

Pleasanton Township
Zoning Board of Appeals
Draft Minutes
February 27, 2023

Present: Chair Sam Robey, Bob Gauthier, Rochelle Rollenhagen, Alternate Jeff McBride.

Also present: Joshua Mills—Zoning Administrator, Michelle Swanson—Recording Secretary, Jonathan Marshall—Architect, Kerf'd Designs

Meeting called to order at 6:00p by Chair Robey.

Motion to approve minutes of July 28, 2022 by Gauthier, seconded by Rollenhagen. AIF, motion carried.

New business:

1. Chair Robey opened the public hearing.
2. Chair Robey summarized the public hearing for a request for a variance applied for by Peter Stack and Lorna Scott, parcel numbers 51-12-421-704-09 and 51-12-422-704-01, 13593 Lakeside Avenue. Owners are requesting to appeal Article 4504 D 3 (side yard setback).

Owners Stack and Scott are proposing to demolish the existing non-conforming dwelling, to be replaced with a more conforming structure, which would still require a variance allowing a side yard setback of 5' rather than the required 10'. All other ordinance requirements will be met.

- A. Zoning Administrator Mills read two emails from concerned residents:
 1. William Hannan, owner of a parcel 6 lots away, concerned about setting a precedence of allowing variances for everyone, as well as not wanting to concrete over so much green space along the lakeshore.
 2. Susan & Fred Schankin, concerned about adequate room for first responders and equipment to adequately access the property.
- B. Zoning Administrator Joshua Mills presented his report, stating that in 2021 he granted a land use permit for this property under Section 8007 B, which allowed Zoning Administrator approval when a variance would render a non-conforming property to be more conforming than how it currently existed. That permit has now expired, and Section 8007 B has since been removed from the ordinance by the Planning Commission. Comparing the existing dwelling and driveway to the proposed dwelling and driveway, the new dwelling would be 20 sq ft larger, the concrete driveway coverage would be 1,020 sq ft less, and the overall lot coverage would be 3% less.
- C. Public comments in favor of granting the variance: architect Jonathan Marshall stated that complying with the ordinance would make it impossible for the owners to access the back portion of their lot.
- D. Comments from the audience objecting to granting the variance: none
- E. Rebuttal by those in favor of variance: none
- F. Rebuttal by those opposed to variance: none

- G. Alternate member McBride asks at what point does the Board stand and say no to granting a variance? What percentage of non-conformance is enough to not grant a variance? Zoning Administrator Mills stated he is in support of a non-conforming property changed to be less non-conforming. Also, only one variance was requested.
- H. Additional comments by Zoning Administrator: If the Board decides to approve this, make sure in your motion that the roof is guttered and water is directed and stored onsite.

3. Chair Robey closed public hearing at 6:38p.

4. Members of the Board discussed the variance request.

5. Motion by Gauthier to approve the application for a side setback of 5' on the north as applied for. It will be necessary for gutters to direct and control runoff, retaining the surface runoff on the property. The architect will work with the zoning administrator to ensure compliance, seconded by Rollenhagen.

The variance meets the standards for variance:

- 1. The need for the variance is due to topography and/or high water tables, a desire to control runoff on neighbor's property, and the need is not due to applicants' personal or economic difficulty.
- 2. The need for the variance is not self-created, and is due to issues with topography and runoff.
- 3. Strict compliance with regulations concerning setbacks will unreasonably prevent the property owners from using the property for a permitted purpose.
- 4. Due to topography and runoff problems the variance request is necessary to provide justice to both the applicants and the adjacent neighbor.
- 5. The variance should not create an adverse effect on adjacent property owners. It should improve runoff control for the property owner to the south.

There was no other business to come before the Board at this time.

Motion to adjourn by Gauthier, seconded by Rollenhagen. AIF. Meeting adjourned at 7:04p.