

CHESTER TOWNSHIP ZONING BOARD OF APPEALS MINUTES
Meeting of July 29, 2019

Meeting called to order at 7:00 p.m. by Chairman Ross Lieffers.

Other members present: Jon Denhof, Mike Dunnuck, Marilee Herremans, and Tim Wurm. Zoning Administrator Emma Posillico was also present.

Agenda Approval-motion by Denhof to approve agenda. Second-Herremans, motion carries.

Citizen Comment-none

Public Hearing

The public hearing for the Cooperwood variance request was opened.

Zoning Administrator presented the variance request. The Cooperwood home was destroyed by fire in January. The applicant is requesting to rebuild on the original foundation which does not meet the required setbacks for the Agricultural Zone District.

A neighbor voiced support for the project. Another neighbor was concerned about debris on the property that is encroaching on his property. A letter was received, without a signature, citing trash and other property maintenance concerns.

The public hearing was closed.

There was discussion of the purpose for the setbacks and whether or not additional property could be purchased from the adjoining parcel. That was not an option at this time.

The Zoning Board of Appeals members reviewed the standards which must be met for a non-use variance to be granted.

1. *There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.*

This property was originally part of a plat and was created prior to 1975. The depth of the property prevents construction of a dwelling that would meet the setbacks. A parcel with similar dimensions would not be allowed to be created under current zoning. Because of these circumstances, this standard was found to have been met.

2. *A variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.*

As aforementioned, the depth of the subject property is less than the required front and rear yard combined setbacks of the Agricultural Zoning District, and it is not possible to construct a dwelling on the subject lands without a variance. As other properties in the same zoning district and vicinity have been able to construct primary dwellings, a variance is necessary for the preservation and enjoyment of a substantial property right for the subject property. This standard was found to have been met.

3. *The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.*

The applicant is intending to rebuild the residence in the same location. The Board believes this will not be a detriment to adjoining properties and that this standard has been met.

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4. *The condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.*

The dimensions of this property are unique, and not of a general nature. The Zoning Ordinance addresses non-conforming structures that have been destroyed. The Board members find this standard has been met.

5. *That the situation is not due to a self-created hardship.*

As previously stated, the configuration of this lot and the dwelling predate the Zoning Ordinance. As such, the situation is not self-created.

6. *For a use variance, that compliance with the Ordinance would cause undue or unnecessary hardship. For a non-use variance, that there are practical difficulties in complying with the Ordinance.*

Given that it is not possible for any applicant to build a primary dwelling on the subject parcel without a setback variance, the Zoning Board of Appeals finds this standard to have been met.

Motion by Herremans that the request be approved with stipulation that the new dwelling be constructed on the existing foundation with no expansions. Support by Wurm. Motion carries with unanimous roll call vote.

New Business

None

Old Business

Motion by Herremans that minutes of July 9, 2019 meeting be approved. Second-Dunnuck, motion carries.

Adjournment-motion to adjourn at 7:45 p.m.

Janice Redding
Chester Township Clerk

(Any document referenced in these minutes is on file in the Clerk's office)