

LAKE TOWNSHIP ZONING BOARD OF APPEALS

APPROVED MINUTES
FEBRUARY 28, 2013 MEETING 6:30 PM

Pledge of Allegiance

Meeting was called to order by Louis Bushey Chairman
Louis Bushey, Richard Geilhart, Rich Ehrlich, Jerry Pobanz, Jeanne Henry, Mark Treder (Zoning Administrator) and Nell Jacniacki (Recording Secretary) present.

Discrepancy with minutes, Louis Bushey had earlier draft copy. Nell Jacniacki printed out the web copy of the minutes for the board and Louis Bushey moved the approval of the minutes to the end of the meeting.

Recording Secretary read the Notice of Public Hearing.

Section 805.5 ACCESSORY STRUCTURES for R-2 currently permits 1 garage and 1 accessory building and that the accessory building or garage shall not, subject to the following and additional structure regulations as contained in Chapter 12, exceed one thousand two hundred (1,200) square feet in area.

Applicant is requesting a variance in order to construct a roof structure which will connect his house to a conforming accessory structure. The variance is needed because the new structure will exceed current square footage limits.

Correspondence

The Recording Secretary read two letters from the Applicant's neighbors, Lois Geppert and Larry Hazel. Both wrote letters in favor of Greg Naschak's variance being granted.

Public Comments

Lois Geppert, a neighbor, said that in her opinion the water runoff would be a problem and she hoped the variance would be granted. Greg Naschak stated that his purpose was to have an open air pavilion attached to the house for recreational purposes, as well as, covered parking for his friends motorcycles when they came to visit. He strictly wanted an open air pavilion not a closed in garage. By requesting this variance, he did not intend to create another structure instead he merely wanted to extend the roof to the pavilion and that his intention was not to include the shed. He would like the roof line gabled into the house. The pavilion structure had 4 ft. deep post holes with 8" footers and was strong enough to be safely connected.

Board Discussion

Chairman Bushey asked members of the board if they all had the opportunity to see the property under appeal. The board members answered unanimously that they all had been to the property.

Some members of the Board considered that the variance would give Greg Naschak a 1200 sq. ft. garage. Others questioned once the structures were under one roof could Mr. Naschak build another garage? Could the Board consider the open air pavilion as a porch built onto and accessory structure? Mr. Naschak told the Board at no time did he ever intend to enclose the pavilion and that he was still only at 18% of lot coverage.

While his percentage was low Board Member Ric Geilhart questioned whether allowing the variance means that, in the future, someone else could go to 1,800 sq. ft.

Mr. Naschak stated that the two buildings had been allowed by the township and the proximity between the buildings created an issue with water runoff. He merely wanted to connect the buildings, Gerald Pobanz questioned whether the Board ever allowed anyone to build beyond ordinance limits? Mark Treder said that initially, when he began as Zoning Administrator, he erroneously allowed someone to build bigger. However, they did request a variance and subsequently the Zoning Ordinance was changed to allow for the expanded size. However, since that time, no one has been allowed to exceed the limits set by the ordinances. Gerald Pobanz then questioned as to what would happen if Mr. Naschak sold his place and the next owner enclosed the pavilion. Mr. Naschak said that he had no intention of selling and that his children would inherit the property. And, his neighbors had no objections.

Louis Bushey stated he was surprised that none of Mr. Naschak's neighbors were against the variance. He iterated the lack of opposition was highly unusual. Rich Ehrlich stated that the Board was concerned about any future plans for the pavilion. Mr. Naschak replied that he strictly wants it as a place to BBQ.

Jeanne Henry echoed Rich Ehrlich's concerns and questioned whether any future changes would require a permit to change it from an open air porch?

Aside from the issue of size, the Board considered whether there might be any practical hardships involved in not granting the variance.

Louis Bushey said the ZBA can make future restrictions on a variance, in this case, to prevent closing in the pavilion. Jeanne Henry agreed with Chairman Bushey that this variance, if granted, would have to have a restriction on enclosing the pavilion. She asked Mr. Naschak whether his concern was channel effect? Ice damming w/gutters? He said yes.

Chairman Bushey asked if anyone wanted to make a motion to grant the variance on safety grounds? Board members considered the fact that the buildings had been allowed by previous township personnel and that the

proximity of the house to the pavilion could present a safety hazard at certain times of the year and cause erosion due to water runoff. Board Member, Jeanne Henry, thought the variance could be approved on Practical Hardship due to ordinance as long as it causes no harm to surrounding area and a restriction be placed on the variance to prevent the pavilion from being enclosed..

Jeanne Henry: **Motion to Approve the Variance.**

Rich Ehrlich: Second the Motion.

Chairman Bushey added that the variance should be restricted. Jeanne Henry agreed on the restriction and asked whether the restriction could be in perpetuity and Chairman Bushey replied yes the restriction could be made in perpetuity.

Roll Call Vote:

Rich Ehrlich: Yes but with a restriction for any future attempt to enclose the porch.

Ric Geilhart: No. Not a hardship.

Louis Bushey: Yes. It would be safer.

Jeanne Henry: Yes. Buildings are too close and would benefit from the variance but with a restriction to prevent future enclosure.

Gerald Pobanz: Yes with the restriction to prevent future enclosure.

Jeanne Henry: Is this restriction in perpetuity?

Louis Bushey: Yes we can do that.

Review of minutes.

Jeanne Henry checked over the minutes from the website and stated that only one error remained. The word raise should have been raze. Otherwise, she saw no errors.

Rich Ehrlich: Motion to approve the minutes.

Jeanne Henry; Seconded the Motion.

Role Call Vote:

Rich Ehrlich: Yes.

Ric Geilhart: Yes.

Louis Bushey: No, stated that since the township was being sued he needed time to read the final version of the minutes.

Jeanne Henry: Yes.

Gerald Pobanz: ~~Yes~~. Abstained

Chairman Bushey announced the next meeting will be held April 2, 2013. The delay being due to Easter Week. He asked for a motion to adjourn.

Rich Ehrlich: Motion to adjourn.

Gerald Pobanz: Seconded.

ZBA Board adjourned at 7: 40 PM