

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
July 3, 2024**

The Ross Township Zoning Board of Appeals held its regular meeting on **July 3, 2024, at 5:30 p.m.** at the Ross Township Hall. Acting Chairperson Guarisco called the meeting to order and noted those present.

Present: Frank Guarisco, Acting Chairperson
Michael Bekes
Bonnie Sawusch, Alternate

Absent: Jim DeKruyter, Chairperson

Also present: Bert Gale, AGS – Township Zoning Administrator
Nick Keck, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Josh Thall – Township Attorney

APPROVAL OF AGENDA: Bekes moved to approve the agenda as presented. Sawusch seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES: Bekes moved to approve the minutes of **June 5, 2024** as presented. Sawusch seconded the motion. The motion carried unanimously.

OLD BUSINESS

Acting Chairperson Guarisco stated that no Old Business is scheduled for consideration.

NEW BUSINESS

- 1) **Application for Variance**
Christian and Sarah Striffler
8095 Fernwood Street
Property Tax I.D. #3904-15-470-050

Acting Chairperson Guarisco stated that the next matter to come before the Board was the request by Christian and Sarah Striffler for variance approval from the front (waterfront) setback requirement so as to allow for the construction of an addition to an existing single-family dwelling. The subject site is located at 8095 Fernwood Street and is within the R-R Rural Residential District.

Acting Chairperson Guarisco opened the public hearing.

Gale provided an overview of the request, noting the following:

- The subject property is approximately 4 acres in area and is provided 450 ft of frontage on Stoney Lake.
- The subject property is currently occupied by a single-family dwelling/attached garage.
- Applicant proposes the construction of a 900 sq ft addition on the north side of the house.
- Pursuant to Section 17.3, a 303 ft waterfront setback is required based on required setback averaging. Adjacent lots are provided 279 ft and 328 ft waterfront setbacks.
- A 250 ft waterfront setback is proposed. Variance approval from the 303 ft setback requirement is requested.

Christian Striffler was present on behalf of the application. He explained that the existing house, constructed prior to the adjacent houses, is provided a 260 ft waterfront setback. He noted that the proposed addition would extend only 10 ft closer to the waterfront than the existing house. Striffler added that the lot is large and wooded and the proposed addition will not be visible from the abutting road or the adjacent properties.

In response to Board questions, Striffler acknowledged that variance approval had previously been received to construct a waterfront deck with a 175 ft setback and that said deck had been constructed. He admitted that the deck was not shown on the application plot plan and that he could not confirm the setback of the deck.

After further discussion regarding the grade of the site and the method of measurement for a waterfront setback, Striffler noted that he was unsure of the accuracy of the noted existing/requested setbacks.

Bekes stated that he is concerned with proceeding given the uncertainty of the requested waterfront variance, noting that if the requested variance is not adequate for the proposal, a reapplication would be required.

Board discussion ensued regarding the options available to the applicant, namely Board action, postponement, or reapplication.

Striffler stated that he desires to move forward with the requested variance as noticed, trusting that the deck was constructed at the allowed 175 ft setback and that the noted 250 ft waterfront setback for the addition is accurate. He noted his understanding that reapplication would be required if a variance granted proved to be insufficient.

Mary Stage, neighboring property owner, stated that the character of the neighborhood is large parcels with significant setbacks where land cover has been left largely undisturbed. She noted that this character was intentional to the development. Stage concurred that

the proposed addition would not be visible from abutting properties and that the reduced setback would not impact viewshed.

Acting Chairperson Guarisco noted that no written correspondence on the matter has been received.

No further public comment was offered, and the public comment portion of the public hearing was closed.

The Board then proceeded with consideration of the variance request from the 303 ft waterfront setback requirement. In review of the variance criteria set forth in Section 23.8 A., the following findings were noted.

- #1 The proposed residential use of the property is permitted within the R-R District.

It was clarified that the proposed addition constitutes an expansion of a nonconforming building and will require a special land use permit per Section 22.3.
- #2 In determining if compliance would be unnecessarily burdensome, it was noted that the subject site is currently occupied by a single-family dwelling/attached garage and a denial of the requested setback variance will not prevent permitted use of the property. It was further noted that redesign options appear to be available that allow for the proposed addition with a conforming waterfront setback, including reconfiguration and/or relocation.
- #3 In determining substantial justice, a review of the waterfront setbacks on surrounding properties was conducted. It was noted that the proposed setbacks are similar or more in compliance than the arrangements occurring on most surrounding lots . . . suggesting an overall consistency with the rights enjoyed by other properties in the neighborhood/district. It was further noted that there was support from neighboring property owners.
- #4 In consideration of unique physical circumstances, it was recognized that the plot plan does not reveal the presence of any unique physical limitations on the site preventing compliance that are not generally present on other properties in the area/district.
- #5 The proposal is at the discretion of the applicant and represents a self-created hardship. It was recognized, however, that the existing house was only caused to have a nonconforming waterfront setback because of the subsequent construction of the adjacent houses.
- #6 The purpose of the waterfront setback requirement was referenced and the following noted:

- The proposed 250 ft waterfront setback is greater than the required minimum waterfront setback of 50 ft, suggesting waterfront/building separation and shoreline preservation objectives will be met.
- The proposed 250 ft waterfront setback is less than the 360 ft and 290 ft waterfront setbacks on the 2 adjacent properties, however, given the change in grade on the waterfront side of the property and the existing tree cover on the site, horizontal sight line objectives will not be impacted.
- Given the 175 ft waterfront setback of the deck and the 260 ft waterfront setback of the house, the proposed 250 ft setback will still allow for ‘consistency of building lines’.

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

Bekes then moved to grant Variance Approval from the 50 ft waterfront setback requirement to allow for the construction of a 900 sq ft addition on the north side of the house with a waterfront setback of 250 ft based upon the stated findings of the Board on variance criteria #1, #3, #5 and #6 set forth in Section 23.8, Zoning Ordinance, and subject to compliance with all other applicable dimensional requirements. Sawusch seconded the motion. The motion carried unanimously.

2) Application for Variance
Steve and Gina Schau
1382 Burlington Drive
Property Tax I.D. #3904-17-201-040

Acting Chairperson Guarisco stated that the next matter to come before the Board was the request by Steve and Gina Schau for variance approval from the rear (streetside) setback requirement and maximum lot coverage requirement so as to allow for the construction of an addition to an existing single-family dwelling. The subject site is located at 1382 Burlington Drive and is within the R-1 Low Density Residential District.

Acting Chairperson Guarisco opened the public hearing.

Gale provided an overview of the request, noting the following:

- The subject site is a nonconforming waterfront lot due to lot size and frontage.
- The subject property is currently occupied by a 2-story single-family dwelling.
- Applicant proposes the construction of a 230 sq ft 1-story addition on the east (street) side of the house.
- A 19 ft rear setback is existing; a 14 ft rear setback is proposed. Variance approval from the 20 ft rear (streetside) setback requirement is requested.

- A 25% lot coverage is existing; a 38.25% lot coverage is proposed. Variance approval from the 34.7% maximum lot coverage standard is requested.
- The proposed addition will remove a side setback nonconformity, increasing the existing 2 ft setback from the south property line to 12 ft.

Steve Schau was present on behalf of the application. He explained that the proposed addition is needed to provide a first-floor bedroom/bathroom for a family member with mobility limitations. He noted that the existing floor plan limits options for use of existing space for the needed modifications. Schau further noted that the proposed street-side building addition is not for a garage and so will not result in reduced space for off-street parking or visibility concerns related to parking and access. He noted that the house is served by a garage and parking area located across the street from the residence.

Board discussion ensued regarding the existing depth of the on-site driveway and the reduction in depth that will occur as a result of the proposed addition. The resulting driveway area was confirmed.

Acting Chairperson Guarisco noted that written correspondence in support of the proposal was received from 3 neighboring property owners. He further noted receipt of a note from the doctor of the occupant confirming mobility limitations.

No further public comment was offered and the public comment portion of the public hearing was closed.

The Board then proceeded with consideration of the variance request from the 20 ft rear (streetside) setback requirement and the variance request from the 34.7% maximum lot coverage standard.. In review of the variance criteria set forth in Section 23.8 A., the following findings were noted.

#1 The proposed residential use of the property is permitted within the R-1 District.

It was clarified that the proposed addition constitutes an expansion of a nonconforming building and will require a special land use permit per Section 22.3.

#2 In determining if compliance would be unnecessarily burdensome, it was noted that the subject site is currently occupied by a single-family dwelling and a denial of the requested variances will not prevent permitted use of the property. However, it was acknowledged that redesign options that provide both conforming rear and side setbacks and lot coverage are limited given the narrow width of the lot and the need for first-floor accessibility.

#3 In determining substantial justice, a review of the rear setbacks and lot coverages on surrounding properties was conducted. It was noted that the proposed setback and lot coverage are similar or more in compliance than the arrangements occurring on several surrounding lots . . suggesting a relative consistency with the

rights enjoyed by other properties in the neighborhood/district. It was further noted that there was support from neighboring property owners.

#4 In consideration of unique physical circumstances, it was recognized that the plot plan does not reveal the presence of any unique physical limitations on the site preventing compliance that are not generally present on other properties in the area/district.

#5 The proposal is at the discretion of the applicant and represents a self-created hardship.

#6 The purpose of the rear (streetside) setback requirement was referenced and the following noted:

- The proposed 14 ft rear setback will serve to reduce the available off-street parking area to a single parallel parking space. However, it was noted that the required off-street parking can be accommodated on the applicant's lot located opposite the house.
- The abutting paved roadway is narrow increasing the value of maintaining the required 20 ft setback for safety.
- Given the 19 ft rear setback of the existing house and the 22 ft rear setback of the house adjacent to the north, the proposed 14 ft setback will not significantly alter the existing condition and will still allow for relative 'consistency of building lines'.

The purpose of the lot coverage requirement was then referenced and the following noted:

- The proposed addition is small in size, single-story, and will not exceed the width of the existing house, suggesting building mass, open space and viewshed conditions will not be altered.
- The addition will be provided a gutter system to match the house, designed to direct stormwater toward the trench established along the side lot line for road drainage.

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

Bekes then moved to grant Variance Approval from the 20 ft rear (streetside) setback requirement and 34.7% maximum lot coverage standard to allow for the construction of a 230 sq ft, 1-story addition on the east side of the house with a 14 ft rear setback and 38.25% lot coverage based upon the stated findings of the Board on variance criteria #1, #2, #3, and #6 set forth in Section 23.8, Zoning Ordinance, and subject to the condition

that the 14 ft driveway depth remaining in the rear yard be used as a single parallel parking spot only and to the proposed stormwater management proposal. Sawusch seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

BOARD MEMBER TIME

No Board member comments were offered.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP
Township Planning Consultant