

**CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
PUBLIC (VARIANCE) HEARING
JANUARY 14, 2019
Minutes Approved February 19, 2019**

Present: ZBA members Greg Snyder, Tina Fields, Bob Bergmann, Dave Lawicki and Lucy Gerlach
Zoning Administrator Adam Parzych
For the applicant, Jessica VanHouzen Stroud, Architect

Call to order: 7:00 PM
Pledge of Allegiance
Each member declared no conflicts of interests
No public comments

Chair Snyder opened the public hearing, a request for two variances at 7953 Wahbasse Lane. Ms. Stroud was apprised as to the manner in which the hearing would proceed. She then presented the case for the requested variances, noting that the zoning does not correlate to the parcels and that no neighbors had objected to the proposed additions.

Gerlach moved and Bergmann seconded that the two proposed additions be considered as separate variances. Motion approved.

Zoning Administrator Parzych commented that a variance was needed given the size of the lot and the location of the house on it.

The proposed addition to the SE of the house was considered first.

Standard A. Findings of fact: Property is in Recreational Zone, requiring lot size and setbacks which this property does not meet; in addition, a considerable amount of the land is on an incline.

Roll call vote, is Standard A met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard A is met.

Standard B. Findings of fact: owner may exercise a practical legal use and maintain a safe distance from adjacent properties.

Roll call vote, is Standard B met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard B is met.

Standard C. Findings of fact: The proposed addition is a reasonable size for the available land.

Roll call vote, is Standard C met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard C is met.

Standard D. Findings of fact: The zoning and the location of the house existed prior to current owners.

Roll call vote, is Standard D met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard D is met.

Standard E. Findings of fact: Addition won't impact neighboring properties.

Roll call vote, is Standard E met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard E is met.

Variance for addition to SE of house is approved.

Discussion preceded voting on the proposed addition to the SW of the house regarding ZBA's ability to approve a variance with a condition(s) attached. It is within the ZBA's power to do so, and we proceeded with this intent.

Standard A. Findings of fact: same as for other addition, and vote was same.

Standard A is met.

Standard B. Findings of fact: Smaller addition may be better; no addition necessary, adequate garage can be had without variance, and we should be mindful of granting variances, especially involving such a small setback.

Roll call vote, is Standard B met? Bergmann, no; Lawicki, no; Fields, no; Gerlach, no; Snyder, no.

Standard B is not met.

Standard C. Findings of fact: Same as above.

Roll call vote, is Standard C met? Bergmann, no; Lawicki, no; Fields, no; Gerlach, no; Snyder, no.

Standard C is not met.

Standard D. Findings of fact: The zoning and the location of the house existed prior to current owners.

Roll call vote, is standard D met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, yes; Snyder, yes.

Standard D is met.

Standard E. Findings of fact: Addition will not impact neighboring properties.
Roll call vote, is standard E met? Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, no; Snyder, yes.
Standard E is met.

ZBA then discussed optimal size of proposed attached garage in light of existing property line and Wahbasse circle. Proposal was made to approve a five-foot deep addition rather than the six-foot addition requested. This would put the addition at the same distance from the boundary of the Wahbasse Lane circle as the existing house is from the property line. Snyder noted proposed garage walls would need to meet building code standards for fire ratings; Parzych & Stroud said code would be met.
Vote on proposal: Bergmann, yes; Lawicki, yes; Fields, yes; Gerlach, no; Snyder, yes.

Variance for addition to SW of house is approved with the stipulation that the addition be five (5) feet deep rather than the six feet requested.

Submitted by Lucy Gerlach, ZBA Secretary