

**ZONING BOARD OF APPEALS
Ross Township
April 12, 2005**

The Ross Township Zoning Board of Appeals held a meeting on **April 12, 2005 at 4:15 P.M.** at the Ross Township Hall. Chairman Carpenter called the meeting to order and noted those present.

Present were: D. Carpenter
 J. Scott
 A. Harmon

Also present was: G. Webster, Building Department
 C. Rolfe, Township Attorney

APPROVAL OF AGENDA On motion by Harmon seconded by Scott the agenda was unanimously approved.

APPROVAL OF MINUTES OF **March 1, 2005**

On motion by Scott seconded by Harmon the Minutes of **March 1, 2005** were unanimously approved.

OLD BUSINESS

1. Mr. and Mrs. Talmage

**Property located at: 1894 Midlake Dr.
Property tax I.D. #: 3904-08-377-200**

Since the Talmages could not be present, Harmon moved to leave this matter on the table. The motion was seconded by Scott and unanimously approved.

NEW BUSINESS

1. Mr. and Mrs. Art Womet

**Property located at: 1266 Burlington Dr.
Property tax I.D. #: 3904-17-201-160**

Proposed is the demolition of an existing roof structure and the construction of a new roof structure on this legal, existing, nonconforming, platted, waterfront lot located in the R-2 Zoning District.

Proposed is a North side yard setback (to the overhang) of eight (8) inches, where 5.1 feet are required pursuant to Section 9.39 (2) (C). The existing roof structure (to the overhang) is 0 feet from the north side. All other requirements are met.

Art Womet, son of the applicant, Michael Dunn, engineer, and Jack Gusmundo, builder, were present to explain their request. Art Womet said that the side lot line that will be 8 inches from his home abuts a 40-foot easement to the lake.

Gary Cirulli, Moon Drive, has concerns with the easement getting ever smaller. He believes that a previous owner had encroached into the easement, and he does not want the easement decreased further.

Carpenter observed that the variance would enable the owners to decrease the degree of nonconformity.

In response to Scott, Gesmundo said that the reason for the roof alteration is to increase the heal height of the trusses.

Harmon said that the only thing that he needs to hear is whether the new roof would extend the useful life of the structure.

Dunn and Gesmundo said that the structure is a well-built one and the old roof is still quite serviceable and would not extend the otherwise useful life of the building.

In response to Scott asking whether the Township has any control over the easement, Rolfe said that the Township acts as a trustee over such easements. It was approved as a part of the plat as a street.

Webster than asked if the lot should rather be treated as a corner lot with the variance requested being from a street rather than a side.

Rolfe responded that since the definition of street includes serving as access to properties and this access does not serve other properties, and since this easement has never been improved and is not open to traffic, the zoning ordinance would treat the side of Womet's lot nearest the easement as a side rather than a front side.

Carpenter noted that the threshold requirements for a variance including the allegation of hardship are met.

Harmon offered several findings: The property is unique since it abuts an easement and is much narrower and smaller in area than the minimum lot in the zoning district. The fact that the encroachment is on the easement minimizes the impact to the public, and structure spacing is accomplished by the easement. The fact that the easement is not open to vehicular traffic means there is no hazard to the health, safety, and welfare of the public. Finally, the new alteration does not block view shed of any other homes.

Harmon also noted that the variance would not extend the useful life of the structure. He said that the width of the lot is much narrower than most lots and therefore a variance is justified. With respect to denying a use of the property enjoyed by others in the same zoning district or granting special privileges, Harmon said that the alteration will be a useful addition to the house making it livable, and this is no different than what other property owners are entitled to.

Based on the findings just made Harmon moved to grant a variance to allow the structure to be 8 inches from the property line. He reiterated that it does not extend the useful life of the structure; the addition is on the side nearest the easement; and this is an unusually narrow lot. The motion was seconded by Scott and unanimously **APPROVED.**

PUBLIC COMMENT - none

OTHER BUSINESS

The ZBA discussed the phrase: “does not substantially extend the otherwise useful life of the structure”.

ADJOURNMENT

On motion by Carpenter seconded by Scott and unanimously approved the meeting was adjourned.

Respectfully submitted,

Gary Webster
AGS