

ZONING BOARD OF APPEALS
Ross Township
August 10, 2003

The Ross Township Zoning Board of Appeals held its regular meeting on **August 10, 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
 A. Harmon
 J. Scott

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

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

APPROVAL OF MINUTES OF June 7, 2005

On motion by Harmon seconded by Scott the Minutes of **June 7, 2005** were unanimously approved.

OLD BUSINESS – None

NEW BUSINESS

1. Mr. and Mrs. Jones

Property located at: 12518 N. Sherman Lake Dr.
Property Tax I.D. #: 3904-29-330-261

Constructed is a 1,050 square foot attached deck on this conforming parcel in the R-1 Residential District. The deck is proposed to be at 51 feet from the water where 96.5 feet is required by Section 9.7.

Jones said that he needs the deck for maintenance of the house such as cleaning gutters, windows, etc. It is 8' tall, and it will add some value to the house when sold. He noted that the wrap-around deck is still further back from the lake than the old house itself.

Mrs. Jones said that no portion of the deck would interfere with the sight line of adjacent property lines.

On motion by Harmon, seconded by Scott and unanimously approved, the public hearing portion of the meeting was closed.

A letter was received from Dick and Karen Statler stating that they have no objection to the request.

Carpenter said that there is an allegation of hardship, and he then turned to the question of practical difficulty.

Harmon said that the distance of houses on each side of Jones is unusual and makes it difficult for Jones to comply. He said that the ZBA has generally held it to be a right of lake front property owners to have a deck on the lakeside. That comes with lakefront property. He then asked what the width of the deck is as it faces the lake.

Jones said that the deck is 8' wide, and Harmon observed that the 50-foot minimum required by the Ordinance is being complied with, and he is not asking for an unusually large deck.

Rolfe advised that the ZBA may wish to find that because of a previous decision of the ZBA in allowing the house where it is, there is no other location for a lakeside deck to be built.

Harmon noted further that there is no other location to construct a deck because of the topography on the property.

The ZBA concluded that there would be no detriment to adjacent property owners, because of the curvature of the lake.

The variance does not impair the purpose and intent of the Ordinance, since sight lines are being maintained and because the minimum 50-foot setback from the lake is being maintained.

The ZBA concluded that there are exceptional circumstances that do not generally apply to others. The extreme curvature of the lakeshore and the unusual distances to structures on adjacent properties are examples.

Harmon noted that the topography is so extreme that there are no other locations where the owner could construct a deck.

Scott believes that the unusual shape of the shoreline creates some exceptional difficulties.

Carpenter added that the house was built in this location because of a previous action of the ZBA, and that may have created the necessity of a deck at the proposed location.

One does not usually find two adjacent houses set so far back.

Harmon said that the ZBA has found in the past that a lake side deck is a reasonable right of a property owner, and the deck is of a modest size and is over 50' from the water.

Carpenter believes that this property is very unique because of the topography and shape of the lake line.

Scott moved to grant the variance as requested based on the findings just made. The motion was seconded by Carpenter and unanimously **APPROVED.**

PUBLIC COMMENT – none

OTHER BUSINESS

Scott would like to see notification sent to those who may have an interest in approval or denial of a variance and particularly those who may have brought an issue to the Township.

ADJOURNMENT

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

Respectfully submitted,

Gary Webster
AGS