

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
January 8, 2020**

The Ross Township Zoning Board of Appeals held its regular meeting on **January 8, 2020, at 5:30 p.m.** in the Ross Township Hall. Chairperson Carpenter called the meeting to order and noted those present.

Present: Dave Carpenter, Chairperson
Jim Lauderdale
Blake Hawk, Alternate

Absent: Jim DeKruyter

Also present: Kelly Largent, AGS – Township Zoning Administrator
Rebecca Harvey, Township Planning Consultant
Rob Thall – Township Attorney

APPROVAL OF AGENDA: The agenda was unanimously approved as presented.

APPROVAL OF MINUTES: On motion by Lauderdale, seconded by Chairperson Carpenter, the minutes of **November 6, 2019** were unanimously approved as presented.

NEW BUSINESS:

- 1) **Application for Variance**
Tammy Woodhams
845 Fairview Drive
Property Tax I.D. #3904-18-475-010 & #3904-18-475-020

Chairperson Carpenter stated that the next matter to come before the Board was the request by Tammy Woodhams for variance approval from the front (waterway) setback requirement established by Section 17.3; the rear (street) and side setback requirements established by Section 22.9 A.2.; and, the maximum lot coverage standard established by Section 22.9 B., applicable to nonconforming waterfront lots. The subject site is located at 845 Fairview Drive and is within the R-1 Low Density Residential District.

Chairperson Carpenter opened the public hearing.

Largent gave an overview of the request. She stated that, on July 10, 2019, the applicant received variance approval from the front, rear, and side setback requirements, as well as the maximum lot coverage standard, to allow for a proposed 6 ft addition, attached garage and deck to the existing house on the subject site.

She explained that the project contractor passed away in October, 2019 and that consequently the building additions never moved forward. A new contractor has since been retained and has advised the applicant that the existing building should be removed due to foundation damage.

A new house of similar size and located on the same footprint as the original building, as well as an attached garage, is now proposed. The applicable locational dimensions are as follows:

front (waterway) setback -	50 ft required; 19 ft approved in 2019; 19 ft proposed
side (north) setback -	10 ft required; 5 ft approved in 2019; 5 ft proposed
side (south) setback -	10 ft required; 10 ft existed in 2019; 8 ft proposed
rear (street side) setback -	20 ft required; 9-17 ft approved in 2019; 8-9 ft proposed
lot coverage -	36.1% allowed; 52.5% approved in 2019; 52.6% proposed

In response to Board questions, Largent confirmed how lot area measurements were derived and how the front and side setback requirements were determined.

Tammy Woodhams was present on behalf of the application. She reiterated that her circumstance was unfortunate in that she had obtained the necessary approvals but had recently learned that the existing house has foundation problems and needs to be removed due to safety concerns. Woodhams noted that the proposed house is similar in size to the existing house; the proposed garage is quite small (22 ft x 22 ft); and, that the size/mass of the proposed construction is similar to buildings in the surrounding area.

Chairperson Carpenter referenced correspondence received from Scott and Bonnie Sawusch wherein objection to the requested side setback variances was noted.

No further public comment was offered on the matter. The public comment portion of the public hearing was closed.

Chairperson Carpenter stated that the minimum dwelling size allowed is 1040 sq ft, noting that the proposed house is larger than required. He further noted that the property is small and questioned if the proposed house is too large for the property. He questioned whether the proposed building size was consistent with the size of homes in the area.

Lengthy discussion ensued regarding the building envelope created through the application of the setback and lot coverage requirements. There was consensus that the front and rear setback requirements reduce the depth of the building envelope on the site to 10 ft and that reasonable/permitted use of the property could not occur without some relief from these standards.

It was calculated that a 19 ft front setback (as proposed); an 8-9 ft rear setback (as proposed); and 10 ft side setbacks (as required) would allow a 2700 sq ft building footprint, and a resulting lot coverage of 47.5%. Board members noted that a 2700 sq ft building footprint minus the garage would equate to 2200 sq ft of first floor living area,

well in compliance with the minimum dwelling size standards; and, a 47.5% lot coverage would be less than the proposed 52.6% coverage but still in excess of the 36.1% lot coverage allowed.

It was then calculated that a 19 ft front setback (as proposed); an 8-9 ft rear setback (as proposed); 10 ft side setbacks (as required); and, 36.1% lot coverage (as required), would allow a 2000 sq ft building footprint, or 1500 sq ft of first floor living area, still in compliance with the minimum dwelling size standards.

Chairperson Carpenter then led the Board through a review of the variance criteria set forth in Section 23.8 A. With respect to the four variances requested, the following findings were noted:

- #1 Residential use of the subject property is proposed to continue and is permitted within the R-1 District.
- #2 The front and rear setback requirements leave only a 10 ft deep building envelope on the site; reasonable/permitted use of the property cannot occur without variance approval from these standards. The proposed 19 ft front setback will not place the building forward of adjacent buildings nor interfere with sight lines in the area. The proposed 8-9 ft rear setback is generally consistent with rear setbacks along Fairview Drive, noting that the adjacent property to the south has a rear setback of nearly 0 ft. It was further noted that the proposed front and rear setbacks are similar to the setbacks approved in 2019.

The subject site is wide and offers adequate area in which to meet the 10 ft side setback requirement, as long as relief from the front and rear setback requirements is provided.

Limiting lot coverage to 36.1% will allow for placement of a 2000 sq ft building footprint (1500 sq ft first floor living area) on the property, in compliance with minimum dwelling size standards and the 10 ft side setback requirement. However, increasing the lot coverage limit to 47.5% will allow for placement of a 2700 sq ft building footprint (2200 sq ft first floor living area) on the property, in compliance with minimum dwelling size standards and the 10 ft side setback requirement, and still result in less lot coverage than approved in 2019.

- #3 In determining substantial justice, a review of the surrounding area was conducted. The following was noted: the proposed front and rear setbacks are consistent with the setbacks on adjacent lots and within the general area; compliance with the 10 ft side setback requirement is necessary to provide separation from adjacent properties and maintain consistency with area building patterns; and, 47.5% lot coverage is similar to lot coverages on area properties, specifically those to the south of the subject site.

- #4 The reduced building envelope on the property is a result of the limited depth of the lot. Although the substandard size and width of the lot are common to waterfront properties in the area, it was noted that the shallowness of the property is a unique physical circumstance of the site.
- #5 The proposed construction is at the discretion of the applicant and is a self-created hardship.
- #6 In consideration of the intent of the required setback and lot coverage standards, it was noted that the proposed construction will further the intent of the Ordinance by maintaining building setbacks that allow reasonable/permitted use of the property while effectively protecting sight lines and maintaining building alignment; removing a side yard encroachment; and, providing for substantial justice by allowing a house/garage similar in size, mass and situation to other properties in the area.

It was stated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Lauderdale then moved to:

- 1) grant variance approval from the 50 ft front (waterway) setback requirement established by Section 17.3 so as to allow the proposed 19 ft front setback;
- 2) grant variance approval from the 20 ft rear (street side) setback requirement established by Section 22.9 so as to allow the proposed 8-9 ft rear setback;
- 3) grant variance approval from the 36.1% maximum lot coverage standard established by Section 22.9 so as to allow 47.5% lot coverage; and
- 4) deny variance approval from the 10 ft side setback requirement

Approval is granted based upon the findings of the Board pursuant to variance criteria #1, #2, #3, #4 and #6 set forth in Section 23.8 A., Zoning Ordinance. Denial is based upon the findings of the Board pursuant to variance criteria #1 - #6 set forth in Section 23.8 A. Hawk seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: No public comment on non-agenda items was offered.

OTHER BUSINESS:

Chairperson Carpenter indicated there was no Other Business scheduled for Board consideration.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
Township Planning Consultant