

**FERGUSON TOWNSHIP ZONING HEARING BOARD**

Regular Meeting

Tuesday, November 17, 2015

7:00 pm

**I. ATTENDANCE**

The Zoning Hearing Board held its regular meeting on Tuesday, November 17, 2015 at the Ferguson Township Municipal Building. In attendance were:

Board: Matthew Patch, Chairman  
George Pytel, Vice Chair  
Scott Petryshak  
Karen English  
Michael MacNeely  
Charles Farrell  
Mike Twomley

Staff: Jeffrey Ressler, Zoning Administrator  
Jeffrey Stover, ZHB Solicitor

Other in attendance included: Heather Bird, Recording Secretary;

**II. CALL TO ORDER**

Mr. Patch called the Tuesday, November 17, 2015 regular Zoning Hearing Board meeting to order at 7:00 pm.

**III. SWEARING IN OF THOSE WHO WISH TO TESTIFY**

One individual stood to be sworn in.

**IV. SHAUN AND LINDSEY GREENLAND – VARIANCE REQUEST**

Mr. Ressler stated the variance requested is located at 2860 W Pine Grove Road, tax parcel 24-08B-003A and is owned by Gerald A., Kelly J., Shaun M. and Lyndsey M. Greenland. The property is zoned RA. The existing dwelling is nonconforming with regard to the setbacks. The applicant would like to build an addition on the dwelling. The applicants requested two variances. The first variance request is in regard to the required setback in the RA Zone, Chapter 27-301, table 301. The required setbacks for the RA Zone are 50 feet in the front, side rear. As shown on the drawing that was submitted with the application the setbacks overlap. The proposed addition would be 3 feet away from the side property boundary. The second variance request is to permit more than a 50% expansion of the ground floor area of the existing nonconforming structure. Chapter 27-903.B.1 permits a natural expansion of up to 50% of the existing ground floor area of the structure. The existing is 841 square feet in ground floor area. The proposed addition would be 1000 square feet in ground floor area. There have been no other variance requests for this property. The side setbacks overlap on both sides of the house

Mr. Patch confirmed that the front and rear setbacks are fine.

Mr. Shaun Greenland stated the reason he has requested the variance is to relieve some hardships as a growing family. The existing home does not have room to function as a family of four. The RA zoning was changed in 2007 and 2008. The zoning was changed without the village in mind. The lot is 79 feet wide with 50 foot setback on each side which then overlap. The RA zoning is meant for the preservation of agricultural land and farmland. Under the new zoning the minimum lot size is 1 acre which would make their lot a non-conforming lot. The hardship is caused by the zoning change to RA. The inside living space is calculated at 654 square feet to

live as a family of four. The addition would be 14% under maximum coverage for the lot. The proposed plan is to add a two car garage with a master bedroom above it. The addition would allow for second bathroom and a dining room. They are looking to be long term residents of the community.

Mr. Patch asked what the current setbacks in the neighborhood are. Mr. Greenland stated his neighbor to the east received a variance that allowed for their garage to be located directly on the property line.

Mr. Stover asked what is on the property to the west side. Mr. Greenland stated his parents own the property and a trailer is located on the property.

Mr. Pytel asked how the Township created the hardship. Mr. Greenland stated the hardship was created by the RA zoning and all of the homes are non-conforming lots. Mr. Pytel stated that 90% of homes in Pine Grove Mills are non-conforming. The zoning is set up for the future of the area not to eliminate non-conforming lots. You are asking for twice the space allowed and within three feet of the property line on an already non-conforming lot.

Mr. Greenland stated the RA zoning is zoned to fail. These lots will always be non-conforming.

Mr. Pytel stated that having a two car garage is not a hardship created. Mr. Greenland stated he feels that is for the safety of his family. Mr. Pytel stated that does not meet the hardship requirement.

Mr. Patch stated he emphasizes with his situation but the size of your family is not a factor in receiving a variance. For him the biggest problem is the 3 foot setback. He asked if Mr. Greenland has any alternative plans for the addition.

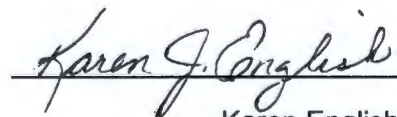
The applicant requested the item be tabled until the December 15<sup>th</sup> meeting.

Ms. English made a motion to TABLE the variance request from Shaun and Lyndsey Greenland, tax parcel 24-08B-003A until December 2015. Mr. Petryshak seconded the motion. The motion passed unanimously.

#### V. ADJOURNMENT

With no further business to come before the Ferguson Township Zoning Hearing Board, Mr. Patch adjourned the regular meeting at 7:55 pm.

RESPECTFULLY SUBMITTED,



Karen English, Secretary  
For the Zoning Hearing Board

Date approved by the Board: 12-15-15