

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
December 5, 1990

The Hayes Township Zoning Board of Appeals meeting was called to order by Chairman Parsons at 7:31 p.m.

Board members present were Fred Parsons, Lloyd Kuebler, Betty Straw, William Henne, and Timothy Boyko. Also present were Ethel Knepp, Paul Hoadley, and Joseph Nicolai.

The purpose of the meeting was to hear a request for a variance from Section 4.13B, Lot size, in the A-1 Zone District, of the Township Zoning Ordinance. Hayes Township is purchasing a parcel of 1.287 acres immediately to the rear of Undine Cemetery for the purpose of adding to the existing cemetery. The property owners name is Joseph and Phoebe Nicolai. Paul Hoadley was assigned to represent the property owners.

Paul Hoadley advised the Board of Appeals that the existing cemetery was running out of usable space because of the topography and trees, therefore, it became necessary for the Township to seek additional property. The 1.287 acres is totally flat with pine trees planted on it. The pine trees will be removed making the parcel an ideal area for future burial sites.

Betty Straw made a motion to grant the variance request. William Henne seconded the motion.

NOW THEREFORE BE IT RESOLVED the Hayes Township Zoning Board of Appeals grants a variance request from Section 4.13B, Lot size in the A-1 Zone District, property tax number 15-007-002-005-00, T33N, R7W, and

IT SHALL BE FURTHER RESOLVED the Board of Appeals finds the variance request will not be contrary to the public interest or the spirit and intent of the Zoning ordinance because Section 5.06 refers to essential services. A cemetery is an essential service of the township, therefore, expansion is necessary, and

granting a variance shall not permit the establishment within a zoning district of any use which is not permitted by right within the district. Section 5.06 allows for furnishing of adequate service by such public utility or municipal department or commission of and for the public health or safety or general welfare in any use district, and relates only to property that is under control of the applicant. The cemetery can only be expanded into the current owners property, and

affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have resulted from any act of the applicant. A cemetery by nature is an exceptional or extraordinary circumstance which from time to time needs to expand, and

the expansion is being proposed for the public good and promotes a legitimate function of zoning which is to protect the health, safety and welfare of the community.

Roll Call Vote.

Ayes:

Lloyd Kuebler
Betty Straw
William Henne
Timothy Boyko

Nays:

None

Motion carried.

Lloyd Kuebler moved to adjourn the meeting at 7:40 p.m.
Betty Straw seconded the motion. Ayes; All. Nays; none.

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Clerk