

**CHARTER TOWNSHIP OF GARFIELD  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
July 21, 2022**

**Call to Order:** Chair Smith called the meeting to order at 6:00pm.

**Pledge of Allegiance:** Recited by everyone in attendance.

**Roll Call of Board Members:**

Members Present: Bob Fudge, Steve Duell, Kent Rozycki, Rick Smith  
and Lynn Fricke

Absent: Scott Swan

Staff Present: Zoning Administrator Mike Green

**1. Review and Approval of the Agenda – Conflicts of Interest (6:02)**

*Duell moved and Fudge seconded to approve the agenda as presented.*

*Yeas: Duell, Fudge, Fricke, Rozycki, and Smith*

*Nays: None*

**2. Review and Approval of Meeting Minutes – March 17, 2022 (6:03)**

*Fricke moved and Fudge seconded to approve the minutes of March 17, 2022.*

*Yeas: Fricke, Fudge, Rozycki, Duell, Smith*

*Nays: None*

**3. Public Hearings**

A request was made by Michael and Yana Powers for a 19.01 ft variance from the front setback requirements. The specific request is asking for a variance from 30 ft to 10.99 ft to allow construction of an addition. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 4085 Jefferson Avenue with a property number of 05-315-010-00. The parcel is located within the Supervisor's Plat subdivision and is described as the N 305.47' of Lot 10 excluding road right-of-way. Adjacent properties within the Supervisor's Plat subdivision and surrounding areas are also zoned R-1 One Family Residential. According to Township records and information supplied by the application, the property contains a dwelling with a detached garage. The dwelling is located partially in the front yard adjacent to Jefferson Avenue.

The applicant explained that the addition would not encroach on any setbacks since it is not close to any neighbors.

Zoning Administrator Michael Green said the an easement on the property is 12 feet wide and the Jefferson Road right of way was expanded in 1969.

Commissioners discussed the expansion of the non-conforming use on the property and asked questions about the property. A variance may only be granted if the Zoning Board of Appeals finds that each of the Practical Difficulty standards under Section 454.E.1 are met, each of the General Criteria under Section 454.E.2 are met, and at least one of the Special Conditions or Circumstances are met.

Chair Smith opened the public hearing at 6:31pm.

Bill and Kathy Piaks are neighbors and asked that their home value be maintained.

Chair Smith closed the public hearing was at 6:33pm.

ZBA members then went through the standards the needed to be met.

Practical Difficulty:

- A. Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);  
Board members agreed that the property was bisected by a stream and the parcel was unique. The septic tanks and lead line are also in a location so that building could not take place on the rear of the property.  
Board members decided unanimously that this condition was **Met**.
- B. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;  
Board members agreed that the conditions were not created by the applicant.  
Board members decided that this condition was **Met 4-1**.
- C. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance; Board members discussed whether an ordinance. Board members were in favor since the septic tanks were in such a location that would preclude the use of the rear of the property.  
Board members determined unanimously that the condition was **met**.
- D. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; Board members determined that there was no other buildable area on the lot.  
Board members decided unanimously that this condition was **Met**.

- E. For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance. Board members determined that the applicant was not claiming a financial hardship.  
All board members determined that this condition was **Met**.

#### General Criteria

- A. The requested variance shall relate only to property that is under the control of the applicant; All board members determined that this condition was **Met**.
- B. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;  
All board members determined that this condition was **Met** since the applicant was not asking for a variance based on any other nonconformities in adjacent properties or within the R-1 district.
- C. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare; Board members determined that an addition in any other location would be detrimental to the stream and wetlands on the property.  
Board members decided unanimously that this condition was **Met**.
- D. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; Board members determined that the requested variance would not change the character of the land or neighboring properties.  
All board members determined that this condition was **Met**.
- E. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance. Board members determined that this condition was met since the applicant was requesting the least amount of variance possible given the conditions.  
Board members determined unanimously that this condition was **met**.

#### Special Conditions or Circumstances

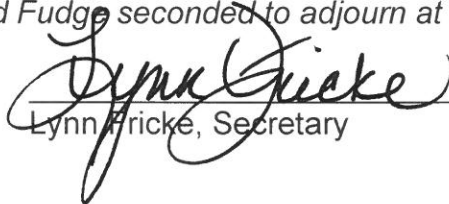
Board members did not need to go through the special circumstances.

*Rozycki moved and Fricke seconded to GRANT the request for variance from Section 313.E of the Garfield Township Zoning Ordinance to allow a nineteen and one one-hundredth (19.01) foot variance based on findings for each Practical Difficulty standard and General Criteria for granting such request being met.*

*Yeas: Roczyki Fricke, Fudge, Duell, Smith*

*Nays: None*

4. **Other Business:** None
5. **Items for Next Agenda:** None at this time
6. **Public Comment**  
None
7. **Adjournment:** *Duell moved and Fudge seconded to adjourn at 7:23pm.*

  
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Lynn Fricke, Secretary