

## **Summit Township Zoning Board of Appeals April 14, 2005**

**PRESENT:** Kevin Thomson, Chairman; Diane Weatherwax, Secretary; Scott Elliott, Township Board Liaison; James Bogie, James Brunner and John C. Worden, Zoning Administrator.

**ABSENT:** Larry Dunn, Vice Chairman; Richard Erhardt, Planning Commission Liaison

---

Chairman K. Thomson called the Meeting to order on Thursday April 14, 2005, at 7:00 pm, in the Township Hall meeting room at 2121 Ferguson Road.

---

A motion was made by J. Brunner, and supported by Chairman K. Thomson to approve the minutes of the March 10, 2005 Zoning Board of Appeals meeting as written. The motion carried unanimously.

---

### **CASE 05-04-0003** – 400 block of 18<sup>th</sup> Street – Robert Sherwin & Karen Steiner – Roof Pitch

A public hearing was held on April 14, 2005, on the request of the applicants – Robert Sherwin & Karen Steiner, of 3110 McCain, to allow a roof pitch less than the 4/12 required by the Zoning Ordinance for a home that is currently located in Blackman Township's Windom Hills. Applicant, Robert Sherwin, purchased the house located in Windom Hills in 2001. The applicants purchased the property in the 400 block of 18<sup>th</sup> Street from an attorney in November of 2004. The applicants are currently planning to move the house in Windom Hills to the purchased property.

Chairman K. Thomson, asked if the house was currently occupied.

Applicant answered stating the house was currently unoccupied due to his recent marriage, he and the co-applicant, Karen Steiner, are living in the residence on 3110 McCain Road.

Chairman K. Thomson, asked the applicants what were their plans for the property.

Applicant answered stating he planned to move the house to the location on 18<sup>th</sup> Street and then sell the property.

Chairman K. Thomson, read to the applicants Section 5.7.2 Subsection C of the Ordinance: "Should any such structure be moved, for any reason, any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved", Further, Chairman K. Thomson stated that under this ordinance the house could be moved into the township as long as the roof pitch complied with the ordinance. To comply with the ordinance, the roof would have to be removed from the current dwelling and a new roof would have to be built to the townships required roof pitch of 4/12 or greater. Any change in the structure would require the applicants to obtain a building permit.

Chairman K. Thomson offered the ordinance for the applicants to review and questioned if the applicants were aware of the requirements of the ordinance as it related to their application.

Applicants answered stating they had read and fully understood the ordinance. The applicants defended their application stating that the section requiring a 4/12 roof pitch was adopted in September of 2003 and many of the homes on 18<sup>th</sup> street had a roof pitch less than the required 4/12. These facts prompted their requesting a variance. Also, the applicants stated that if the variance was not granted, it would result in an economic hardship because the home can not be sold where it is located for what is owed on it and that the board should take this circumstance under consideration.

J. Worden stated that the amended section of the Ordinance that the applicants spoke of occurred in September 2003, and it applied to all single family structures in the Township.

---

Applicants noted that due to legal issues of the seller of the property, the sale that began in 2003 was not finalized until 2004. The applicants stated an estimate for a change to the roof pitch had been received and that they were in no financial position to pay the thousands of dollars necessary to change the roof pitch. Additionally, Robert Sherwin, applicant cited financial problems and pleaded with the board stating that this was his last chance to avoid bankruptcy.

A motion was made by Chairman K. Thomson, supported by J. Bogie, to deny the roof pitch variance as a result of the applicant not meeting the Township Ordinance requirements of Section 5.7.2 Subsection C and consistent in Section 7.3 A, 1- 4 and Subsections C, and D. The motion carried unanimously.

J. Bogie, commented that he hoped the ordinance change in 2003 became a Township standard, and would remain unchanged.

Chairman K. Thomson, also added that he was sympathetic to the applicants situation, but that the Appeals Boards' hands were tied due to the language of Section 5.7.2 Subsection C of the Zoning Ordinance.

---

A motion was made by Chairman K. Thomson to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:25 p.m.

---

Respectfully submitted,

Diane Weatherwax  
Zoning Board of Appeals Secretary