

**WESTFIELD TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
December 14, 2009**

**PUBLIC HEARING**

Chair Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Micklas, Daugherty, Oiler, Simmerer and Schmidt were present. Alternate Board member LeMar were also in attendance as well as Tim Kratzer, Jack Jackson and Tammy Jackson.

The Board signed off on the previously approved minutes from their July 27, 2009 meeting.

Approval of September 8, 2009 Meeting Minutes

Mr. Oiler made a motion to approve the September 8, 2009 meeting minutes as amended. It was seconded by Mr. Daugherty.

ROLL CALL-Oiler-yes, Daugherty-yes, Simmerer-yes, Micklas-yes, Schmidt-yes.

Approval of October 29, 2009 Meeting Minutes

Mr. Simmerer and Mr. Micklas stated they did not receive the draft meeting minutes for review. Secretary Ferencz stated they were e-mailed out previously but would resend them. As a result the approval of the Board's October 29, 2009 meeting minutes were tabled.

**VARIANCE REQUEST**

**Jackson area variance request to build a 30'x 40' pole building at 5860 Stuckey Rd.**

The applicant, Mr. Jackson was sworn in. Mr. Jackson began by stating he wanted to build a 30'x40' pole building on his property. Mr. Jackson was requesting a 15-ft. side yard variance to build the pole building 10 ft. from the property line.

Chair Schmidt asked if Mr. Jackson would embellish on his application as even though the Board was familiar with his situation as Mr. Jackson was before the Board previously to request a use variance to build a pole building on vacant land that he owned. Per the zoning resolution, there needs to be a principal use on the lot before an accessory use could be built. At that meeting Mr. Jackson withdrew his use variance application and has now applied for an area variance application to build the pole building on the lot that his residence was located. Mr. Jackson stated he had almost 5 acres between the two lots he owned and just wanted to build a pole barn.

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Chair Schmidt stated that Mr. Jackson needed to present his case for the record. Mr. Jackson was requesting a variance to build a pole building 10 ft. from the east property line. There was documentation attached to the application from the County Building Dept. that they require 10-ft. isolation from the septic system from any building or structure.

Mr. Simmerer asked how Mr. Jackson arrived at the figure to stay 20 ft. away from the leach bed to construct the pole barn? Mr. Jackson responded there were a few large trees that needed to be considered as well as the sump pump line running through the area as well. By building the barn in that location he could come off the side driveway and drive straight back to access the building.

Mr. Daugherty stated the location made sense to him. He added in reviewing the Duncan Factors he did not see that any of those would be an issue. This property had several unique characteristics that would warrant the granting of the variance.

Mr. Micklas stated he thought there was some opportunity to place the pole building on the west side, but that was neither here nor there so he had no issues with the proposed placement of the pole building.

Mr. Oiler stated he had no issues with the variance request.

Mr. Simmerer stated he did not think the variance request was substantial or would have an adverse effect on surrounding property owners/neighborhood. Mr. Jackson owns the adjacent lot to the property his residence was located. If a potential owner bought the vacant lot next door to Mr. Jackson he would see where the pole building was placed instead of having the situation thrust upon them.

Chair Schmidt stated he felt an area variance was a much better way to go than a use variance due to the uniqueness of the lot in question with the location of the septic and the swampy area in the rear of the property.

Mr. Oiler made a motion to grant a 15 ft. side yard variance of Section 303 D. 1 for the construction of a 30' x 40' pole building to be located 10 ft. from the east property line for the property located at 5860 Stuckey Rd. (PP# 41-15D-37-008) per the application and subsequent documents submitted. It was seconded by Mr. Daugherty.

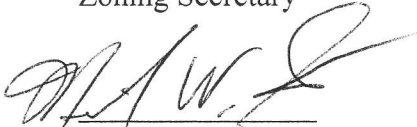
ROLL CALL-Oiler-yes, Daugherty-yes, Micklas-yes, Simmerer-yes, Schmidt-yes.

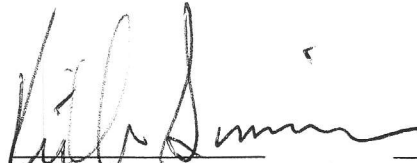
Mr. Jackson stated the swamp area on his property was not supposed to be there. He added if he were to try to sell the property it would hurt him especially in terms of land value. Mr. Jackson commented that he thought the swamp was due to a natural occurrence but has found out that is not the case. He concluded he knew what had to be done regarding the swamp but felt that this was a serious issue that needed to be addressed.

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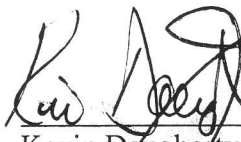
Having no further business before the Board, Mr. Oiler made a motion to adjourn the meeting. It was second by Mr. Simmerer. All Board members were in favor. The meeting was officially adjourned at 7:55 p.m.


Respectfully Submitted,  
Kim Ferencz  
Zoning Secretary

  
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Mike Schmidt

  
\_\_\_\_\_  
Keith Simmerer

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Ron Oiler

  
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Kevin Daugherty

  
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Tom Mickfas