

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
September 18, 1991

The Zoning Board of Appeals meeting was called to order by Chairman Parsons at 7:34 p.m.

Board members present were Fred Parsons, Lloyd Kuebler, Robert Alexander, William Henne, and alternate Jerry Simpson. Also present were Ethel Knepp, Zoning Administrator Hess, Della Johnson, Dora Moser, Robyn Clink, and applicants Tonya Pearson and Tom Wardlow.

The purpose of the meeting was to hear a request, from Tonya Pearson, property tax No. 15-007-154-004-00, for a 10 foot variance from Section 4.13B, front yard setback, of the Hayes Township Zoning Ordinance. The property is located in zone district R-3. Ms. Pearson requested replacing a 10' x 50' mobile home with a 14' x 70'. The existing placement of the water, septic, and electrical distribution systems will require that the larger mobile home be located in the same position as the smaller mobile home thus not being able to meet the front yard setback.

Lloyd Kuebler asked for an explanation of where the mobile home would be located and if it would be closer to the street than the old mobile home was? Ms. Pearson responded that the new mobile home would be the same distance from the street. It's just that the old mobile home was placed on the lot prior to zoning and was non-conforming. The new home will extend further to the back of the property.

Chairman Parsons asked for comments from neighboring property owners. Dora Moser stated she had no problem with the variance being granted.

Zoning Administrator Hess video taped the property which was viewed by the board members.

Chairman Parsons advised the board members that all the structures in the immediate area was built fifteen feet from the road prior to the setback being changed to twenty five feet.

Zoning Administrator Hess presented his findings and recommendations in regard to this matter, citing:

The current structure is non-conforming because of its current size (approximately 500 square feet). R-3 zoning requires 600 square feet.

The subject property is non-conforming because of its width; (66 feet). R-3 zoning requires 100 foot width.

The proposed subject structure exceeds the 600 square foot requirement of the zoning ordinance.

The installed utilities cause problems in regard to the proper placement of the trailer upon the lot.

The lot is zoned R-3 and allows the placement of a mobile home larger than 600 square feet.

The granting of the variance will not be contrary to the public interest or to the ordinance.

The proposed structure is compatible with other structures in the vicinity.

The variance is needed because of the nonconforming status of the 66' lot, as well as the placement of the existing utilities, by a previous owner, forcing the proposed structure to be placed in a position, on the lot, which would require a variance.

Recommended that a variance be granted.

Robert Alexander made a motion to approve the request for a variance based on the following criteria:

The larger mobile home will not be contrary to the public interest or to the spirit and intent of the ordinance, and

The proposed structure and use are the same type of structure and uses as is enjoyed by other properties in the area, and

The structure will be in harmony with other structures in the area and will not cause an adverse effect to other properties in the area, and

The variance effects only the property under the control of the applicant and does not appear to effect other properties or structures in the area, and

The current structure is non-conforming due to its total square footage and frontyard setback. The proposed structure will be conforming in regards to square footage, therefore eliminating one non-conformance and becoming an improvement, and

The applicant did not cause the utilities to be placed in such a manner that a conforming mobile home could not be placed upon the lot without requiring a variance.

William Henne seconded the motion.

Voice Vote. Ayes; All. Nays; None. Motion carried.

Jerry Simpson moved to adjourn the meeting. Robert Alexander seconded the motion.

Meeting adjourned 8:01 p.m.

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Clerk