

**CHARTERTOWNSHIPOF PENNFIELD  
ZONING BOARD OF APPEALS  
MEETING MINUTES JULY 15, 2008**

Chairman Ken Davis called the meeting to order at 6:32 PM.

**Members Present:** Ken Davis, Frank Schumacher, Julia Newman and alternate member Perry Beard. Lindsay Draime and Jerry Robinson were absent. A quorum was met.

**Others Present:** Sandra Cummings, Recording Secretary; Russ Wicklund, Zoning Administrator, Mr. Troy McAdam, Mr. and Mrs. Dave Rhoutsong, Mr. Michael Bye, and three residents.

The meeting opened with the Pledge of Allegiance.

**Public Comment:** There was no public comment at this time.

**Approval of June 25, 2008 Meeting Minutes:**

Motion was made by Frank Schumacher, seconded by Perry Beard to approve the minutes from the previous Zoning Board of Appeals meeting on June 25, 2008. Motion carried.

**Unfinished Business:**

**A. Kevin Wilder dimensional variance for accessory building**

This matter was tabled at the previous Zoning Board of Appeals meeting on June 25, 2008. The request was from Mr. Kevin Wilder of 1181 Clear Lake Avenue, who is seeking relief from setback requirements for an attached garage. The project was started several years ago without proper building permits or zoning approval being obtained, and subsequently a stop-work order was placed on the project. Mr. Wilder had submitted his variance request at the June 25, 2008 meeting, but his request was tabled pending receipt of a more detailed site plan, or plans for an alternative location to put the garage that would be further from the front and side lot lines.

Mr. Michael Bye was present at the meeting to represent the applicant. Mr. Bye indicated that he had consulted two separate contractors to assess the alternatives, which included placing the garage partially in front of the house parallel with it, and dropping the grade of the driveway up to 9 inches to facilitate backing out of the garage, as the steep slope of the driveway makes it difficult to exit the garage otherwise. He indicated the property has a serious drainage problem due to the slope of the driveway, and stated that Mr. Wilder had installed two drainage tiles and an apron around the existing cement pad to divert run-off from the road away from the house.

Public comment was made by Mr. Bye, who would be the closest neighbor impacted by Mr. Wilder's project. He had no objections to Mr. Wilder placing the proposed garage on the existing cement pad as was originally planned. Due to the shape and slope of the parcel and the placement of the well and septic systems, there is not a good alternative area to place a garage.

The questions from the board included what size the proposed garage would be? The size would be 19'6" by 22'. The problem of encroachment into the road right-of-way was addressed. It was indicated that the closest corner of the garage would be about 7 inches from the road right-of-way. A question was addressed concerning the public access to the boat launch. It was pointed out that the Calhoun County Road Commission controls the public roads, not Pennfield Township, and that the Township would not give permission to build in the road right of way. Even though no one uses the boat launch anymore because there would be no place to park a car and trailer, Mr. Wilder may not assume the road right-of-way as his own. Mr. Bye indicated that Mr. Wilder helps maintain the road by gravelling it. Another question involved that fact that the cement pad may not have been poured to Township specifications, and if utilized for a future garage the footings would need to be inspected and approved by our building inspector.

A motion was made by Frank Schumacher, seconded by Perry Beard, to approve the variance to build an attached garage with a setback of 7 inches from the road right-of-way, rendering the front yard setback to 7 inches, with a condition that the existing foundation be utilized and that the footings of the existing cement pad be inspected for proper depth. Motion carried based on provisions of Chapter 18 Zoning Board of Appeals, Section B., that "practical difficulty exists", and that all six conditions of Section B have been met. Roll call vote follows:

Ken Davis	yes	Lindsay Draime	absent
Julia Newman		Jerry Robinson	absent
Frank Schumacher	yes	Perry Beard	yes

**B. Troy McAdam use variance to allow accessory building prior to construction of a primary dwelling.**

This matter was tabled at the previous meeting of June 25, 2008, pending receipt of site plans and submission of a building permit application for a primary dwelling. A variance request had been submitted by Mr. Troy McAdam, owner of a vacant lot located at 450 Willison Avenue, to be allowed to construct a 30' by 48' pole-style building to store household items prior to constructing a primary dwelling.

Mr. McAdam was present at the meeting. He indicated the lot is jointly owned by himself and his son, who is in the armed services, and who has tentative plans to eventually settle in the area and build a home at the site of the proposed storage building when he is out of the service. Mr. McAdam submitted a site plan drawing showing the tentative placement of a primary dwelling on the lot. He could not give a firm date as to when a primary dwelling may be built. He indicated that since acquiring the lot he had cleaned and mowed it, and felt he was maintaining it as well as or better than other residents in the neighborhood. Mr. McAdam indicated there were mobile homes and other pole barns in the area. It was brought up by Mr. Wicklund that any mobile unit or double wide unit brought in now would have to meet building standards, and that there are indeed a number of non-conforming buildings existing in the area which pre-date current zoning standards. It was also brought up that if a use variance was granted, no requirement could be imposed to build a primary dwelling.

Public comment was opened. Mr. Clarence Halder of 420 Willison commented that he did not feel that the motor home and camper should be stored on the lot. It was pointed out that this would be a Code Enforcement issue, and would be addressed by the Township as such. Mr. Halder also stated that the previous dwelling on the lot, a mobile home, had burned and the debris was buried in the middle of the lot. If a building was constructed on that area, the debris would be unearthed. Two letters had been received at the previous meeting which were not in favor of granting the variance. One phone call was received prior to the meeting that also mentioned the storage of a motor

home and camper on the lot. Public comment was closed, and comments from the board were considered.

It was pointed out by Zoning Administrator Russ Wicklund that a “use variance” must meet higher standards than a “dimensional variance”. It was mentioned that if primary dwelling plans and permit application were submitted, it would be possible to erect the storage building prior to completion of the primary dwelling.

Perry Beard made a motion, seconded by Julia Newman, to deny the variance request to erect an accessory building without plans or permit application for a primary dwelling being submitted, based on Chapter 18, Zoning Board of Appeals, Section (C), Granting of Use Variances, that none of the requirements for granting the variance have been met.

Motion carried. Roll call vote follows:

Ken Davis	yes	Lindsay Draime	absent
Julia Newman	yes	Jerry Robinson	absent
Frank Schumacher	yes	Perry Beard	yes

### **New Business:**

#### **A. David Rhoutsong dimensional variance for relief of front yard setback from 60 feet to 32 feet, to construct a new garage on the same location as the old garage.**

A public hearing was held to hear comments regarding a variance request submitted by David Rhoutsong, of 22728 Pine Lake Road. The property I.D. # is 13-18-011-278-10, and is zoned AG – agricultural. Mr. Rhoutsong is seeking relief of the front yard setback from 60 feet to 32 feet, to construct a new accessory building on the same location as the old garage, which is collapsing and will be removed. The applicant already has existing improvements such as a cement driveway, fencing and landscaping. He provided his building plans for the new garage at the meeting for the board members to view. He has an existing pole building in the back of his property, but the steep grade of his property behind the old garage poses a practical difficulty to the construction of a new garage with the required 60 foot front yard setback.

There were no residents present at the meeting who wished to make public comment. No phone calls were received in the office prior to the meeting. There were eight signed letters submitted to the board from Mr. Rhoutsong's neighbors, and all were in support of the variance request. These letters are on file at the township office.

A motion was made by Julia Newman, seconded by Frank Schumacher to approve Mr. Rhoutsong's request for relief of 28 feet to a distance of 32 feet for the front yard setback, based on Chapter 18, Section 18.06 (B), sub-sections 1 through 6; that all requirements have been met, and that a practical difficulty exists due to the topography at the site of the proposed garage. Motion carried. Roll call vote follows:

Ken Davis	yes	Lindsay Draime	absent
Julia Newman	yes	Jerry Robinson	absent
Frank Schumacher	yes	Perry Beard	yes

### **Public Comment**

Alice Godde commented that a double-wide unit has been sitting on a Gorsline Road property for three months, and has not been permanently set yet. How much longer until we require them to proceed with this project? It was pointed out that Code Enforcement will be contacted.

### **Board Members Personal Privilege**

Julie Newman commented it is good to be back.

A motion was made by Julia Newman, seconded by Perry Beard to adjourn the meeting at 7:35 pm. Motion carried