

**CHARTERTOWNSHIPOF PENNFIELD  
ZONING BOARD OF APPEALS  
MEETING MINUTES JULY 30, 2008**

Chairman Ken Davis called the meeting to order at 6:30 PM.

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

**Others Present:** Sandra Cummings, Recording Secretary; Perry Beard, and Mr. Lindsey Leonard.

The meeting opened with the Pledge of Allegiance.

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

**Approval of July 15, 2008 Meeting Minutes:**

Motion was made by Julia Newman, seconded by Frank Schumacher to approve the minutes from the previous Zoning Board of Appeals meeting on July 15, 2008. Motion carried.

**Unfinished Business:**

No unfinished business at this time.

**New Business:**

**A) Lindsey and Bonnie Leonard variance to build an accessory building that exceeds the maximum allowable by 368 square feet.**

A public hearing was held to consider a request from Lindsey and Bonnie Leonard, owners of Lot 18 of Sellers Pony Farm Annex. The address is 392 Clarence Blvd, and the parcel I.D. #13-18-951-019-00. The property is zoned R-2 medium density, and is approximately 3.33 acres in size. Mr. Leonard also owns lot #19 next to this lot, which is .76 acres in size. Mr. Leonard has a two-story home with a ground floor area of 816 square feet, and is seeking relief to construct a second accessory building, 24' x 32' in size that would exceed the total square footage allowed for all accessory buildings. This is based on the presence of an existing 1200 square foot accessory building and

the limitation that the total square footage for parcels between 2 and 5 acres in size may not exceed two times the ground floor area of the principal structure. (816 x 2 = 1632 sq. ft., minus 1200 sq ft for first accessory bldg = 432 allowed). The new building will be 768 sq ft, requiring relief of 336 sq. ft.

Mr. Leonard was present, and stated he feels the ordinance is unfair to homeowners with a two-story home, and that he is being penalized because if his home was a single story home with the same amount of square footage, he would not need a variance to construct his second accessory building as desired. He feels he is being taxed on 1392 square feet, and should have the same privileges as a person with a single story home of the same size. He indicated there are others in his neighborhood that probably exceeds the maximum allowed square footage.

It was noted that no phone calls or letters were received in the office prior to the hearing, and no residents were present at the meeting. Public comment was closed. Board members commented that the township Planning Commission may address this quirk in the ordinance, which does discriminate somewhat against two-story homes. It was pointed out that the ordinance was designed to prevent excessive building on smaller, platted areas, such as sub-divisions. Mr. Leonard actually has a 3.33 acre lot, with an additional .76 acre lot adjoining, so has enough room for a new building.

A motion was made by Lindsay Draime, seconded by Julia Newman, to grant the variance requested based on inconsistencies within the zoning ordinance, and that all six requirements for granting of a non-use variance have been met, per Chapter 18, Section 18.06 (B) Variance Procedures. Motion carried. Roll call vote follows:

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

**Public Comment** – none at this time

### **Board Members Personal Privilege**

Lindsay Draime felt he would have voted no at the 7-15-08 hearing for Kevin Wilder. Frank Schumacher wants to check on the badges that the fire department was preparing. Julia Newman enquired if Code Enforcement had taken action on the out-of-

compliance sites on Willison Avenue. She was advised that contact had been made with a property owner on Willison, and that if other addresses need to be checked, those addresses should be turned in at the office.

Motion was made by Lindsay Draime, seconded by Julia Newman to adjourn at 6:50 pm.

Motion carried.