

MINUTES BZA 6/12/2023

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY JUNE 12, 2023 IN THE TOWN HALL MEETING ROOM

Chairman, Barton Ziganti called the June 12, 2023, Chester Township Board of Zoning Appeals meeting to order at 7:07 pm.

Roll Call

Members present: Ms. Fadorsen, Ms. Klemm, Ms. Sritalapat, Mr. Ziganti

Members absent: Ms. Muehling

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Ivans and Mr. Purchase

Mr. Ziganti led those present in reciting the Pledge of Allegiance. He also asked all adults present to sign in at the lectern with their name and address.

Ms. Sritalapat read the public hearing process of the Board of Zoning Appeals.

Appeal Z-2023-6 Carl Boyles 9141 Forest Lane

The applicant is seeking a 100% Area Variance from Section 5.01.03 of the Chester Township Resolution. Mr. Boyles proposes building a detached accessory building in the front yard.

Mr. Carl Boyles was present to represent himself with this application, both he and the Zoning Inspector were duly sworn in. Mr. Ziganti asked Mr. Boyle if he would like a continuance as only four of the five board members were present. No continuance was requested. Ms. McCarthy read Form #4 into the record.

Mr. Boyles referred to the lot map which was supplied to all BZA members. Mr. Boyles gave a history of the lot dating back to 1950. By today's standards, this lot would be non-buildable lot. The back of the lot looks like it has ample space. Using the Health Department map, it shows our septic system located 5' off the back of our home to about 20' off our property. It is clearly on my neighbor's property and their front yard is on my property. Building behind the house is not a possibility due to the placement of the septic system.

The previous owners placed a pull-in on the driveway for parking a vehicle. That is where my wife and I would like to put in a garage not attached to the house. It will not

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be attached to the house because the house sits on a 13' elevation. The fill required is prohibitive. Everything else is surrounded by woods with two large drainage ditches. To me, it makes the most sense to put it there. I would like to park my GMC Yukon in a garage instead of the parking pad.

Mr. Ziganti asked Mr. Ivans about the elevation issue. Pictures that were taken at the property by Mr. Ivans were displayed on the overhead monitor.

Mr. Ziganti asked for clarification that the photo of the east end of the garage, where the steps are located, is the area where there is a 13' drop. Mr. Ivans and Mr. Boyles confirmed that it was. Mr. Boyles said he had used an altitude finder to measure the front of the existing garage to the lowest edge of the area where an accessory building could be located to determine the 13' drop.

Ms. Sritalapat asked how long they had owned the home.

Mr. Boyles – we closed in October 2022 and my mother-in-law moved in with us the previous June which is why we began to look for and found this home.

Ms. Sritalapat – The home currently has a 2-car attached garage?

Mr. Boyles – Yes.

Ms. Sritalapat – But it's not large enough to accommodate your needs?

Mr. Boyles – No, not with the way we use the garage.

The Topographical Map was displayed on the monitor and placement of the garage was discussed by the BZA members.

Mr. Boyles described the side slope of the garage side of the house. Although it appears from the Health Department/Topographical Map that the slope does not appear to be 13', he assured the BZA that it was in fact that large a drop.

Mr. Ziganti was concerned that the Appeal asked to place the accessory building in the front yard and the Zoning Regulation referred to, (5.01.03) was incorrect as that section referred to the separation of the accessory building from the primary structure. For the record, he suggested changing the Zoning Regulation to something else which may be more appropriate. In Section 2 of Form 4, we should be using the proper words. Ms. Fadorsen referred to chart 5.01.17 which details the placement of accessory buildings depending on the lot. After group discussion, the group decided Section 5.01.17 would be more appropriate.

Mr. Boyles was asked to change Form 4 to reflect section 5.01.17 and initial the change.

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Mr. Ziganti asked Mr. Boyles if he would consider adding live screening if this request is approved?

Mr. Boyles – Yes.

Discussion followed on what live growth is already there and what might be needed.

Ms. Sritalapat asked if it might be possible to add onto the back of the existing garage to get the needed space.

Mr. Boyles – Might be able to, but it would be cost prohibitive. The problem is putting the vehicles side by side especially to allow someone easier access who has a wheelchair. Extending out the back would put the new garage extremely close to the property line.

Mr. Ziganti asked for clarification again that the request is because it is cost prohibitive and concerns about the width of the garage because of potential wheelchair access.

Mr. Boyles replied that changing the width of the garage would potentially mean another variance request because of the proximity to the neighbor's yard. He also said he didn't know how the septic field would be serviced when needed.

Mr. Purchase clarified that Mr. Boyles would need 10' to the property line if he extended the existing garage. If the building is detached, he would need 25' to the property line.

At this point the Board began discussion amongst themselves.

Ms. Fadorsen - Made a motion to approve the 100% variance request to build the proposed garage to the front of the primary residence. Ms. Sritalapat seconded the motion.

Ms. Fadorsen said he has a hardship with the way his backyard is and the location of the septic field.

Mr. Ziganti mentioned that Mr. Boyles would be willing to add some additional live screening if the Board felt it was appropriate.

Mr. Ziganti asked Mr. Boyles to confirm he would be willing to add some live screening to the Forest Lane side and facing his neighbor's property side.

Mr. Boyles agreed.

Ms. Klemm suggested placement of some of the screening include lower story plantings. Not necessarily next to the building, but rather closer to the street.

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Mr. Boyles agreed saying he assumed it was meant to be more at the lot lines. He is looking at adding three to four more conifers near the other conifers.

Ms. Sritalapat summarized her understanding as he no doubt has an irregular lot shape including the placement of the septic and the proximity to the lot lines. So, the determination becomes, is this a practical difficulty? The house already has one garage, but because of the size of the current vehicle and needing wheelchair access, the board needs to decide if this does make it a practical difficulty.

Mr. Ziganti understands that the Zoning Regulations provide for one additional accessory building. I'm in agreement there is practical difficulty because of the shape of the lot and the orientation of the house in relation to the lot lines. We also saw the problem with the drop off to the side of the house where it might have been possible to extend the width of the garage.

There being no further comments, the vote was taken to approve the 100% variance request to build the proposed garage to the front of the primary residence.

Vote: Ms. Fadorsen/yes; Ms. Klemm/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes
Motion passed.

Findings of Fact for Appeal Z-2023-6

Mr. Carl Boyles of 9141 Forest Lane requested building a 596 square foot secondary garage in the front yard of his existing property. The Board has determined that a practical difficulty exists with the land in the shape of the property and orientation of the home in relation to side yard lot lines. Additionally, the existing garage could not be extended due to the topography of the area to the south and east of the existing garage. The appellant has agreed to provide sufficient live screening to shield the view of the proposed garage from traffic on Forest Lane.

We the Board incorporate into these Findings of Fact the applications and exhibits of the appeal including all corrections, clarifications and additions.

Vote: Ms. Fadorsen/yes; Ms. Klemm/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes
Motion passed.

Review of May 8, 2023 Meeting Minutes

Ms. Fadorsen moved approval of the May 8, 2023 Meeting Minutes as modified; Ms. Sritalapat seconded.

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Vote: Ms. Fadorsen/yes; Ms. Klemm/yes; Ms. Sritalapat/yes; Mr. Ziganti/abstain
Motion passed.

New Business

Discussion regarding conditions on a requested variance was tabled to next meeting.

Mr. Ziganti emphasized the importance of an appellant completing any unanswered questions on the Duncan Factors as found on Form 4.

Mr. Ziganti informed the Board of Zoning Appeals that he attended a Board of Trustees meeting on May 25, 2023. At that time, he let the Board of Trustees know that the Board of Zoning Appeals does not make requests for legal representation prior to an actual hearing. Preparation for an upcoming appeal is the responsibility of the Zoning Inspector. Should the appellant have an expert show up unannounced, the Board of Zoning Appeals always has the right to request a continuance of the hearing to get the necessary expertise that may be required.

Meeting was closed at 8:45 p.m.

Approval Date July 10, 2023

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman