

**ZONING BOARD OF APPEALS  
ROSS TOWNSHIP  
February 10, 2021**

The Ross Township Zoning Board of Appeals held its regular meeting on **February 10, 2021, at 5:30 p.m.** The Zoning Board of Appeals meeting was conducted through electronic remote access due to State Agency Rules and Orders.

Present: Dave Carpenter, Chairperson  
Jim Lauderdale  
Jim DeKruyter

Absent: None

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 DeKruyter, seconded by Lauderdale, the minutes of **January 6, 2021** were unanimously approved as presented.

NEW BUSINESS:

- 1) **Application for Variance**  
**Patrick Fillar**  
**11 Labelle Terrace**  
**Property Tax I.D. #3904-18-476-210**

Chairperson Carpenter stated that the next matter to come before the Board was the request by Patrick Fillar for variance approval from the front/side building setback, building height (eave), and maximum lot coverage requirements established by Article 15, Zoning Ordinance. The subject site is located at 11 LaBelle Terrace and is within the R-1 Low Density Residential District.

Chairperson Carpenter opened the public hearing.

Largent provided an overview of the request, explaining the applicant's proposal to remove the existing garage on the site that is in disrepair and construct a new two-car garage with an upper-level guest house to be similarly situated. She noted that a steep bank exists on the site behind the existing garage and that the new garage has been designed to 'fit' into this site feature.

Largent noted the following details of the proposal:

- The subject site exists as a 'zoning lot' (per the 1985 ZBA interpretation of 'contiguous') and is a lawful nonconforming lot.
- The subject site is a narrow 'back lot' (narrower than surrounding lots) with limited buildable depth due to grade.
- The existing garage is 19.6 ft x 23 ft (448 sq ft) in area, and the new garage is proposed to be 20 ft x 23 ft (460 sq ft) in area, essentially representing the same footprint.
- The 27 ft building dimension shown on the schematic is only on the second floor where the building can extend into the 'hill'; the ground floor dimension (footprint) is 23 ft, as noted.
- The location of the new garage is proposed to be adjusted slightly to center the building on the site.
- The new garage will require variance approval from the following dimensional requirements:
  - Front setback – 25 ft required; 26 in from road existing; 26 in from road proposed
  - Side setback – 5 ft required; 2 ft existing; 8.5 in proposed (20.5 in - 12 in overhangs)
  - Building height (eave) – 10 ft required; 11.5 ft proposed
  - Lot coverage – 10% allowed; 46.7% proposed

Patrick and Kristen Fillar were present on behalf of the application. Mr. Fillar stated that the setback and lot coverage standards cannot be met on the property due to its size but that the new garage has been configured/located similar to the existing building. He noted that they have reduced the proposed building height (eave) from 13 ft to 11.5 ft to better comply with the 10 ft standard, adding that the overall building height will not exceed the 18 ft standard. Mr. Fillar explained that the new garage is similar in size and situation to buildings on surrounding lots. He also noted that the construction will not modify the existing upper-level parking arrangement and so will not add congestion to LaBelle Terrace.

In response to Board questions, Mr. Fillar confirmed that the proposed front setback of 26 in from the road is the same as the setback of the existing garage . . and is, in fact, in alignment with the buildings on adjacent lots. He further noted that the grade at the rear of the lot limits the ability to increase that existing front setback.

Chairperson Carpenter referenced correspondence received from Gregory DeLeeuw (9 LaBelle Terrace), Jane Kuckel (16 LaBelle Terrace), Gerald Wojtala (12 LaBelle Terrace), Robert Sackett (13 LaBelle Terrace), Deana Kerschner (6 LaBelle Terrace), and Chris LeRoy (8 LaBelle Terrace) in support of the request.

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

Chairperson Carpenter then led the Board through a review of the variance criteria set forth in Section 23.8 A. 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 size, narrowness, and grade of the subject property greatly limit the ability to replace the existing garage in compliance with applicable setback and lot coverage requirements. It was further noted that the limited building area and grade render compliance with the building height (eave) standard unnecessarily burdensome.
- #3 In determining substantial justice, a review of the surrounding area was conducted. It was noted that the size, height and location of the proposed garage is comparable to the arrangements on adjacent lots and consistent with the overall pattern in the surrounding area. Reference was also made to the support expressed by the neighbors of the project site.
- #4 The minimal size, narrowness, and grade of the subject site represent unique physical circumstances of the property justifying the requested variances.
- #5 The proposed construction is at the discretion of the applicant representing a hardship that is self-created.
- #6 The intent of the applicable dimensional requirements was referenced and the following noted: the subject site is a lawful nonconforming lot; the size, narrowness and grade of the site limit the ability to build in compliance with the dimensional requirements; the new garage is proposed to be of similar size and to be similarly situated on the site as the existing garage, thereby not altering the current arrangement on the property; and, the proposal will support safety in the area by maintaining the existing upper-level parking arrangement (and not introducing parking on LaBelle Terrace) and improving existing setbacks by centering the garage on the site.

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 grant variance approval from Article 15 so as to allow the proposed construction of a new two-car garage with a 26 in front setback (from road); 8.5 in side setbacks; 46.7% lot coverage; and 11.5 ft building height (eave) on the subject site, 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. DeKruyter seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Connie Lavender stated that she supports the keeping of trees along property lines in Ross Township and is concerned with efforts by the Township to limit trees. She added that there is much concern among Township residents regarding this issue.

No further 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 6:00 p.m.

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