

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES
April 18, 2024**

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: Robert Fudge, Kent Rozycki, Scott Swan and Rick Smith

Absent and Excused: Lynne Fricke

Also in Attendance: Zoning Administrator Mike Green

1. Review and Approval of the Agenda – Conflicts of Interest (6:01)

Swan moved and Rozycki seconded to approve the agenda as presented.

Yeas: Swan, Rozycki, Fudge, Smith

Nays: None

2. Review and Approval of Meeting Minutes – March 21, 2024 (6:02)

Fudge moved and Swan seconded to approve the minutes of March 21, 2024 as presented.

Yeas: Fudge, Swan, Rozycki, Smith

Nays: None

3. Unfinished Business (6:02)

- a. A request has been made by VT Construction on behalf of Alan D. Strange for a 16 ft variance from the front setback requirements. The specific request is asking for a variance from 30 ft to 14 ft to allow construction of an addition to an existing dwelling. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 5091 Case Court with a property number of 05- 285-005-00 The parcel is located within the Silver Knoll Acres subdivision and is described as Lot 5 of the Silver Knoll Acres including an interest in Park A. According to Township records and information supplied by the application, the property contains a dwelling with an attached garage along with a detached accessory building. A front yard variance was granted by the Zoning Board of Appeals in 1980 to allow for construction of the attached garage that is located within the front yard. The revised drawings show a proposed 2nd story addition over the existing garage and expanded covered porch. Alan Strange spoke and explained his plans to add on a family room above the garage. A covered porch over the asphalt would also be built. Justin Slagal from VT Construction discussed the plans with board members. The variance

would place the new structure two feet towards the road right-of-way. Board members asked about alternative placement on the site. Board members also discussed the fact that two feet towards the road may be better than two feet towards the water's edge. Also discussed is the fact that the road right of way cul-de-sac takes up lots of space on their property and Wayne Schoonover, Road Commission Engineer has written an email indicating that there are no plans to build out the cul-de-sac in the future.

Board members then went on to discuss the Findings of Fact:

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 decided unanimously that this condition was **met** because the large portion of road right of way which takes up much of the front yard may not ever be built out according to the road commission. If it were not for the proposed cul-de-sac, the applicant would not need a variance.

- 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 decided unanimously that this condition was **met** because the applicant did not create the proposed cul-de-sac.

- 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 this point and determined that the condition was **met** based on the current layout of the home and the property and the fact that the home was built before zoning existed in the township. Smith, Swan and Fudge agreed with this condition while Rozcyki abstained from voting on this condition.

- 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 this condition was **met** because the situation is unique and cannot compare to anything in the area. Two feet towards the roadway was preferable to building two feet towards the waterfront. Smith, Fudge and Swan agreed with this condition and Rozycki did not agree with this condition.

- 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 unanimously that this condition was **met** because the applicant was not claiming a financial hardship.

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. Board members stated that the applicant was not asking for a variance based on any other non-conformities in adjacent properties or within the R-1 district so this condition was **not applicable**.

- 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 decided unanimously that this condition was **met** because the special conditions highlighted by the applicant and as communicated in this report would likely not set precedent for similar requests.

- 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.

All board members determined that this condition was **met** because the requested variance would not cause a noticeable effect on neighboring properties beyond what is permitted by right.

- 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 the condition was **met** because the applicant has demonstrated that there are no other areas on the property that could be reasonably used for an addition.

Board members suggested that the applicant contact road commission regarding adverse possession or abandonment of the proposed cul-de-sac which impedes their property.

Swan moved and Fudge seconded to GRANT the request for variance from Sections 313.E of the Garfield Township Zoning Ordinance to sixteen (16) foot variance based on findings for each Practical Difficulty standard and General Criteria for granting such request being met.

Yeas: Swan, Fudge, Smith

Nays: None

Abstained: Rozycki

4. Other Business (6:34)

None

5. Items for Next Agenda (6:35)

Green gave an overview of next month's ZBA case.

6. Public Comment (6:50)

None

7. Adjournment: *Fudge moved and Rozycki seconded to adjourn the meeting at 6:50pm.*


Lynn Fricke, Secretary