

ZONING BOARD OF APPEALS

MINUTES - Monday, June 4, 2012

MEMBERS PRESENT: Dan Lowe, Larry Fillinger, Linda Manson-Dempsey, and Greg Durbin

MEMBERS ABSENT: John Lowe

CALL TO ORDER

Linda Manson-Dempsey called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Dan Lowe seconded.

Motion carried 4-0.

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

July 26, 2012 Regular Meeting: Larry Fillinger motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried 4-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #01-12—David W. & Janice L. Arnett, 60 Triangle Lake Road, Tax ID #4710-26-400-028

Mr. Arnett was present to request a variance to Article VI, Section 6.07 #1—Accessory Uses and Structures. His request is for a 1322 square foot variance to allow a 40' x 60' accessory structure for storage. The ordinance, as it exists today, would allow a 32' x 45' building. He included letters of support from surrounding neighbors.

Dan Lowe motioned for ZBA Case #01-12—David & Janice Arnett, Tax ID #4710-26-400-028 to grant a 1322 square foot variance to construct a 40' x 60' barn; the barn shall not be any closer to Triangle Lake Road than the front of the house; homeowner has designated that Triangle Lake Road is considered the front of the house; the ZBA members considered the following criteria:

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *There are other buildings in the immediate area that are similar in size.*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The conditions and circumstances are unique because of the corner lot and large setback.*
3. The conditions and circumstances unique to the property were not self created. *The parcel was created many years ago and the circumstances were not self-created.*
4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *There are other buildings similarly sized, and others could apply for variances as well; four neighbors wrote letters of support and one neighbor attended the meeting in support.*

5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Granting this variance would allow the applicant to provide indoor storage, and the neighbors in the area don't object.*

6. The difficulty shall not be deemed solely economic. *This request is not economically driven.*
Larry Fillinger seconded. Roll call vote: Fillinger, Manson-Dempsey, Lowe, Durbin—all yes.

Motion carried 4-0.

Linda Manson-Dempsey told the applicant he could pick up his land use permit in 8 business days.

Election of Officers

Larry Fillinger motioned to nominate John Lowe as chairman of the Zoning Board of Appeals. Linda Manson- Dempsey seconded. Roll call vote: Fillinger, Manson-Dempsey, D. Lowe, Durbin—all yes. **Motion carried 4-0**

Larry Fillinger motioned to nominate Linda Manson-Dempsey as vice chairman of the Zoning Board of Appeals. Dan Lowe seconded. Roll call vote: Fillinger, Manson-Dempsey, D. Lowe, Durbin—all yes. **Motion carried 4-0.**

Larry Fillinger motioned to nominate Dan Lowe as secretary of the Zoning Board of Appeals. Greg Durbin seconded. Roll call vote: Fillinger, Manson-Dempsey, D. Lowe, Durbin—all yes.

Motion carried 4-0.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Dan Rossbach motioned to adjourn the meeting at 8:07 p.m. Larry Fillinger seconded. **Motion carried 4-0**

MINUTES - Monday, November 12, 2012

MEMBERS PRESENT: Dan Lowe, Larry Fillinger, Jack Lowe, Linda Manson-Dempsey, and Greg Durbin

MEMBERS ABSENT: None

CALL TO ORDER

Jack Lowe called the meeting to order at 7:40 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

June 4, 2012 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Fillinger seconded. **Motion carried 5-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #02-12—B&B Financial Enterprises, Inc., Fox Meadows Court, Tax ID #4710-04-104-007

Wayne Perry of Desine, Inc. was present on behalf of the owner. Mr. Perry said that Unit 7 is a challenging lot, in that the building envelope is only 40', when most building envelopes in the development are 55' wide. They would like to build a house that is typical of the neighborhood. He feels this variance request will benefit the adjoining land owner because the visual impact won't be as great.

Larry Fillinger motioned for ZBA Case #02-12—B&B Financial Enterprises, Inc., Tax ID #4710-04-104-007 to grant an 8' variance on the east side, extending 75' from the cul-de-sac into the 25' greenbelt, and owner will plant two evergreen trees by the garage; the ZBA members considered the following criteria:

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *The proposed garage will be more visually appealing than having the house longer.*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The conditions and circumstances are unique because of the size of the building envelope, and are unique to this lot.*
3. The conditions and circumstances unique to the property were not self created. *The owner did not create the lot.*
4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *The granting of this variance will make this home comparable to others in the development.*
5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Granting this variance will allow the applicant to build a similar house to those in the neighborhood, and will not visually impact the adjoining property.*

6. The difficulty shall not be deemed solely economic. *This request is not economically driven.*
Linda Manson-Dempsey seconded. Roll call vote: Fillinger, Manson-Dempsey, Durbin, J. Lowe, D. Lowe—all yes.

Motion carried 5-0.

CALL TO THE PUBLIC

Annette McNamara asked the ZBA members for their opinion on an application, and whether the variance should be requested for structure size, or if the side yard setback should also require a variance. The ZBA members said both issues should be reviewed.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn the meeting at 8:14 p.m. Larry Fillinger seconded.

Motion carried 5-0.

MINUTES - December 3, 2012

MEMBERS PRESENT: Dan Lowe, Larry Fillinger, Jack Lowe, Linda Manson-Dempsey, and Greg Durbin

MEMBERS ABSENT: None

CALL TO ORDER

Linda Manson-Dempsey called the meeting to order at 7:33 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Greg Durbin seconded. **Motion carried 4-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

November 12, 2012 Regular Meeting: Greg Durbin motioned to approve the minutes as presented. Larry Fillinger seconded. **Motion carried 4-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #03-12—Randy Menard, 471 County Farm Rd., Tax ID #4710-03-100-018

Jack Lowe arrived at 7:40 pm and Linda Manson-Dempsey turned the meeting over to him. The applicant, Randy Menard, was present to request a variance for the side yard setback to replace an existing garage that was taken down about two weeks prior to submitting the land use permit application. The ZBA members discussed several options, none of which would work with the property's landscaping, drain field, etc.

After discussion, Larry Fillinger motioned for ZBA Case #03-12—Randy Menard, 471 County Farm Rd., Tax ID #4710-03-100-018, that a variance is not necessary for the partial replacement of a deteriorated building on the existing footprint, and allowing the building to be replaced will improve the appearance and be consistent with the primary dwelling. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn the meeting at 8:33 p.m. Larry Fillinger seconded. **Motion carried 5-0**