

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Scott Fisher, Ann Harris, Jan Haupt, Gerald Krone, Chris Wall

Members Absent: None

Others Present: Laura Kreps, Township Planner, Sonia Castleman, Recording Clerk

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:31 p.m. A quorum was present.

2.0 Approval of Agenda

Motion made by Member Krone to move Item 7.1 to follow 5.1, to move Item 7.2 to follow Item 5.2, to move 7.3 to follow 5.3 and approve the agenda as recommended.

Motion made by Member Krone, amended by Member Wall and second by Member Harris

MOTION CARRIED

3.0 Communications and Announcements

None

4.0 Items from the Floor

Rick Dehart on behalf of applicant Sabah Rabiah, requested time to help Sabah get connected to the internet so he can participate.

Motion by member Wall, second by member Harris to amend the amended agenda and move items 5.1 and 7.1 to follow items 5.3 and 7.3

5.0 Public Hearings

5.2 ZBA 21-07 2925 Green Valley Drive – Addition
Submitted for Variance
2925 Green Valley Drive, Section 6

Laura Kreps, Township Planning Consultant presented ZBA 21-07, 2925 Green Valley Drive, Addition

The applicant is requesting a variance to construct an addition to the existing garage. The Boulder Ridge Condominium PUD requires a side setback of 10-feet. The proposed garage addition would extend an approximant of 4' into the setback leaving a 6' side yard setback on that side.

The applicant would like to construct the addition to provide for a first-floor laundry for aging-in-place purposes, and would require an addition to the garage in order to maintain a 2-car enclosure. Side setbacks in the Boulder Ridge Condominium PUD are 10 feet; whereas, in similar R-1B Single-Family zoning districts, 5-foot setback are allowed and total side setbacks of 15 feet.

Member Haupt questioned whether an official survey was required to determine the setbacks of the property line. Ms. Kreps respond confirmed that a survey was not required by Pittsfield Township. Applicants drawings were acceptable. The applicant Mr. Acheson confirmed a professional surveyor located the lot lines with accuracy to within an 1/8-inch or less being confident the measurement is accurate.

A letter that was drafted by the applicant and sent to immediate neighbors asking for their support in their application for the variance was read; support was received from the residents living at 2875, 2926, 2960, 2959, 2910, 2909 and 2891 Green Valley Dr. The daughter of the resident at 2910 Green Valley Dr wrote a letter opposing the project, but resident supported the project. The neighborhood prefers the 5' feet setback over the 10'foot setback.

Member Haupt questioned any issues experienced with flooding to their home at any time. The applicant had experienced flooding only once.

William Fox, who resides at 2799 Green Valley Drive called in to give support to the applicant for their variance.

Motion by Member Wall, supported by Member Harris to close the Public Hearing ZBA 21-07 2925 Green Valley Drive - Addition.

MOTION CARRIED

7.2 ZBA 21-07 2925 Green Valley Drive-Addition

Member Harris requested Township Planner Ms. Kreps to explain the difference between the 10ft vs 5ft variance. Boulder Ridge Condo is a PUD, where side setbacks were approved at 10'. In an R1-B straight re-zoning, those setbacks are a 5' minimum with a total of 15'. This is the similarity that the applicant provided in their petition.

Chairperson Fisher was concerned whether the driveway would have to be widened, or possibly a tree be removed. The applicant stated they do not intend to change the curb cut or change the approach coming from the street but intend to widened the driveway once it gets passed the tree. Chairperson Fisher questioned why this design size was chosen for this lot. The applicant explained several items that were taken into consideration when making this decision such as the position of the home on a corner lot, the configuration of the inside of the home, the location of plumbing and the location of their deck. Chairperson Fisher questioned the intent of the fence currently on the side of the home. The applicant confirmed it will be restored as it is now, just a little shorter.

Member Wall asked Ms. Kreps to please elaborate on the letter included in the packet, specifically pg. 45, from the daughter of the neighbor, Betty Sunday at 2909 Green Valley Drive that states her mother was opposed to the variance but the resident herself signed in support of the project. It was determined that the neighbor may have a difference of opinion within the family.

Concern raised by Chairperson Fisher regarding the PUD that specifically called out this particular side yard, and not knowing why they did – feels that everyone in the neighborhood could construct additions that have 5ft setbacks.

Chairperson Fisher read the findings for **ZBA 21-07 2925 Green Valley Drive** in the Staff Report for Article 4, Section 4.19 A, to allow the 10-foot side yard setback to decrease to 6-feet 2.5 inches.

- 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 Wall disagrees with the finding.
Member Harris disagrees with the finding.
Member Krone disagrees with the finding.
Member Fisher disagrees with the finding.
Member Haupt 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 Haupt agrees with the finding.
Member Fisher agrees with the finding.
Member Wall 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 agrees with the finding.
Member Haupt agrees with the finding.
Member Fisher agrees with the finding.
Member Wall agrees with the finding.

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

Member Haupt disagrees with the finding.
Member Fisher agrees with the finding.
Member Harris agrees with the finding.
Member Krone agrees with the finding.
Member Wall 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 Wall agrees with the finding.
Member Haupt 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 Haupt disagrees with the finding.
Member Krone agrees with the finding.
Member Wall agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Wall, supported by Member Krone to approve petition ZBA 21-07 2925 Green Valley Drive – Addition, to decrease the 10 foot side yard setback to 6 feet, 2.5 inches.

ROLL CALL

YES: HARRIS, WALL, HAUPT, KRONE
NO: FISHER
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED – Variance Granted

**5.3 ZBA 21-08, 6538 Crane Road – Addition
Submitted for Variance
6538 Crane Road, Section 25**

Laura Kreps, Township Planning Consultant presented ZBA 21-08 6538 Crane Rd, Addition

The applicant is requesting a variance to construct a 17-foot by 19-foot addition to the south side of the existing residential structure that is currently a deck. The agricultural zoning allows for a side yard setback of 30 feet, and the current setback for this house at this location is 38 feet. The proposed addition would extend 9 feet into the setback allowing for 21 feet from the new sunroom to the property line.

The applicant is requesting approval for the sunroom in the same location where the deck is currently located and would have minimal impact on the neighbor to the south due to the location of their home being set further to the west.

The applicant Mr. Clark stated he had driven by the property and taken line of site photos. The house is very secluded and none of the neighbors would be able to see a glimpse of the project once completed that would cause setback or line of sight issues.

Chairperson Fisher open the floor for general public comments. There were no comments from the general public.

**Motion by Member Wall, supported by Member Fisher, to close the public hearing
ZBA 21-08, 6538 Crane Rd – Addition**

MOTION CARRIED

**7.3 ZBA 21-08, 6538 Crane Rd - Addition
Submitted for Variance
6538 Crane Road, Section 25**

Members Wall, Fisher and Harris agreed with the applicant that the property had a lot of vegetation around and would not create a negative sight line where the addition will be constructed. Also added with the mature trees and large lot size the addition would definitely benefit this resident. The applicant stated the addition will not impact or disturb the mature trees that are located near the constructed area of the property. The applicant was asked by Chairperson Fisher what was considered when determining the size of the addition. Taking into consideration the average room size 13'x 18', the existing deck size being 19' and the balcony size of 8', a standard projection was chosen to provide a uniform look. Bringing the room back within the setback would make it almost unfunctional.

Chairperson Fisher read the findings for **ZBA 21-08 6538 Crane Road - Addition** in the Staff Report for Article 4, Section 4.07.C, to allow 17-foot by 19-foot addition to the south side of the existing resident structure that is currently a deck.

- 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 Wall disagrees with the finding.
Member Harris disagrees with the finding.
Member Krone disagrees with the finding.
Member Fisher agrees with the finding.
Member Haupt 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 Haupt agrees with the finding.
Member Fisher agrees with the finding.
Member Wall 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 Haupt disagrees with the finding.
Member Fisher disagrees with the finding.
Member Wall disagrees with the finding.

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

Member Haupt disagrees with the finding.
Member Fisher agrees with the finding.
Member Harris disagrees with the finding.
Member Krone agrees with the finding.
Member Wall 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 Wall agrees with the finding.
Member Haupt 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 Haupt agrees with the finding.
Member Krone agrees with the finding.
Member Wall agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Wall, supported by Member Harris to approve petition ZBA 21-08 6538 Crane Road – Addition, to reduce setback from 30 feet to 20 feet.

ROLL CALL

YES: HARRIS, WALL, HAUPT, KRONE, FISHER
NO: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED, Variance Granted

**5.1 ZBA 21-06 2192 E. Ellsworth – Accessory Structure
Submitted for Variance
2192 E Ellsworth, Section 15**

Laura Kreps, Township Planning Consultant, presented ZBA 21-06, 2192 E Ellsworth.

The applicant is proposing a 4,194 square feet addition to the existing garage. The floor area of the existing garage is unknown and no dimensions were provided. This addition will be 20 feet in height so the applicant is requesting an area increase for the garage in addition to a height increase of the accessory structure over the 14 feet allowance. The applicant did receive Zoning Compliance and Building Permit in 2015 for this accessory structure, however, Zoning Compliance Applications expire after 6 months and we do not have a current Zoning Compliance on file for this. We could not approve this request administratively because of the height and size. The Building Dept. had granted an extension in 2020 on their building permit however now the Planning Dept. reviews those building permits and zoning cannot sign off due to the large addition and the height.

The applicant Sabah Rabiah, shared the history behind his request for the variance and pointed out other structures within the surrounding area of his property that would qualify him to build this addition. Mr. Rabiah explained that his new garage would be hidden behind the existing garage by a 4-foot slope and be surrounded by large trees. The garage would not be visible from the road.

Richard Dehart, applicant's neighbor to the east of his property, spoke in favor of Mr. Rabiah's project. He had a similar garage size that was approved before the zoning ordinances were amended.

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

MOTION CARRIED

7.1 ZBA 21-06 2192 E. Ellsworth – Accessory Structure

Members Wall and Harris were concerned about the height and size of the structure being built. Chairperson Fisher asked when it comes to the height requirement was this because it's labeled as accessory structure as opposed to if it were attached to the house which then would be consider a house addition falling under different rules. Ms. Kreps, Township Planning Consultant agreed and read Zoning Ordinance Section 8.03.a.iv. Ms. Kreps also explained how permits are processed between the Planning and Building Departments.

The applicant explains his property is located in a multi-zoned area surrounded by commercial properties which are larger than what he is proposing. The applicant's property has large vegetation that hides the view of his property from the street. The garage will be built behind an existing garage and slope down about 4 feet. The applicant will be using the addition to store his 13 classic cars. The applicant has owned this property for over 32 years. The applicant also stated his next-door neighbor Richard Dehart at 2250 E. Ellsworth Road does not object to his addition and he also has a garage that is about 20 feet in height. Member Krone asked the applicant for the dimensions of the existing garage which the applicant replied approximately 700 or 800 square feet.

Member Wall agreed with applicant the accessory structure would be hidden by the vegetation surrounding the area. Member Krone echoed Member Wall's comments but wanted to know if a different pitch of the roof could be utilized to lower the height. Member Harris also had a concern about the height of the structure since only cars were being stored. The applicant stated there would be other items stored (Tractors, Bobcat, Back Hoe, etc.). The applicant stated he could possibly lower the pitch of the roof to 18 feet instead 20 feet. New proposed height will be 18 feet. Member Haupt agreed with the comments and felt the accessory structure would be needed considering the type of items being stored.

Chairperson Fisher read the findings for **ZBA 21-06 2192 E. Ellsworth – Accessory Structure** in the Staff Report for Article 8, Section 8.03, to allow the construction of an accessory structure that exceeds the lot area allowance of 10% of the total lot area and exceed maximum height-14 feet.

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 Wall disagrees with the finding.
Member Harris disagrees with the finding.
Member Krone disagrees with the finding.
Member Fisher disagrees with the finding.
Member Haupt agrees 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 Haupt agrees with the finding.
Member Fisher agrees with the finding.
Member Wall 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 Haupt disagrees with the finding.
Member Fisher disagrees with the finding.
Member Wall disagrees with the finding.

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

Member Haupt disagrees with the finding.
Member Fisher disagrees with the finding.
Member Harris disagrees with the finding.
Member Krone disagrees with the finding.
Member Wall disagrees 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 Wall agrees with the finding.
Member Haupt 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 Haupt agrees with the finding.
Member Krone agrees with the finding.
Member Wall agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Wall, supported by Member Harris, to approve petition ZBA 21-06 2192 E Ellsworth – Accessory Structure Article 8, Section 8.03, to allow the construction of an accessory structure to exceed the height of 14 feet to 18 feet and lot area allowance of 3,500 feet to 5,000 feet with conditions:

- Install the accessory structure floor at least 3 feet below existing garage elevation.
- New accessory structure not to be used for commercial purposes.
- Protect and maintain the vegetation along Ellsworth Rd.

Mr. Rabiah stated he had no concerns or problems meeting the conditions.

ROLL CALL

YES: HARRIS, WALL, HAUPT, KRONE, FISHER
NO: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED – Variance Granted with Conditions

8.0 Zoning Administrator’s Report

There is one (1) Application for September

9.0 Member's Report

Continuing with electronic meetings until further notice

10.0 Secretary’s Report

Member Wall reviewed previous minutes and returned to Pittsfield Township

11.0 Chairperson’s Report

None

12.0 Approval of Prior Minutes

12.1 Minutes of July 25, 2021

**Motion by Member Krone, supported by Member Harris,
to approve the Minutes of July 25, 2021**

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 8.32 p.m.