foot Minimum Rear Yard Setback on 0.57 acres +/- in the Bridgewater PUD District to accommodate a swimming pool and deck.

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variance of Development Standard to encroach 15 feet into the 50-foot Minimum Rear Yard Setback. He said this plan received support from The Bridgewater HOA. He said one public comment had been received by Staff that was forwarded to the Board.

Schmitz asked about the notice issue that was referenced in the comment received.

- Crabtree responded that Staff received the mailing list from Hamilton County and that the remonstrator was not on that list. He said based on what was the list received from the County and what Staff believed to be true, that proper notice had been given.

- Zaiger said the requirement was for the Petitioner to give notice, not necessarily that everyone receives notice.

Public Hearing for 2009-VS-25 opened at 8:20 p.m.

One comment email was sent to the board.
Fred Schaefer, 15561 Hidden Oaks Lane; said he did not receive notice on this item and that the notice was required to be sent by certified mail and was that was the basis for his request for a continuance. He spoke in opposition to this item. He said that he paid for a premium lot on the golf course and was assured the area would remain quiet. He said he had no problem with other pools that are built within the setback which keeps the pool closer to the house. He said, from prior experience of living on a lake, that water amplifies sound and feels that pool noise would interfere with his quiet enjoyment of his property. He said since he didn’t want a pool that he thought that this variance could negatively affect his property value. He said the alternative is to build the pool without encroaching in the setbacks, adding that the Petitioner knew the setbacks when they built.

David Mennel, Bridgewater Master Owners Association (MOA); he presented some history of the Hidden Oaks setbacks. He explained the setbacks in the area and the process for approval. He said the Home Owners Association (HOA) approval was based on factors including the size of the pool and its buffering.

Kingshill asked if the neighbors were notified of the request and had been given an opportunity to address the request.

- Mennel spoke with neighbors who contacted him about it. He said they do not notice neighbors. He said that the HOA doesn’t have the mechanism to notify the 800 Bridgewater residents about the addition of the pool. He stated that a public notice sign was placed in the yard indicating that action was being planned on the property. He said the HOA had reviewed and approved these plans.

Schmitz asked if landscape buffering was the main thing that reviewed by the HOA.

- Mennel replied that yes, upon arrival to the approval stage, that location and safety issues have been worked out.

Schmitz asked if there were specific standard that is used for reviews of setbacks.

- Mennel replied requests are site specific and, in this particular case, these lots are very large and spacious.

Crabtree clarified that the requirement for certified mail was amended in February 12, 2019 and is no longer required.

Jan Endes, 15561 Hidden Oaks Lane; said the Hidden Oaks HOA had not approved this plan, only the MOA had approved it. She said, as a retired realtor, that historically pools don’t add value; they are prone to exaggerating noise. She said that it would be hard to enjoy playing golf with all the noise from the children playing in the pool. She said she is not sure of the reason the Petitioner is installing a pool and didn’t not think it was health/exercise related, but for pleasure. She added that pools are an eyesore in winter even with a pool cover. She said that the noise from a nearby pool with its safety hazards and noise could negatively affect her property value. She is opposed to this request.

Schmitz asked if her sub-area has approval rights, a process for seeking approval from the Hidden Oaks HOA.

- Endes said she was not sure.

Kingshill asked if having a pool would decrease the value of the property.
• Endes replied that in some cases that is the situation and is probably neutral for the subject property, but decreases adjacent value because of noise, appearance in the winter and safety concerns.

Kingshill asked if she was stating that value of adjacent property could be affected in a substantial adverse manner.

• Endes replied yes, it would probably be affected.

Paul Kraemer, Hidden Oaks HOA board member; mentioned that BZA notice was sent and that the board was noticed.

Kingshill asked if the HOA notified all those that the HOA Board represents.

• Kraemer replied no, that a notice isn’t required from HOA as everything goes through MOA. He said the Board does not have input.

Michael Cohen, 15560 Bridgewater Club Boulevard; said that he had concerns on revising the setbacks as they are relied upon by neighbors.

Mennel clarified that the MOA has architectural purview for the entire neighborhood. He said that in certain gated areas that the HOA’s are only responsible for common area maintenance and are not involved in noticing.

Schaefer said that Hidden Oaks separated from MOA five or six years ago, and said he feels that the Hidden Oaks HOA should have notified neighbors.

Public Hearing for 2009-VS-25 closed at 8:43 p.m.

Kingshill said that he felt differently about the HOA being representative of the community in this case than he did the prior case. He said we have competing arguments in this case with some residents who were not represented.

McCarty said he looked at immediate neighbors and if they had pools with less setbacks.

Schmitz asked Kingshill to clarify his concerns and asked if the neighbor being present mitigated those concerns.

• Kingshill replied no, that it seemed there are two competing opinions that he was weighing.

Schmitz said he typically has trouble with these types of petitions, but said the fact that there is common area behind the homes helps.

Kingshill asked if nearby pool had variances or were compliant with PUD.

• Howard said they would need to look at records, if they had a permit then it is compliant with either original PUD or variance or amendment.

Kingshill motioned to deny 2009-VS-25.
Fortier seconded. Motion passed. Vote 3-1. (McCarty)
Schmitz motioned to table Staff’s Findings of Fact for 2009-VS-25 until the October, 2020 BZA meeting. Kingshill seconded. Motion passed. Vote 4-0.

2009-VS-26 [PUBLIC HEARING] 15533 Hidden Oaks Lane
Stephen and Joni Buyer
The Petitioners request a Variance of Development Standard to encroach twenty-two (22) feet into the forty-five (45) foot Minimum Rear Yard Setback on 0.46 acres +/- in the Bridgewater PUD District to accommodate a swimming pool and deck. (Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variance of Development Standard. He said that this item had been approved by the Bridgewater HOA and one public comment had been received by Staff that was forwarded to the Board.

Public Hearing for 2009-VS-26 opened at 8:55 p.m.

Fred Schaefer, 15561 Hidden Oaks Lane; stated he had the same issues as he had with the previous petition. He said he received notice, but that it was not certified. He said the Petitioners had already erected a pergola and a wall within setback. He questioned if they had received a variance for those structures. He said the Petitioners could build a smaller pool without encroaching into the setback. He said that the Petitioner stated he did not want to build a smaller pool outside of setback. He said that the Petitioner would need to buffer at the rear of house at the setback. He said that anything added should not encroach in the setback.

Jan Endes, 15561 Hidden Oaks Lane; said that in addition to her previous comments, that the HOA represents properties not homeowners and she said that was a shame.

Fred Schaefer, 15561 Hidden Oaks Lane, via email wrote: “After reviewing the Rules of Procedure for BZA, I am hereby renewing my request that these matters be continued due to defective notices and failure to comply with Article X Sections 1 and 2 inclusive.

Kingshill asked Endes how a pool would affect adjacent property values.

• She replied that it could negatively affect adjacent property values due to noise.

McCarty asked how far they are from the proposed pool.

• She replied that they are two houses to the north, with one property in between.

Mike McGhee, pool contractor for several pools in the area; said that he had built several pools in Bridgewater. He said that pool safety was being misrepresented and that pool covers are safer than fences. He said that the pools in that area are tucked into the landscaping, thus being hidden from the golf course. He said that these pools are of great quality and do not detract from the property values.

Paul Kraemer, 15519 Hidden Oaks Lane; said that only the furthest most point of the pool is the minimum requested from the property line and are designed to be tucked into the landscaping. He said that the remonstrators who have spoken tonight have substantial ongoing issues with HOA, and that this conflict was why there was a new HOA created. He said that recently there were several children along with parents gathered in a positive manner. He stated that there were quite a few children in the neighborhood.

Steve Buyer, the Petitioner; said that several neighbors in this area have small children. He added that there were nine ash trees behind a property that died. He said that Dave Mennel does a very good job of balancing...
petitioner requests and neighbors’ concerns. He added that the serpentine wall is of great value and has been well accepted by others in the area. He said his main concern is the buffering from the view of the golf course. He said that the project would be done in off-season to accommodate the needs of the golf course.

Michael Cohen, 15560 Bridgewater Club Boulevard; said he was concerned about reducing setbacks by as much as half and that neighbors expected greater setbacks. He said he had concerns about safety such as golf balls from the course coming on to property. He spoke highly of the type of pool that is being proposed; however, added that his wife was real estate agent who said that pools don’t increase value and many times they can decrease value.

McCarty asked Cohen if the safety issue was a risk that homeowners are taking.

Cohen replied yes.

Mrs. Buyer, the Petitioner, 15533 Hidden Oaks Lane; stated her property’s setback was 33 feet from the golf cart path. She added that only once, in their time there, had they ever had a golf ball in their yard.

Dave Mennel, Bridgewater MOA; said these pools were tucked into existing outdoor living space, there was not a new feature added. He said that some existing pines and a tree stand are behind the property. He spoke about property values being affected by pools and that as these homes rise in value so do the area properties.

Public Hearing for 2009-VS-26 closed at 9:22 p.m.

McCarty said he did not think the stated concerns from a neighbor that is two houses away were valid.

Kingshille said that PUDs require a neighborhood meeting which helps alleviate issues. He said it sounds like there was not adequate communications between all parties and he said he thought they should continue to the next meeting to allow for the opportunity to talk to neighbors.

Schmitz said he felt like the petitions should be treated the equally. He added that when there was neighbor remonstrance, it is tough to approve. He said that the owners should be aware of the setbacks when they purchase the property and agree to the setbacks.

McGhee said he would coordinate with Crabtree about future possible variance.

Schmitz addressed the Findings of Facts and suggested that the Petitioners and the neighbors should communicate.

Zaiger clarified that Buyer and Kraemer continue to next month to conduct neighborhood meetings.

Kingshill wants them to continue and hold a neighbor meeting.

Zaiger said the Petitioner doesn’t necessarily need full unanimous neighbor support.

The Petitioner requested a 30-day continuance and will petition for HOA board to hold a neighborhood meeting, he would mail notices that are required by Hamilton County. He said he would combine the three petitions in this area.

Schmitz said that the Board will also reconsider the Davis petition at the next meeting.
2009-VS-26 was continued to the October 2020 BZA meeting.

Pools 2009-VS-27

[PUBLIC HEARING] 15519 Hidden Oaks Lane

Paul and Kaprice Kraemer
The Petitioners request a Variance of Development Standard to encroach twenty-three (23) feet into the forty-five (45) foot Minimum Rear Yard Setback on 0.45 acres +/- in the Bridgewater PUD District to accommodate a swimming pool and deck.

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

2009-VS-27 was continued to the October 2020 BZA meeting.

ITEMS CONTINUED TO A FUTURE MEETING
* Plan Commission Liaison
* Community Development Department

ADJOURNMENT
Unanimous motioned to adjourn the meeting.
Motion passed. Vote 4-0.

The meeting adjourned at 9:44 p.m.

________________________  __________________________
Chairperson                Secretary
Dave Schmitz               Kevin M. Todd, AICP
                            Director

APPROVED