

ZONING BOARD OF APPEALS
Ross Township
April 04, 2006

The Ross Township Zoning Board of Appeals held its regular meeting on **April 4, 2006 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 were: C. Rolfe, Township Attorney
 B. Dean, Assistant Zoning Administrator

APPROVAL OF AGENDA: On motion by Harmon seconded by Carpenter, the agenda was unanimously approved.

APPROVAL MINUTES OF **November 01, 2005**: On motion by Chambers seconded by Carpenter, the Minutes of **November 01, 2005** were unanimously approved with the following changes:

1. Page 1, paragraph 3 : motion to approve minutes should read:
 “On motion by Harmon seconded by Carpenter the Minutes of October 4, 2005 were un unanimously approved *with the following changes:*”

NEW BUSINESS

1. **Frank & Diane Guarisco**
 Property located at: 11669 East D Avenue
 Property Tax ID #: 3904-19-210-061

Prior to introducing the Guarisco’s request, Dean requested that the ZBA review the following terms:

Yard, Front:
Lot line, Front (front of lot):
Lake Lot:
Waterfront Lot:

Each term was read, and there was discussion regarding the absence of the term Waterfront Lot from the definition of Lot line, Front. There was discussion of the term Lake Lot, and it was the consensus of the members that a Waterfront Lot does not have a front lot line at the waterfront.

Rolfe suggested that the ZBA determine that a lot line at the channel is not a front lot line; the proposed building would be in a compliant position based on this determination.

Harmon moved that based on the prior discussion, the subject property is not a lake lot and the lot line at the channel is not a front lot line, therefore a variance not is required. The motion was seconded by Carpenter and unanimously **APPROVED.**

There was discussion of the variance application fee. It was the consensus of the members that a refund of the fee would be appropriate, and suggested that the applicant approach the board.

2. **Gary & Lyndell Bleyer**

Property located at: 6553 North 37th Street
Property Tax I.D. #: 3904-30-265-007

Scott asked to be excused from consideration of this request based on the fact that Gull Lake View Golf Course has an interest in property adjacent to the subject property. He does not have a direct financial interest, but wishes to avoid appearance of conflict.

Rolfe agreed that the appearance of conflict is to be avoided as described by the Act, and if Scott is not participating in the consideration of the request, he should sit in the audience rather than at the board table.

Harmon and Carpenter concurred with Scott's request, and Scott moved the audience seating.

Dean described the request to place an accessory building in the front yard area. Section 9.4(E) requires placement in the side or rear yard only. The topographic conditions that the applicant has cited in the application have been considered in similar requests in this neighborhood.

Mr. & Mrs. Bleyer were present to present their request. Mrs. Bleyer moved to the overhead projector screen and pointed out that there is a 60 foot rise to rear and sides of the property. The other potential location is in front yard south of the driveway is closer to the road and is not screened. The proposed location screened by oak trees. She indicated the intention for the building to be attractive with two foot overhang and wainscoting.

Carpenter noted that property slopes from the road up and this degree of slope increases at the house.

Craig asked whether alternative locations would be possible if the building were smaller. To which the Bleyers responded the size of the building is not a factor in the limitations.

There was a discussion of the permissible rear yard coverage in relation to the proposed building. Dean calculated the approximate area of the rear yard as 154,000 square feet. The ordinance limits accessory buildings to 10% of the rear yard, or 15,400 square feet. The proposed building is 2,880 square feet, approximately 1.8% of the area of the rear yard

Carpenter requested any public comment. There was none.

Harmon moved to close the public hearing. Seconded by Carpenter and unanimously approved, the public hearing was closed.

Carpenter reviewed the facts in relationship to Section 6.8:

- There are exceptional conditions related to topography of the lot, 6.8(A)(2);

Carpenter summarized the findings in relationship to Section 6.9:

- The conditions described constitute a practical difficulty based on topography and relative position of power lines; there is no substantial detriment to adjoining property owners based on permissible sizing, adequate setback of 87 feet, and existing screening; and there is no impairment to health, safety, or welfare apparent in the request, 6.9(A);
- There are exceptional circumstances in the form the topography and power line location, 6.9(A)(1);
- The grant of a variance would preserve a substantial property right as to the construction of an accessory building of this size in conjunction with the residential use of a conforming lot in the R-1 district, 6.9(A)(2);
- Condition is not so general or recurrent as to make a general change to ordinance reasonable, 6.9(A)(3).

Harmon moved to grant a variance as requested based on diagram presented and contingent upon maintenance of proposed screening between the road and building. The motion was seconded by Carpenter and unanimously **APPROVED.**

SET MEETING DATES FOR 2006-2007

Carpenter expressed a concern about 4:15 meeting time. Request consideration of 5:30 start time as his employer is concerned about current schedule requiring early departure from office.

Harmon indicated he will not be able to attend May 2nd meeting.

There was additional discussion of schedule and possible conflicts regarding the August 1st meeting.

Harmon moved to approve revised schedule for 2006-2007. Meeting for May will be scheduled for Thursday, May 11th, at 5:30 pm. Regular meetings will be changed to the 1st Wednesday of the month at 5:30 pm. The motion was seconded by Scott and unanimously **APPROVED.**

Dean will communicate the change of schedule to Jackie Whitney so that the revised schedule may be posted.

PUBLIC COMMENT –

There was additional discussion of terms discussed under Guarisco above. Harmon asked that Dean have consideration of the terms added to the Planning Commission agenda.

ADJOURNMENT

On motion by Harmon, seconded by Scott, and unanimously approved the meeting was adjourned at 5:09 pm.

Respectfully submitted,

Bruce Dean
Zoning Administrator