

SUMMIT TOWNSHIP ZONING BOARD OF APPEALS FEBRUARY 13, 2003

MEMBERS PRESENT: Kevin Thomson, Chairman; James Brunner; Scott Elliott, Township Board Liaison; Larry Dunn, Marcia Stobie; Ken Strobel, Planning Commission Liaison; Peg Oman, Secretary; and John Worden, Zoning Administrator

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The meeting was called to order by Chairman Thomson on Thursday, February 13, 2003, at 7:00 pm, in the meeting room at the Township Hall.

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A motion was made by K. Thomson, supported by L. Dunn to approve the minutes of the October 10, 2002 meeting as written. The motion carried unanimously.

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A motion was made by K. Thompson, supported by K. Strobel to approve the Summit Township Recreation Planning Committee minutes of October 10, 2002 meeting as written. The motion carried unanimously.

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CASE 03-01-0001 – 922 Oak Grove – Michael Stewart Ross – Garage Side Yard

A public hearing was held on August 8, 2002, on the request of Michael Stewart Ross, 922 Oak Grove, for a garage side yard variance.

Mr. Ross gave a history of the property. Grant Ottis built the garage in question in 1941. In 1959 Ottis moved into a new house. A stone burm was erected on what was thought to be the lot line. In 1975 he purchased the house he is living in and maintained the property on his side of the burm. Mr. Ottis continued to live next door. Sometime later the burm was removed but the line of trees remained. In 2002 American Pride Builders applied for and received a building permit and stated on the permit the garage would be 10 feet from the property line (permit dated July 9, 2003). Mr. Ross was informed by the builder that erecting the new garage onto the exact location of the old garage would not be a problem.

Mr. Ross spoke with the Charter's about building the garage and put into writing (letter dated July 23, 2002) that he would restore any damage to the property resulting from the building of the garage.

After the garage was complete Mr. Charter stated he did not like the placement of the emergency access door and showed Mr. Ross a copy of a survey by Richard E. Gutekunst, Registered Surveyor(dated June 13, 1985) showing the garage on approximately 5 inches of his property. Ripstra & Scheppelman, Inc. did a new survey (dated November 14, 2002) and it placed the garage 0.6 inches over the property line.

K. Thomson said the property encroaches on the neighboring property and that Mr. Ross's recourse would be with the civil court for adverse possession or against American Pride Builders.

The Zoning Board of Appeals does not have any authority to grant a variance based on encroachment.

J. Brunner asked if the garage was in the same location. Mr. Ross said yes. The garage had been in that location for 61 years.

K. Thomson said it would behoove Mr. Ross to try and work out the problem with the Charter's.

J. Worden asked if American Pride had been asked to move the garage into compliance. Mr. Ross said yes.

J. Worden stated the Charter's had a survey done in 1985.

K. Thomson asked if there was anyone to speak on the matter. J. Worden said the only correspondence was a letter from the Charter's son Mark Charter (dated January 31, 2003).

Brian Charter, 916 Oak Grove, said the letter was from his son and he had nothing more to say.

Mr. Ross asked when the township had received the letter. J. Worden said he had sent out additional material including the letter and K. Thomson stated he received it on the 10th of February.

K. Strobel asked Mr. Charter when he was aware of the garage being on his property. Charter said in 1985 and had not mentioned it.

A motion was made by K. Thomson, supported by J. Brunner to deny the request based on Section 7.3A, subsection 3 and 4. Motion carried. Marcia Stobie abstained.

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Election of Officers

A motion by K. Thomson, supported by S. Elliott to keep the current slate of officers. Motion passed unanimously. The officers are as follows: Chairman – Kevin Thomson, Vice-Chairman – Larry Dunn, Secretary – Peg Oman.

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There being no further business to come before the Zoning Board of Appeals, a motion was made by K. Thompson and supported by L. Dunn to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Peg Oman, Secretary
Zoning Board of Appeals