

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Gerald Krone, Ann Harris, Stephanie Atkinson, Scott Fisher, George Cook

Members Absent: None

Others Present: Belinda Kingsley, Zoning & Code Enforcement Administrator, Sheryl Saliba, UMS Administrative Assistant and Haley Feeman, Recording Clerk.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:30 p.m. A quorum was present.

2.0 Approval of Agenda

1.0 Motion by Member Harris, supported by Member Krone, to move Item 7.1 to follow Item 5.1, move Item 7.2 to follow Item 5.2, and to approve the agenda as recommended.

MOTION CARRIED

3.0 Communications and Announcements

Ms. Belinda Kingsley welcomed and introduced the new ZBA recording clerk, Sheryl Saliba.

4.0 Items from the Floor

None

5.0 Public Hearings

5.1 ZBA 19-04 6723 Warner Road
Submitted for Variance
6723 Warner Road, L-12-27-300-023

Ms. Belinda Kingsley, presented ZBA 19-04 6723 Warner Road, the applicant and owner is requesting to allow a variance to construct an accessory structure that exceeds the permitted height by 3 feet to cover his RV. This is zoned agricultural, the property around the site has some residential and agricultural.

Mr. Danny Szabo, applicant, wanted to voice his concerns in regards to him already building a barn that was zoned agricultural a couple years ago.

Ms. Kingsley, commented that the Zoning Ordinance does require zoning compliance approval, and if Mr. Szabo had applied for zoning compliance approval he would have been advised that he needed a variance for that accessory structure also.

Motion by Member Harris, supported by Member Cook, to close the public hearing.

MOTION CARRIED

Item 7.1 of New Business to follow Item 5.1 of the Public Hearing.

Discussion was held on:

- Zoned Property
- Setbacks
- Height of the barn
- Location of the barn

Chairperson Fisher read the findings for ZBA 19-04 6273 Warner Road in the Staff Report:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Cook disagrees with the finding.

Member Harris disagrees with the finding.

Member Krone disagrees with the finding.

Member Atkinson disagrees with the finding.

Member Fisher disagrees with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agrees with the finding.

Member Atkinson agrees with the finding.

Member Fisher agrees with the finding.

Member Cook agrees with the finding.

Member Harris agrees with the finding.

3. *That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Harris disagrees with the finding.

Member Krone disagrees with the finding.
Member Fisher disagrees with the finding.
Member Cook disagrees with the finding.
Member Atkinson disagrees with the finding

4. *That the plight or problem is not self-created.*

Member Atkinson agrees with the finding.
Member Fisher agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Fisher agrees with the finding.
Member Cook agrees with the finding.
Member Atkinson agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Harris agrees with the finding.
Member Atkinson agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Atkinson, supported by Member Harris, to approve petition of ZBA 19-04 6723 Warner Road to allow a variance to construct an accessory structure that exceeds the permitted height by 3 feet.

ROLL CALL

YES: HARRIS, COOK, ATKINSON, KRONE, FISHER
NO: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED

5.2 ZBA 19-05 6401 Edgewood Drive
Submitted for Variance
6401 Edgewood Drive, L-12-29-145-181

Ms. Kingsley presented ZBA 19-05 6401 Edgewood Drive, noting the owner is asking to allow a variance to construct an addition that encroaches 5 feet into the required setback. This property is in the centennial park development, which is a court modified property. The neighbor wanted to be sure that no trees will be taken down by this, and she verified that no trees will be taken down due to this. The lots do not abut next to each other, there is a common area between the lots.

Cameron Guenther, applicant mentioned that the owners have a walk out basement with a wood deck which the deck was at the peak of the setback allowance which is why we are requesting a variance for this four season room. The four season room will be on the deck, and they will be extending the deck about 3 to four feet, but we wanted to get a variance for 5 feet just to be safe.

The HOA Board Representative, stated his concerns with the owners not coming to the HOA first in regards to this project.

Ms. Kingsley mentioned that the Township does not require any type of approval from the HOA before they come to the Zoning Board of Appeals.

Andrea Aagesen, property owner wanted to clarified she wanted to come to the Township first because she wanted to be sure they could be approved here. She was unaware of the bylaws from the HOA.

Motion by Member Harris, supported by Member Cook, to close the public hearing.

MOTION CARRIED

Item 7.2 of New Business to follow Item 5.2 of the Public Hearing.

Discussion was held on:

- Additional Land
- Not accroaching setbacks
- Public land between properties
- Drainage of roof

Chairperson Fisher read the findings for ZBA 19-05 6401 Edgewood Drive in the Staff Report:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Cook disagrees with the finding.
Member Harris disagrees with the finding.

Member Krone disagrees with the finding.
Member Atkinson disagrees with the finding.
Member Fisher disagrees with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agrees with the finding.
Member Atkinson agrees with the finding.
Member Fisher agrees with the finding.
Member Cook agrees with the finding.
Member Harris agrees with the finding.

3. *That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Harris disagrees with the finding.
Member Krone disagrees with the finding.
Member Cook disagrees with the finding.
Member Fisher disagrees with the finding.
Member Atkinson disagrees with the finding

4. *That the plight or problem is not self-created.*

Member Atkinson agrees with the finding.
Member Fisher agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Cook agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Fisher agrees with the finding.
Member Cook agrees with the finding.
Member Atkinson agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Harris agrees with the finding.
Member Atkinson agrees with the finding.
Member Krone agrees with the finding.

Member Cook agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Cook, supported by Member Harris, to approve petition of ZBA 19-04 6723 Warner Road to allow a variance to construct an addition that encroaches 5 feet into the required setback.

ROLL CALL

YES: ATKINSON, KRONE, COOK, HARRIS, FISHER
NO: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED

6.0 Old Business

None

7.0 New Business

7.1 ZBA 19-04 6723 Warner Road
Submitted for Variance
6723 Warner Road, L-12-27-300-023

Item 7.1 of New Business moved to follow Item 5.1 of the Public Hearing

7.2 ZBA 19-05 6401 Edgewood Drive
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6401 Edgewood Drive, L-12-29-145-181

Item 7.2 of New Business moved to follow Item 5.2 of the Public Hearing.

8.0 Zoning Administrator's Report

Ms. Kingsley stated that we have not received an application for the ZBA meeting in August however, there is still a week left to submit. She advised the members to be on the lookout for alternate dates for the training session if we do not have a meeting in August. If there is a meeting in August, the training session will be before the August ZBA meeting.

9.0 Member's Report

None

10.0 Secretary's Report

None

11.0 Chairperson's Report

None

12.0 Approval of Prior Minutes

12.1 Minutes of June 24, 2019

Motion by Member Krone, supported by Member Atkinson, to approve the June 24, 2019 minutes.

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 7:14 p.m.

s/Ann Harris, Secretary

Date 08/26/2019