

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
August 26, 1998

The Zoning Board of Appeals meeting was called to order by Vice Chairman Roger Stoppel at 7:30 p.m..

Board members present were Frederick Parsons, Joni Hosler, Joseph Rivard, Roger Stoppel, and Marlene Golovich. Robert Alexander was absent. Also present were Warren and Cheri Bogan, Mark, Toni, Zack, and Taylor Dubois, Timothy Boyko, Ron Buckner, Sherman Chamberlain, and Ethel Knepp.

Roger Stoppel explained the purpose of the meeting is to hear a request for a 60.45 foot variance for lot width in the R-1 Zone District as regulated by Section 4.13 (C) of the Zoning Ordinance. Applicant's name is Warren and Cheri Bogan, property tax number 15-007-102-005-00. The particulars are:

The applicant owns 6.434 acres and they propose to split the property so Parcel "A" (where residence is located) contains 4.010 acres, with a width of 139.55 feet, and Parcel "B" contains 2.424 acres, with a width of 200 feet. The Zoning Ordinance requires a width of 200 feet in the R-1 Zone District. Lot width is defined as "the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines."

Roger Stoppel stated that the survey indicates a lot of "gerrymandering" to split this parcel and that he never favors granting variances because of the regulations in the ordinance.

Ron Buckner asked how the property is proposed to be divided, particularly what direction is the newly created parcel going to be?

Sherm Chamberlain, representing Ferguson & Chamberlain Associates, Inc., who completed the survey for the applicant, explained that the width at the eastern area (front of parcel B) was reduced because of an existing drain field, for the existing home, on Parcel "A".

Tim Boyko stated that a variance can be avoided by changing the Lot "B" lines.

Joe Rivard stated there's no option without splitting the drain field.

Moved by Frederick Parsons, supported by Joseph Rivard, to grant a 60.45 foot variance from lot width in the R-1 Zone District as regulated by Section 4.13 (C) of the Zoning

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Ordinance on parent parcel number 15-007-102-005-00, and as shown on survey Job No. S.B. - 14976c - 98, because the variance:

1. Will not be contrary to the public interest or to the spirit and intent of the Zoning Ordinance;
2. Will permit the continued residential use within the R-1 zone district which is permitted by right within that district;
3. Will not cause any adverse effect to property in the vicinity or in the zone district or the township;
4. Relates only to property under the control of the applicant;
5. The property is subject to exceptional and extraordinary circumstances and conditions that do not apply to other property in the vicinity in that the property depth is 730.86 feet on the West line, 867.98 feet on the East line, 382.18 feet frontage along Old US 31 North, lot area of 6.434 acres, the existing residence and accessory buildings are located toward the front of the property with a width of 227 feet. Adjacent properties to the West of applicants property is an average size of 2.65 acres (4.93, 1.31, & 1.71 acres) with average road frontage of 387 feet. The property immediately to East of applicants property has a lot area of 5.2 acres, with a width of 569.55, but it contains a home and very large building used as a Ceramic Shop (Cottage Industry). The applicant should be allowed the benefit that other properties in the vicinity has based on lot size and widths.

Roll call vote:

AYES: Joseph Rivard, Joni Hosler, Frederick Parsons, Marlene Golovich

NAYS: None

Motion carried.

Meeting adjourned at 7:50 p.m..

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Clerk