

SUMMIT TOWNSHIP ZONING BOARD OF APPEALS
June 14, 2001 – 7:00 P.M.

MEMBERS PRESENT

Kevin Thomson, Chairman; Kathleen Lincoln, Secretary; Ken Strobel, Planning Commission's Liaison; Peg Oman; Larry Dunn; and John Worden, Summit Township Zoning Administrator.
Members absent: Scott Elliott and James Brunner

The meeting was called to order by the Chairman, Kevin Thomson on Thursday, June 14, 2001, at 7:04 p.m., 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 May 10, 2001, meeting as written. Motion carried unanimously.

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CASE NUMBER 01-06-0019 – Robert Shroads II – Garage – Corner Lot

A public hearing was held on the application of Robert Shroads II to build a garage closer to the side lot line (corner lot) than is allowed by the Ordinance. The property is zoned Suburban Residential (RS-2).

Mr. Shroads stated that he was applying for a variance for a corner lot.

K. Thomson asked R. Shroads several questions; when had he purchased the property, for what purpose, and what did he plan to do.

R. Shroads answered that he had purchased the property in June of 1998, for the purpose of a residence and that he wished to construct a 20' x 24' utility building for a martial arts work out area for his use only.

K. Thomson asked J. Worden for clarification on accessory structures and the variance requirements. J. Worden stated that corner lots have front lot requirements of 35' and a minimum of 10' from the primary structure. The building inspector can allow up to 3' from the structure if a firewall is constructed on the side closest to the home.

K. Thomson asked how far from the house were they planning to build and K. Lincoln wanted to know if they could move the structure closer to the house.

R. Shroads stated there was a fence there, to which K. Lincoln said that it wasn't a permanent structure. R. Shroads considers it as such and his wife mentioned there was also a large tree close to the house.

A discussion took place to locate the building on the property.

PUBLIC COMMENTS

Nancy McCormick – 147 Cherokee Crescent – said she didn't have an objection to the structure. She also asked why the requirement is as it is. K. Thomson answered with, aesthetic reasons, safety reasons, so that buildings aren't built on top of each other, to name a few. The way the ordinance is written R. Shroads wouldn't be able to build the structure where he wants without a variance. In order for the Board to grant that variance he will have to meet certain guidelines as outlined in Section 7.3.

Tom Firth – Draper Road – stated the structure would sit high above the road and wouldn't be a safety concern, people would be looking into the hill rather into the building.

K. Thomson asked if the 8' x 10' shed on the corner of the property was there when he purchased the house. R. Shroads said yes.

K. Thomson asked if there was anyone else to speak in favor or if there were any letters that had been received. J. Worden stated no.

Gerald Haird – 210 Sagamore – spoke in opposition. He said that the forms R. Shroads had laid were on the property line, there is an erosion problem there and the structure would be "practically in my front yard".

Alison Shroads – wife of R. Shroads – mentioned she had spoken with Mrs. Haird that they were planning to go ahead with the project and were trying to take into consideration their concerns. A. Shroads stated she can't see their home because of bushes.

Carolyn Haird – brought pictures of the erosion problem, which were shown to the board.

R. Shroads wanted to know how a structure 10' away from the erosion problem was going to affect it. K. Thomson stated all these things are considered in Section 7.3.

K. Lincoln asked if there was an option with regards to the lot and the building being moved closer to the house and still fit within the ordinance. J. Worden said he couldn't say whether they could move 30' without hitting the structure. R. Shroads said he could be within the 10' requirement. J. Worden said therefore he could move it 30' to the west.

K. Thomson asked J. Worden if they moved the building would they need any other variance. J. Worden stated it could be within 3' of the house with a firewall.

R. Shroads said moving it that close to the house would compromise the aesthetic layout of his property; cause him to move flowers, fence and fence posts, etc.

K. Strobel asked if the supports for the forms, as it is right now were on Mr. Haird's property. After discussion it was determined that the supports might be but not the forms themselves. And if it were moved the 5' it would be in compliance with that part of the Ordinance.

A motion was made by K. Thomson, supported by K. Lincoln, to deny the request for variance under Section 7.3 A, because he didn't feel any of special circumstances have been met.

1. Special circumstances – lot is large enough to build the structure
2. Literal interpretation – situation unique to this accessory structure
3. Special conditions and circumstances – actions do result from applicant – he put the structure in the wrong spot.
4. Granting would not confer special privilege – not the case
5. No non-conforming use – not an issue.

The motion carried unanimously.

There being no further business to come before the Zoning Board of Appeals, a motion to adjourn was made by K. Thomson, supported by L. Dunn. Motion carried unanimously and the meeting adjourned at 7:30 p.m. The next regular meeting of the Zoning Board of Appeals will be on Thursday, July 12, 2001.

Respectfully submitted,

By: _____
Kathleen Lincoln
Zoning Board of Appeals Secretary