

FERGUSON TOWNSHIP ZONING HEARING BOARD

Regular Meeting
Tuesday, December 15, 2015
7:00 pm

I. ATTENDANCE

The Zoning Hearing Board held its regular meeting on Tuesday, December 15, 2015 at the Ferguson Township Municipal Building. In attendance were:

Board: Matthew Patch, Chairman	Staff: Jeffrey Ressler, Zoning Administrator
George Pytel, Vice Chair	Jeffrey Stover, ZHB Solicitor
Scott Petryshak	
Karen English	
Michael MacNeely	
Mike Twomley	

Other in attendance included: Heather Bird, Recording Secretary; Shaun Greenland

II. CALL TO ORDER

Mr. Patch called the Tuesday, December 15, 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 LYNDSLEY GREENLAND – VARIANCE REQUEST

Mr. Ressler stated the variance requested is located at 2860 W Pine Grove Road, tax parcel number 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 applicants want to build an addition on the dwelling. The applicant requested two variances. The first variance request is in regard to the required setbacks in the RA Zone, Chapter 27-301, Table 301. The required setbacks for the RA Zone are 50' front, 50' side and 50' rear. As shown on the drawing that was submitted with the application the setbacks overlap. The revised drawing shows the proposed addition would be 10' away from the side property boundary. The second variance request is to permit more than 50% expansion of the ground floor area of the existing nonconforming structure. Chapter 27-903.B31 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 810 square feet in ground floor area. There have been no other variance requests for this property.

Mr. Greenland researched the definition of hardship and came up with the following definition: a deprivation of an owner's right to the beneficial use of a property that is caused when a zoning ordinance makes it impossible to receive a reasonable return from the property. Based on that definition he reviewed the five criteria needed to receive a variance. (1) unique shape and topography of the lot – his lot is a long narrow lot, as is the lot does not meet the existing setbacks per the ordinance and the topography doesn't allow to build within the setbacks because of the rocky land (2) the lot can not conform – because of the lot shape it does not conform into ordinance setbacks (3) not created by applicant – he did not build the existing structure or change the structure to impede the setbacks (4) character of the neighborhood – other homes in his neighborhood do have garages and additions so his home wouldn't be the only one in his neighborhood with this. He talked to his immediate neighbors about his proposed addition. None opposed the addition on his home. (5) Minimum modification – he took this into consideration after last meeting and reduced the addition by 200 square feet and increased the setbacks to 10 feet on the side. He asked for a reasonable return on his lot by allowing him and his family to grow in the home.

Mr. Patch clarified that the proposed 18x45 addition to the right is one option and the 25x29 to the rear is a second option. Mr. Greenland stated that both are an option but the 18x45 is the preferred option.

Mr. Pytel stated that a hardship is something that the Township created or the lot is not feasible to use the way it is. In this case the home is currently being lived in and is usable. He also stated that Mr. Greenland is requesting about 2.5 times more than he is allowed to build. Mr. Greenland stated that he reduced his request for size but he needs to have enough space to function properly as a family in his house.

Mr. Patch stated that the expressed hardship is that he can't improve his property which was created by the zoning ordinance.

Mr. MacNeely asked if the addition in the rear includes a garage. Mr. Greenland stated that it would include a garage with first floor living room and bedroom above. Mr. MacNeely asked if this is still a viable option even though this option would cost more to construct. Mr. Greenland stated that it would be more difficult to build because of the topography of the land and the cost but it is a viable option.

Mr. Patch asked Mr. Stover if the zoning ordinance would constitute a hardship. Mr. Stover stated the house is non-conforming because of the setback and allows for very small buildable area on the lot. The Board needs to determine if the applicant has reasonable use of the property as it is now and is the proposed plan a reasonable request for a variance. He is aware of cases that say in a modern society it is reasonable to have a garage. The Board could think of this as a vacant lot and what would they allow him to build on the lot.

Mr. Twomley made a motion to GRANT the variance for the 18 x 45 addition on the side of the house as proposed. Ms. English seconded the motion. The motion was denied unanimously.

Mr. Twomley made a motion to GRANT the variance for the 25 x 29 addition to the rear of the house as proposed. Mr. Pytel seconded the motion. The motion passed unanimously. Mr. Pytel made a motion to GRANT the variance allowing the addition of 725 square feet. Mr. English seconded. The motion passed unanimously.

V. MINUTES

Mr. Pytel made a motion to APPROVE the regular meeting minutes from July 28, 2015. Ms. English seconded the motion. The motion passed unanimously.

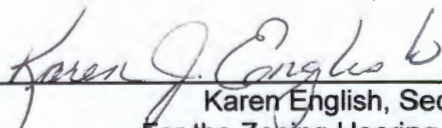
Mr. Pytel made a motion to APPROVE the regular meeting minutes from October 27, 2015. Mr. MacNeely seconded the motion. The motion passed unanimously.

Mr. Pytel made a motion to APPROVE the regular meeting minutes from November 17, 2015. Ms. English seconded the motion. The motion passed unanimously.

VI. ADJOURNMENT

With no further business to come before the Ferguson Township Zoning Hearing Board, Mr. Patch adjourned the regular meeting at 7:43 pm.

RESPECTFULLY SUBMITTED,



Karen English, Secretary
For the Zoning Hearing Board

Date approved by the Board: 1-26-16