

Danbury Township Board of Zoning Appeals

May 20,

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The Danbury Township Board of Zoning Appeals was called to order at 6:34 p.m. by the Chair, Joseph Fetzer. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Joseph Fetzer, Vice-Chair, Loretta Grentzer, Ms. Sherry Roberts, Ms. Lisa Bauer and Mr. Clyde Shetler and Alternate, Mr. Gregory Huffman. Alternate Patty Zsigo was present, but then left the meeting since she was not needed. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Mr. Jason Clemons, Mr. Curt Knoch, and Mr. Jeffrey Monaco.

Ms. Dale read the rules of order for the meeting proceedings. The meeting is being held via Zoom due to the Covid-19 pandemic. Ms. Dale acknowledge everyone who joined the meeting and explained that prior to speaking, the Chair would call on everyone to give them the opportunity to speak. She asked that if they were not speaking to place themselves on mute so that any background noise was blocked. Ms. Dale explained that at the conclusion of the hearing during the Board's deliberation, the applicant and any members of the public would be placed in the "waiting room" of Zoom. She explained that they should not leave the meeting because the Board will come back and make their decision openly. The Chair asked Mrs. Dale if all the documents relating to the case had been received and were in proper order. She indicated that they were. The Chair swore-in the Zoning and Planning Administrator, Kathryn Dale.

The Chair asked Mrs. Dale to introduce the first case of the evening.

**Adjudication Hearing
Case BZA #2020-047
5935 E. Bayshore
Clemons**

Request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (2,304s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Grentzer moved and Ms. Roberts seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale shared that the applicant is proposing a 40' x 48' detached pole barn with an 8' x 48' porch, or 2,304s.f. where 1,200s.f. is the maximum allowed. An existing 10' x 16' shed will be removed from the property. Due to the size of the proposed building and the truss construction, the height of the building will exceed the 20' height restriction and be 22'8" high. The property is 2.11 acres and the proposed structure will be approximately 268' from the street, 25' from the east property line and 105' from the west property line. The former LaFarge railroad bed adjoins the property on the west and is heavily screened with vegetation, there is a vacant residential lot to the east and a semi-vacant, wooded property to the north. On the property to the north is a manufactured home, but we're unsure to how frequently it is occupied. Also on this neighboring property, approximately 42' to the northeast from this proposed barn, is a similarly sized 40' x 54' barn.

Accessory buildings can be constructed under an agricultural exemption if they are using the structure for a bona fide agricultural use. However, the applicant has indicated that they will be using the structure primarily for personal use and storage. There is no provision in the zoning resolution that makes exceptions for large lots or any type of ratio that would possibly allow a structure larger than 1,200s.f. if the lot were larger than the standard 12,000s.f. (0.27 ac) lot located in the "R-2" Suburban Residential zoning district.

Ms. Dale concluded stating the Board would be reviewing the Duncan Standard decision criteria during their deliberations.

Mr. Fetzer asked if the homeowner was going to speak or the agent. Mr. Clemons indicated that he would begin their presentation. Mr. Fetzer said that was fine, but if Mr. Knoch wanted to add anything, that he would then need to be sworn in.

Jason Clemons, Owner/Applicant, 5935 E. Bayshore Road, Marblehead, was called upon and sworn in. Mr. Clemons reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he submitted. Mr. Clemons said he is trying to get a barn built for all of his stuff. He said there is a lot of room on the property and there is already a large barn on the property behind his (to the north) that is pretty old and falling apart, so his barn would be blocking part of that from view. He said he read through the letters from the neighbors and as far as flooding is concerned, even if he can't build this barn, he's going to have to build a barn of some sort, so he doesn't think the flooding is going to be effected more either way. He said the property next to him is already a very wet area. Mr. Clemons said he thinks the request is pretty simple and straight-forward. It will be finished like the house. Mr. Clemons said he did not think it would decrease the value of any of the properties

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around him because he would be able to put things away where they belong as opposed to sitting out in the driveway and yard. He said they are out of space in the garage attached to the house and the shed would get removed.

Mr. Knoch started to speak, the Chair interrupted him and said that he needed to be sworn in, but asked if the Board had any follow-up questions for Mr. Clemons. Ms. Roberts said she heard Mr. Clemons say the shed would be moved, but Ms. Dale stated it was coming down. Ms. Roberts asked for clarification on this. Mr. Clemons said it would be removed and leaving the property. Ms. Grentzer said she had a similar question about that, but has another question as well. Ms. Grentzer asked why they need to have an 8' x 48' porch if the barn is to be used primarily for storage? She said she just looks at it being more in conformity without such a large porch. Mr. Clemons said that this particular side of the property faces the house and where the door will be to enter the barn on the west side, so they wanted a lean-to on that side with a sidewalk under it. Ms. Grentzer said she still doesn't understand and asked Ms. Dale to bring up the aerial photo of the property showing the barn in relation to the house. Ms. Grentzer asked what he plans to store in the building. Mr. Clemons said he has a (insinuating 1) boat, a ranger ATV, a trailer and a truck, which is a duty and does not fit in the regular garage due to the width of the fender wells. He said they just wanted a spot to be able to get into the barn during inclement weather. Ms. Grentzer asked for more clarification on where the door entry would be for the barn. Ms. Dale pointed it out on the photograph. Ms. Grentzer said it will be more towards the SW corner of the barn making it more accessible from the house Mr. Clemons said that was exactly right. Ms. Grentzer asked again why they needed a porch the whole length of the barn and not just a covering at the door. Mr. Clemons said he doesn't necessarily need it but assumed that if he would have a lean-to it would have concrete under it and run the length of the barn.

The Chair asked if any other Board members had any questions for the applicant. Mr. Shetler said he assumes this is a package plan and not custom, thus the dimensions are what they are. Mr. Clemons said it is custom. Ms. Grentzer said this was previously mentioned, but asked again what the distance was from the barn to the east property line. Ms. Dale said the site plan the applicant provided indicates 25'.

Curtis Knoch, Agent, 1489 Arne, Marblehead, was called upon and sworn in. He indicated that he wanted to address the neighbor letter's that were submitted prior to the hearing. Ms. Dale stated that the Board had not yet seen these, so if they could, move into the public comment portion and then allow Mr. Knoch to respond to these. Ms. Dale shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that two letters were received from adjoining property owners for this case. The first letter was received 05/19/2020 from Mr. Peter & Mrs. Mattie Wallace whom own the vacant lot addressed 5963 E. Bayshore Road to the east of Mr. Clemons. Ms. Dale stated that this letter would be entered into the record as Wallace Ex. 1 and then read the letter verbatim. Ms. Dale shared that a second letter was received 05/20/2020 from Mr. Matt & Mrs. Jackie Bieberich whom own 5971 E. Bayshore Road and is the single-family home to the east of Mr. Clemons property, and the next property east of the vacant lot owned by the Wallace's. Ms. Dale stated that this letter would be entered into the record as Bieberich Ex. 1 and then read the letter verbatim. Both letters expressed drainage concerns and opposition to the proposed barn.

Mr. Fetzer told Mr. Knoch that he could now address the letters that were submitted. Mr. Knoch stated he built the house that is on Mr. Clemons' property in 2006. He said they had to bring in fill and raise the elevation of the house per FEMA requirements because the property was in a flood zone. He said the County required a culvert pipe under the driveway to allow drainage to flow in the ditch. Mr. Knoch said that anytime the wind is out of the east, the ditches along Bayshore are full and the whole area is wet, including where he lives which is a quarter-mile northeast of this property. He said that when the house was built, they did everything they were instructed to do regarding other regulations for drainage reasons. Mr. Clemons said where the barn is proposed to be located is rarely or never wet, but the front of the property he said they refer to "Lake Clemons" because between the retention pond and the ditches, the whole front-yard flood, but never the back-yard or back of the property. Mr. Clemons said building anything at the back of the property should not impact anything since it's already dry.

Ms. Roberts asked Mr. Knoch when the house was built and they raised the property if it cause drainage to go onto the neighbor's property. Mr. Knoch said the major concern is up by Bayshore Road. He said he doesn't remember if the ditch flooded back in 2006 like it does now, or if it's all due to the high water table. He said the driveway sort of acts like a barrier for the neighbors. He said they didn't even realize there were two separate properties or owners to the east because Mr. Bieberich always mows the vacant lot between them, so they assumed Bieberich owned the whole thing. Ms. Grentzer asked if the elevation of Mr. Clemons property goes towards just the road or if it drains east & west. Mr. Knoch said it primarily drains south, towards the road, but there are some downspouts on the north

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side of the house too and does drop off slightly at the back of the property, but not enough to make it soggy or wet.

There were no further questions from the Board.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Mr. Shetler. All were in favor and the motion carried.

Ms. Grentzer motioned to recess into executive session to deliberate the merits of the case. Mr. Shetler seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:09p.m. Ms. Dale reminded the applicant and other non-board members that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Bauer moved and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 7:32 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-047:

With regard to BZA-2020-047 being a request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (2,304s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed) for the property located at 5935 E. Bayshore Road:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used for a single-family residence and the property has ample space for an accessory structure(s).
2. The request **is** substantial because the owner is requesting nearly twice as much square footage than permitted.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the applicant is proposing to locate the building a substantial distance from the property lines and will be more than 200' from a neighboring residential structure. Furthermore, the Board took under advisement the neighbor's concerns regarding drainage, but have no regulating authority or capacity to determine proper water management.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are existing to the property.
5. The property owner did not indicate if they were aware the Township had zoning restrictions.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because there are no other viable or affordable options to store their personal items and they would prefer to keep these items in a building as opposed to sitting out in the yard and elements.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the restrictions are not so stringent that the property is prohibited to have storage space for homeowners, when taking into consideration the size of the property, placement on the property, the proposed building is not out of character nor would it infringe on adjoining property owners health or safety.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (3) (6) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by Ms. Roberts. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – no; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 4-1 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is June 17, 2020.

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Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

The Chair asked Mrs. Dale to introduce the second case of the evening.

**Adjudication Hearing
Case BZA #2020-054
7316 E. Bayshore
Monaco/Blevins**

Request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,920s.f. proposed).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Grentzer moved and Mr. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale shared that the applicant is proposing a 24' x 80' detached pole barn, or 1,920s.f. where 1,200s.f. is the maximum allowed. All other requirements are met in regards to setbacks, height and lot coverage. The property is a very narrow, 47' wide, 0.596 (25,962s.f.) acre lot. The proposed structure will be approximately 120' from the centerline of Bayshore Road. To the west is Emerald Mobile Home Park. The mobile home units in Emerald will be approximately 36' away from the proposed structure. To the east is a single-wide mobile home on real property, but where this proposed building is to be located will be approximately 150' from this neighboring unit. In early April, the property owner received a permit for a new SF home and the property is currently being cleared and prepped for the foundation.

Accessory buildings can be constructed under an agricultural exemption if they are using the structure for a bona fide agricultural use. However, the applicant has indicated that they will be using the structure primarily for personal use and storage. Additionally, with the property being zoned "R-C" Recreational Commercial, the owner could build this same building as a commercial storage structure without any variances, but they wish to construct it as a residential structure as opposed to a commercial or business structure. There is no provision in the zoning resolution that makes exceptions for large lots or any type of ratio that would possibly allow a residential accessory structure larger than 1,200s.f. if the lot were larger than the standard 7,000s.f. (0.16 ac) residential lot located in the "R-C" Recreational Commercial zoning district. Another words, the lot is 3.5 times larger than the zoning district requires and the proposed garage is proposed to be ½ times larger.

Ms. Dale concluded stating the Board would be reviewing the Duncan Standard decision criteria during their deliberations. Ms. Dale also shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that no letters or emails were received from adjoining property owners for this case.

Mr. Fetzter asked Mr. Monaco if he was ready to testify. Mr. Monaco indicated he was.

Jeffrey Monaco, 7316 E. Bayshore Road, Marblehead, was called upon and sworn in. Mr. Monaco reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he submitted. Mr. Monaco said they would like to follow the residential guidelines for the building because it will not be used as commercial space. He said he wants to follow the setbacks so that the building can be as far away from the neighboring properties and the shared driveway that he has with the mobile home park. He acknowledged that if this were a commercial building, the setbacks would be even greater, but then would also put the building too close to the shared driveway and they do not want to crowd the neighbors there with the drive. The building will be aesthetically pleasing to match the house. Both the house and barn will have metal roofs. Mr. Monaco said they have a couple of boats, some cars and a heated workshop while they finish the work inside the house over the winter.

Ms. Grentzer asked if the elevation drawing that shows the two large doors would be facing the mobile home park. Mr. Monaco said yes. Ms. Grentzer asked about the shared driveway. Mr. Monaco said that in his deed it says there is a 10' shared portion and 5' of the drive that is there now is actually on his property. He said these garage doors will be 11'-12' then away from the driveway which allows him plenty of room to turn off the shared drive and into those doors. Ms. Grentzer asked him to clarify the distance from the back of the house to the proposed garage. Mr. Monaco said it is 157'.

Ms. Dale pulled up the survey on her screen for everyone to see and explained that when the surveyor put together the site plan, the property is so long and narrow, that they show these zig-zag lines that indicates they aren't showing the physical distance because it wouldn't fit on the drawing. It's like a match-line when you line up one drawing to another drawing. The surveyor shows they have 157' measurement between the house and barn. Ms. Dale explained that is why she included in the packet the aerial photo of where the garage will actually be, generally. The barn is on the north side of

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the property, closer to E. Bayshore and the house, she explained she doesn't show the intricacies of the footprint, but the overall outer boundaries of the footprint of the house, which is down closer to the water.

Ms. Bauer asked how far from Bayshore Road the barn will be. Ms. Dale said the survey shows 120' from the centerline of the road, or about 100' from the right-of-way. Ms. Bauer asked why the barn is going to be so far from the house. Mr. Monaco said that because the property is so long and narrow, they just wanted to space everything out so it wasn't crowding each other, the house & barn, but also for the neighbors. He said the adjoining property to the east there is a manufactured home, but where they propose to locate the barn, there are no structures on that other property and it is more wooded to help buffer the building from Bayshore Road.

There were no further questions from the Board.

Mr. Fetzer asked if there was anyone with standing who wished to testify. Ms. Dale indicated that there was no one on the Zoom meeting and she did not receive any letters for this case. Ms. Dale said she was contacted by someone in the mobile home park who asked for assistance in finding the drawings on the Township website, and they were able to successfully print those out and distribute to people in the park, but there were no comments received.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Ms. Bauer. All were in favor and the motion carried.

Mr. Shetler motioned to recess into executive session to deliberate the merits of the case. Ms. Grentzer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:53p.m. Ms. Dale reminded the applicant that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Roberts moved and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 8:02 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-054:

With regard to BZA-2020-054 being a request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,920s.f. proposed) for the property located at 7316 E. Bayshore Road:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can be used for a single-family residence and the property has ample space for an accessory structure(s). Additionally, the structure could be built as a commercial structure.
2. The request **is not** substantial because the structure is a 0.5% larger than what is allowed and again, the property owner could build this same structure, and possibly bigger as a commercial building.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the applicant is proposing a low-impact residential structure vs. a commercial business use and is positioning the building so as to lessen the impact on surrounding properties by placing the building as far as possible from neighboring residential structures and their shared driveway access with the mobile home park.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The property owner indicates they were aware the Township had zoning, but misunderstood the zoning restrictions at the time they purchased the property.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by constructing a commercial building.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the restrictions are not so stringent that the property is prohibited to having storage space for homeowners. However, when taking into consideration the size of the property, placement on the property, and due to the zoning designation of the property, they could still construct this structure, and the proposed building is not out of character nor would it infringe on adjoining property owners health or safety.

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Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (6) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by Ms. Roberts. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is June 17, 2020.

Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

Approval of April 15, 2020 Board of Zoning Appeals Meeting Minutes

Ms. Roberts made a motion to approve the April 15, 2020 meeting minutes, Ms. Grentzer seconded. All were in favor and the motion carried.

Ms. Roberts stated that she would send the minutes around to everyone to sign via DocuSign and that Ms. Dale would end up with the final copy for the official records.

Signing of Decision Sheets

Ms. Dale stated she needed to share something with the Board before they approved this decision sheet. Ms. Dale stated that Mr. Beckman contacted her May 12, 2020 regarding a modification to his plans. He was asking if the garage could be brought out more on the ground level and be even with the front of the proposed 2nd story cantilevered addition. There would be no increase in lot coverage because the cantilever was already taken into consideration, which the Board approved a variance on. There would also not be any difference in setbacks since the 2nd story addition was also already granted for the north side-yard setback. Ms. Dale said that she did not feel it was appropriate for her to rule on this since it is a change in the plans that the neighbors saw and that were included in the packets made available to everyone. She said to a degree this is more than what was presented and typically if someone ends up doing less than what they presented, she does approve those modifications. She shared with the Board that she told the applicant she would present this question to the Board, but if they felt it needed to have a more formal format for the consideration of this modification, then that could be done.

The Chair asked if the Board had the opportunity to review the Decision Sheet presented for the following case. Mr. Fetzer motioned for approval of the decision sheet as presented. Ms. Bauer seconded. All were in favor and the motion carried.

- a. **BZA-2020-038 198 Leddy Lane.** Request for an Area Variance from Section 3.5 and 5.1.7 to allow for a 2-story addition to encroach into the required north, side-yard setback (1' proposed/ 5' required) and exceed the 40% lot coverage (44% proposed). **William Beckman, Owner/Applicant.**

Old Business

1-yr. Extension Request:

BZA-2019-033 Lighthouse Bluffs III & IV; Lighthouse Oval & Northshore Blvd. Request for a Conditional Use in accordance with Section 3.1.4.C.v. & Section 4.7 to allow for a 47 site Single-Family Cluster Housing Community. **Lewis Land Professionals, Agent/Ken Cleveland & Jake Josh, LLC, Owner.**

Approved 05/15/2019, set to expire 05/15/2020

Ms. Dale shared the letter submitted by the engineering firm which states that Mr. Cleveland passed away last year and in setting his estate matters, they have not been able to move forward with the plans and are also in the process of transferring the development to a new developer. Ms. Dale shared that the new developer had been involved behind the scenes last year when this was under review and was actually in the process of building one of the last SF homes in this development's Phase II when the original developer passed away.

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Ms. Grentzer motioned to approve a 1-yr. extension. Ms. Roberts seconded. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes.

New Business

There was none.

Other Business

Ms. Dale shared that the next deadline for applications is May 29, 2020 for the June 17th meeting. She shared that she anticipates 4 applications being filed. The one case will involve attorneys and a court reporter. This case may have to be held in-person at the Township Hall if the applicant’s attorney does not submit a request in writing to have the meeting held via Zoom. If that happens, then everyone in attendance will be expected to wear a face-covering or mask. She shared that she would like to hold this meeting at our regularly scheduled time. As for the other 3 cases, since they are less controversial, those will be held via Zoom. The question for the Board is availability and preference when those hearing will be held. She stated that they could be held the Tuesday or Thursday before or after the regular meeting date or earlier in the afternoon on the same day of June 17th.

Consensus among the Board was to hold the other cases on Tuesday June 16, 2020 at 6:30p.m. via Zoom.

Reports and Communications from Members and Staff

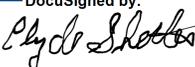
There were none.

Adjournment

Ms. Roberts moved to adjourn the meeting and Ms. Bauer seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 8:36p.m.


RECORDING SECRETARY

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BOARD OF ZONING APPEALS

BZA MOTION & FINDINGS OF FACT

With regard to BZA-2020-054 being a request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,920s.f. proposed) for the property located at 7316 E. Bayshore Road:

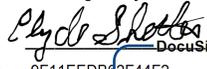
1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can be used for a single-family residence and the property has ample space for an accessory structure(s). Additionally, the structure could be built as a commercial structure.
2. The request **is not** substantial because the structure is a 0.5% larger than what is allowed and again, the property owner could build this same structure, and possibly bigger as a commercial building.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the applicant is proposing a low-impact residential structure vs. a commercial business use and is positioning the building so as to lessen the impact on surrounding properties by placing the building as far as possible from neighboring residential structures and their shared driveway access with the mobile home park.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The property owner indicates they were aware the Township had zoning, but misunderstood the zoning restrictions at the time they purchased the property.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by constructing a commercial building.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the restrictions are not so stringent that the property is prohibited to having storage space for homeowners. However, when taking into consideration the size of the property, placement on the property, and due to the zoning designation of the property, they could still construct this structure, and the proposed building is not out of character nor would it infringe on adjoining property owners health or safety.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (6) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

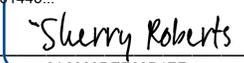
Therefore, the Variance should be accordingly **APPROVED**.

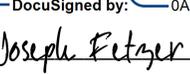
Motion Seconded by: Ms. Roberts

Vote: Yes Mr. Shetler  DocuSigned by: 9F11EEDB62F44F2...

Yes Ms. Grentzer  DocuSigned by: 4C9EDC6295604F6...

Yes Ms. Bauer  DocuSigned by: 42350FCB4D61445...

Yes Ms. Roberts  DocuSigned by: 0A6969DEE69B4EF...

Yes Mr. Fetzer  DocuSigned by: 9505C61929A54B0...

Adjudication Hearing Date: May 20, 2020

BZA Case# 2020-054

Adopted this 17th day of June, 2020.

BZA MOTION & FINDINGS OF FACT

With regard to BZA-2020-047 being a request for an Area Variance from Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (2,304s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed) for the property located at 5935 E. Bayshore Road:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used for a single-family residence and the property has ample space for an accessory structure(s).
2. The request **is** substantial because the owner is requesting nearly twice as much square footage than permitted.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the applicant is proposing to locate the building a substantial distance from the property lines and will be more than 200' from a neighboring residential structure. Furthermore, the Board took under advisement the neighbor's concerns regarding drainage, but have no regulating authority or capacity to determine proper water management.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are existing to the property.
5. The property owner did not indicate if they were aware the Township had zoning restrictions.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because there are no other viable or affordable options to store their personal items and they would prefer to keep these items in a building as opposed to sitting out in the yard and elements.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the restrictions are not so stringent that the property is prohibited to have storage space for homeowners, when taking into consideration the size of the property, placement on the property, the proposed building is not out of character nor would it infringe on adjoining property owners health or safety.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (3) (6) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Ms. Roberts.

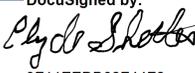
Vote: Yes Mr. Shetler

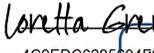
No Ms. Grentzer

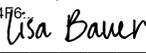
Yes Ms. Bauer

Yes Ms. Roberts

Yes Mr. Fetzer

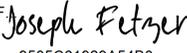
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Adjudication Hearing Date: May 20, 2020

BZA Case# 2020-047

Adopted this 17th day of June, 2020.