

**CHESTER TOWNSHIP ZONING BOARD OF APPEALS MINUTES**  
**Meeting of November 18, 2019**

Meeting called to order at 7:00 p.m. by Vice-chair Wurm.

Other members present: Jon Denhof, Mike Dunnuck, and Marilee Herremans. Planning Consultant, Emma Posillico was also present. Alternate Ross Lieffers and Dave Swanson were absent.

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

**Citizen Comment**-none

**Public Hearing**

The public hearing for the Schaefer variance request was opened. The request is for a dimensional variance on parcel 70-01-05-400-027 (3485 Truman St.) to construct an addition to an existing residence, with a side yard of approximately 19 feet where no less than 40 feet is permitted.

The application and staff memo were reviewed and discussed. The applicant presented their reasons for making the request.

No public comment was received, and the public hearing was closed.

The Zoning Board of Appeals members reviewed the standards to 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.*

The property line in question predates zoning in Chester Township as do many of the property lines and structures in the Agricultural Zone district. As such, there does not seem to be anything exceptional or extraordinary that would apply to this property. Members found this standard not 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.*

Section 301 A. of the zoning ordinance allows for the structure to be reconstructed within its current dimensions. This would allow for the preservation and enjoyment of this property right. Members found this standard not 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.*

It was agreed that this addition would not likely be of substantial detriment to the neighboring home. However, granting a variance to increase the non-conforming area of a residence does impair the purpose of the ordinance. Members found this standard not to have been met.

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.*

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The Zoning Ordinance allows for the reconstruction of existing, legal non-conforming structures. As such, it appears that a regulation has already been created to address non-conforming structures that are no longer structurally sound. Members found this standard not to have been met.

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

As stated previously, applicant was informed that they would be permitted to reconstruct the existing porch without a variance. Expanding the porch is a desire of the applicant and a self-created hardship. Members found this standard not to have been met.

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.*

Due to the fact that replacing the existing porch would be permitted without a variance, there are not practical difficulties with complying and this standard was found to have not been met.

Motion by Denhof that the request be denied. Second-MD, motion carries.

**Other Business**-none

**Discussion/Member Comment**-none

**Adjournment**-motion to adjourn at 7:30 p.m. by Denhof. Motion carries.

Janice Redding

Chester Township Clerk

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