The Westfield-Washington Township Board of Zoning Appeals (BZA) met at 7:00 p.m. on Tuesday, October 13, 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; Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; Corey Harris, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES
September 15, 2020 BZA Minutes
Kingshill motioned to approve the September 15, 2020 Minutes.
Fortier seconded. Motion passed. Vote 4-0.

REVIEW RULES AND PROCEDURES
Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

2009-VS-25
[ADOPTION OF FINDINGS OF FACT]

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 the status of the requests for the next three Variance of Development Standard.

Jon Dobosiewicz with Nelson & Frankenberger LLC., on behalf of the Petitioners: Davis, Buyer, Kraemer, summarized his approach to addressing each of these petitions. He addressed the encroachments of the pools into the setbacks. He said that the applicants held the requested neighbor meeting on September 28, 2020. A summary of that meeting has been provided to the Board. He said that this additional public outreach resulted in several statements of support by neighbors. He added that a local realtor and Bridgewater resident, Mike Deck, submitted a letter to the Board stating that having a pool does not decrease the property value. Dobosiewicz added that comments submitted indicated that an approval of a variance did not establish a precedent. Dobosiewicz detailed each parcel’s site plan and as it related to its request and added that they would be asking for conditions to be attached to the approvals requested for each proposal. These conditions would include the following: That the variance is applicable to the swimming pool and hardscape as generally illustrated on the site plan. The swimming pool shall be installed in substantial conformance with the site plan as determined by the Director of the Westfield Department of Community Development; that swimming pool accessories shall not include the installation of a diving board or slide; and that landscaping and screening
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Website:  http://www.westfield.in.gov  |  Community Development Department E-mail:  community@westfield.in.gov

be provided, at a minimum, as generally illustrated on the site plan. He provided and detailed three suggested supplements to the Findings of Facts.

Zaiger asked Dobosiewicz if he had a request on the Davis petition.

Dobosiewicz responded it was his understanding that all three petitions were to be continued to the next meeting and that the Board has the discretion to reconsider the requests.

Zaiger suggested to start with the Davis request.

Kingshill asked Dobosiewicz for details on the neighborhood meeting.

Dobosiewicz summarized the attendance of that meeting and said some written input had been received and provided to the Board.

Kingshill motioned to reconsider the motion to deny 2009-VS-25. McCarty seconded. Motion passed. Vote 4-0.

McCarty motioned to approve 2009-VS-25 with the conditions provided by the Petitioner:

- That the variance is applicable to the swimming pool and hardscape as generally illustrated on the site plan. The swimming pool shall be installed in substantial conformance with the site plan as determined by the Director of the Westfield Department of Community Development.
- That swimming pool accessories shall not include the installation of a diving board or slide.
- That landscaping and screening be provided, at a minimum, as generally illustrated on the site plan.

Kingshill seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-25 as supplemented by the Petitioner in writing. Kingshill seconded. Motion passed. Vote 4-0.

2009-VS-26
[CONTINUED]

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)

Dobosiewicz confirmed that this item had been continued to this meeting.

Schmitz confirmed that it had been continued and made note that this item had received its Public Hearing at the last meeting.

Kingshill motioned to approve 2009-VS-26 with the conditions provided by the Petitioner:

- That the variance is applicable to the swimming pool and hardscape as generally illustrated on the site plan. The swimming pool shall be installed in substantial conformance with the site plan as determined by the Director of the Westfield Department of Community Development.
- That swimming pool accessories shall not include the installation of a diving board or slide.
- That landscaping and screening be provided, at a minimum, as generally illustrated on the site plan.

Schmitz seconded. Motion passed. Vote 4-0.
Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-26 as supplemented by the Petitioner in writing. McCarty seconded. Motion passed. Vote 4-0.

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)

Public Hearing for 2009-VS-27 opened at 7:50 p.m.

No public comments.

Public Hearing for 2009-VS-27 closed at 7:51 p.m.

McCarty thanked the Petitioners and their representatives for their input.

Kingshill motioned to approve 2009-VS-27 with the conditions provided by the Petitioner:

- That the variance is applicable to the swimming pool and hardscape as generally illustrated on the site plan. The swimming pool shall be installed in substantial conformance with the site plan as determined by the Director of the Westfield Department of Community Development.
- That swimming pool accessories shall not include the installation of a diving board or slide.
- That landscaping and screening be provided, at a minimum, as generally illustrated on the site plan.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-27 as supplemented by the Petitioner in writing. Fortier seconded. Motion passed. Vote 4-0.

2010-VS-28
[PUBLIC HEARING]

South of State Road 32 & Centennial Road
Tyler Eifert by Brian Cardinal
The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage requirement from 250 feet to 0 feet on 40 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 Variances of Development Standard which. He said two public comments of support had been received by Staff and provided to the Board.

Public Hearing for 2010-VS-28 opened at 7:55 p.m.

Schmitz asked for clarification of the condition regarding that only one single-family home be allowed.

Crabtree said that a condition could be added by the Board that a one single-family home be allowed with related accessory buildings.

Zaiger suggested that the current zoning has a variety of uses that would be consistent in incurring additional traffic.
No public comments.

Public Hearing for 2010-VS-28 closed at 7:58 p.m.

Schmitz asked the Petitioner if they would be agreeable to the condition that this variance would be for a single-family home.

Brian Cardinal, the Petitioner, agreed.

Crabtree overviewed the AG-SF 1 uses that are allowed.

Kingshill asked about the possible traffic increase as it would perhaps result from the variance.

Schmitz said his main concern is with the number of residences.

Schmitz motioned to approve 2010-VS-28 with the following Staff conditions.

- The subject property be used for only one single-family residence.

McCarty seconded. Motion passed. Vote 4-0

Schmitz motioned to adopt Staff’s Findings of Fact for 2010-VS-28.
Kingshill seconded. Motion passed. Vote 4-0.

2010-VS-29  
[PUBLIC HEARING]  
312 Genesis Drive  
Joell and Heather Grisel  
The Petitioners requests a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 acres +/- in the SF2: Single-Family Low Density District (Article 4.5(E)(3)(a)).  
(Planner: Corey Harris – charris@westfield.in.gov)

Harris overviewed this request for a Variance of Development. He said one public comment in support had been received by Staff and provided to the Board.

Public Hearing for 2010-VS-29 opened at 8:07 p.m.

One additional comment of support was received from the Petitioner’s neighbor.

Public Hearing for 2010-VS-29 closed at 8:09 p.m.

Kingshill motioned to approve 2010-VS-29 with the following two 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).

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2009-VS-23.
McCarty seconded. Motion passed. Vote 4-0.

2010-VS-30  
[PUBLIC HEARING]  
19500 Tomlinson Road  
Westfield Washington Schools by Cripe  
The Petitioner requests to modify the External Street Frontage Landscaping requirements from Article 6.8(M)(2) of the UDO to match...
Ernest overviewed this request for a Variance of Development Standard. He said no public comments had been received by Staff or emailed to the Board.

Darci Pellom, with Cripe Architects & Engineers on the behalf of the Petitioner, summarized the request that would involve the proposed landscaping that was submitted to the Technical Advisory Committee (TAC).

Darcy Fowler, landscaping representative, confirmed the number of proposed landscaping.

Schmitz ask for clarification of the landscaping as it was described on the plan.

Fowler, explained the circumstances and reasoning of the proposed landscaping.

Pellom addressed the pond and the required needs for compliance.

Kevin Todd, Director of Community Development, explained that the landscaping standards had been updated since the original standards approval.

McCarty asked about the orientation of the building.

Pellom responded about the building’s orientation, parking, and bus traffic.

Public Hearing 2010-VS-30 for opened at 8:23 p.m.

No public comments.

Public Hearing for 2010-VS-30 closed at 8:27 p.m.

Schmitz asked for clarification on what exactly needs to be approved.

Pellom replied that the landscaping numbers requested are 25 shade trees, 19 ornamental trees, and 53 shrubs along the entire length of the property and would replace the external street frontage landscaping language in the Unified Development Ordinance (UDO). Todd said this proposal was consistent with the Master Plan.

Kingshill said he felt comfortable with the content.

Zaiger said staff can work on the wording as well as address the retention pond.

Schmitz motioned to approve 2010-VS-30 to modify the external street frontage landscaping requirements pursuant to the Petitioner’s presentation to match the existing landscaping at Monon Trail Elementary and remove the meandering edges standard in the AG-SF1 District subject to the following condition:

- That 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 2010-VS-30. Kingshill seconded. Motion passed. Vote 4-0.

**2010-VS-31 [PUBLIC HEARING]**

3860 Madeline Lane

Jason and Rebecca Ogle

The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback and one (1) foot into the Minimum Side Yard Setback on 0.28 acres +/- in the SF3: Single-Family Medium Density District to accommodate a swimming pool and deck (Article 4.6(E)(2) and Article 4.6(E)(3)).

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

Crabtree overviewed this request for a Variance of Development Standard. He said three public comments had been received by Staff and provided to the Board. Two of the comments were in support one comment in opposition.

Public Hearing for 2010-VS-31 opened at 8:39 p.m.

One additional comment of support was received from the Petitioner’s neighbor.

Public Hearing for 2010-VS-31 closed at 8:40 p.m.

Kingshill said he felt comfortable with the content.

Jason Ogle, the Petitioner, responded to the comment from the neighbor that was in opposition. The issue of the opposition was related to the tree line. Once the Petitioners spoke with the neighbor and said the neighbor was more at ease.

Kingshill and McCarty addressed the tree and its root spread, and felt that was not an issue.

Schmitz addressed the Findings of Facts and asked the Petitioner to respond.

The Petitioner replied accordingly.

McCarty motioned to approve 2010-VS-31 subject to the flowing condition:

- The project be built in substantial compliance with the site plan.

Kingshill seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2010-VS-31. Fortier seconded. Motion passed. Vote 4-0.

**2010-VS-32 [PUBLIC HEARING]**

3650 Birkdale Drive

Jennifer Derado

The Petitioner request a Variance of Development Standard to encroach twelve (12) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.37 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 no public comments had been received by Staff.
Public Hearing for 2010-VS-32 opened at 8:50 p.m.

David Mennel, representing The Bridgewater Master Association, confirmed that this project had gone through The Bridgewater approval process and suggested that its construction should be substantially compliant with the Site Plan and approved Bridgewater Landscaping Plans.

Public Hearing for 2010-VS-32 closed at 8:56 p.m.

Schmitz addressed the Findings of Facts and asked the Petitioner to respond.

The Petitioner replied accordingly.

Crabtree said he spoke with the Westfield Public Works Department (WPW) about this project and that WPW was fine with the project.

McCarty motioned to approve 2010-VS-32 with the following condition
The project be built in substantially compliant with the Site Plan and approved Bridgewater Landscaping Plans.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff’s Findings of Fact for 2010-VS-32.
Fortier seconded. Motion passed. Vote 4-0.

2010-VS-33 [PUBLIC HEARING] 16080 Westfield Boulevard
Pure SEP, LLC by American Structurepoint
The Petitioner requests a Variance of Development Standard to permit a dumpster enclosure in an Established Front Yard in the LB: Local and Neighborhood Business District (Article 6.1(H)(2)).
(Planner: Caleb Ernest – cernest@westfield.in.gov)

Ernest overviewed this request for a Variance of Development Standard. He said that this item had received no public comments.

Brad Schrage with American Structurepoint, on behalf of the Petitioner, summarized this request. He said the design of the dumpster would be compliant.

Public Hearing for 2010-VS-33 opened at 9:05 p.m.

No public comments.

Public Hearing for 2010-VS-33 closed at 9:06 p.m.

McCarty thank the Petitioner for preserving the trees.

Fortier motioned to approve 2010-VS-33 with the following condition:
- That 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.

Kingshill seconded. Motion passed. Vote 4-0.
Schmitz motioned to approve Staff’s Findings of Fact for 2010-VS-33. Kingshill seconded. Motion passed. Vote 4-0.

McCarty, life-long resident of Westfield, thanked his wife for allowing him to be at this meeting despite it was their 1st wedding anniversary.

ITEMS CONTINUED TO A FUTURE MEETING
None

REPORTS
- Plan Commission Liaison
- Community Development Department

ADJOURNMENT
Schmitz motioned to adjourn. Second, McCarty. Motion passed. Vote 4-0.

The meeting adjourned at 9:09 p.m.

APPROVED

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Chairperson
Dave Schmitz

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Secretary
Kevin M. Todd, AICP

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Director