

ZONING BOARD OF APPEALS
Unapproved Minutes of November 6, 2013
Variance request of Steven Kovach
5381 Indian Trail #3213-018-107-00

The meeting was called to order by Jerry Pobanz at 6:31.

Pledge of allegiance was recited.

Roll Call: Mike Manenti, Rich Ehrlich, Jeanne Henry, Jerry Pobanz and Lou Colletta present. Kim Simpson recording secretary. Approximately seven guests.

Election of officers-

Lou Colletta stated he wanted to recuse himself from nominations. Pobanz then made a motion for Jeanne Henry to be the Chairman, seconded by Colletta. All ayes, motion carried.

Colletta made the motion for Rich Ehrlich to be the secretary, seconded by Pobanz. All ayes, motion carried.

Colletta made a motion to approve the July 30, 2013 minutes, seconded by Pobanz. All ayes, motion carried.

Ehrlich made a motion to accept the agenda, seconded by Pobanz. All ayes, motion carried.

Notice of hearing was read. One email read from Mark Shuttleworth in favor of allowing the variance.

Public comments:

Steven Kovach addressed the members of the ZBA. He stated that he has owned this property for seventeen years and all he wants to be able to do is square off his house that is shaped like a T. He added that he's had all the surveys done, brought in plans/whatever the Township has asked for; he's tried to comply. He just wants to square off his house for more room and to make it look better. Wants to have new windows, siding, roof ...just wants to make his house more appealing.

Ric Hogerheide made the comment with the property running on angles it makes doing anything difficult. We are just trying to work with what we have.

Dan McIlhargie presented the prints to the ZBA members.

Mark Treder stated the rest of the additions to the house are in compliance. The variance is for the 8ft x 8ft square on the east side (Myrtelle Dr.) of house. It doesn't meet front yard setback.

Clay Kelterborn mentioned the supervisor of Lake Township (Valerie McCallum) received a phone call from Laurie Forrester today saying she was opposed to granting the variance. She is worried about the proximity of the two houses and the noise.

Kelterborn asked what the road right-of-way was. Treder stated 25 ft. from center of road, but you can't use right-of-way for setback.

Kelterborn stated he knows that you have to measure setback from monument (pin) - not center of road. Mike Manenti said existing house is already 11.85 ft. from property line. Squaring up the front would make it 9.3 ft. from property line, so it's like giving him 2 ft. closer to property line.

Kelterborn then stated he just brought up these questions because he knows the ZBA members have a hard decision to make and for public record he is not for or against this project.

The meeting was then closed to public comments.

Henry questioned if they could further extend a nonconforming dimension. She said she could see what he was trying to accomplish and why.

Lou Colletta stated he thought they could on practical difficulty and that it wasn't feasible. He stated that Kovach was more than 25 ft. from road. If thirty to forty years from now the county wanted to make the road wider they would destroy more than one home anyway. The ramifications for the future wouldn't make this feasible now.

After a short discussion, **Colletta made a motion to allow the variance due to practical difficulty and that Kovach didn't create the problem. Motion seconded by Pobanz.**

Roll call vote:

Manenti: Aye #1 Practical Difficulty

Ehrlich: Aye #1 Practical Difficulty, didn't think 2 ft. more would make a difference

Henry: Aye #1 Practical Difficulty, with concern not to be extending nonconformity-
Reasonable flexibility

Pobanz: Aye #1 Practical Difficulty, Reasonable flexibility

Colletta: Aye #1 Practical Difficulty, Kovach didn't create problem

Motion carried all ayes

Next meeting November 6, 2013 at 7:30 p.m.

Motion by Ehrlich to adjourn, seconded by Pobanz.

Motion carried- all ayes.

Meeting adjourned at 7:37.

Submitted by Kim Simpson