Holland Township Board of Adjustment

Reorganization

Minutes of the January 28, 2015

The meeting was called to order by the Secretary, Maria Elena Jennette Kozak:
"I call to order the January 28, 2015 Reorganization and Regular Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary December 11, 2014 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 11, 2014 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute
Maria Elena Jennette Kozak asked all too please stand for the Pledge of Allegiance.

Re-Appointments – Secretary Maria Elena Jennette Kozak asked 2014 Attorney Bolig to recite the ***oath of office*** to the following member:

Peter Kanakaris – regular member – term expires 12/31/2018
Gail Rader – regular member – term expires 12/31/2018

Secretary Maria Elena Jennette Kozak asked for a nomination for the position of the Chairman.

A motion was made by Jerry Bowers to nominate Ginger Crawford as chairman. Peter Kanakaris seconded the motion. Ginger Crawford accepted the nomination. All present were in favor of the motion. The motion carried. Congratulations to the 2015 chairman Ginger Crawford.

Secretary Maria Elena Jennette Kozak asked for a nomination for the position of Vice-chairman. A motion was made by Jerry Bowers to nominate William Martin as vice-chairman. Peter Kanakaris seconded the motion. William Martin accepted the nomination. All present were in favor. The motion carried. Congratulations to the 2015 vice chairman William Martin.

Chairman Crawford took over the meeting.

Professional Appointments: A resolution exists for each award of contract for services not utilizing the process defined in the third definition under N.J.S.A 19:4A-20.7. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with 40 A:11-5-(1)(a) of the Local Public Contracts Law. This resolution shall be printed once in the Hunterdon County Democrat.

A motion was made by Bill Martin and seconded by Gail Rader to appoint Attorney Todd Bolig for the Board of Adjustment attorney for 2015. All present were in favor. Motion carried.

A motion was made by Gail Rader and seconded by Peter Kanakaris to appoint Attorney Bill Gianos – Gianos & Phillips LLC for the Board of Adjustment alternate attorney for 2015. All present were in favor. Motion carried.

A motion was made by Bill Martin and seconded by Jerry Bowers to appoint Robert Martucci of Van Cleef Engineering as the 2015 Board of Adjustment Engineer. All present were in favor of the motion. Motion carried.

A motion was made by Gail Rader and seconded by Bill Martin to appoint Elizabeth McKenzie as the 2015 Board of Adjustment Planner. All present were in favor of the motion. Motion carried.

A motion was made by Laura Burke and seconded by Gail Rader to appoint
Maria Elena Jennette Kozak as secretary for the board of adjustment for 2015. All present were in favor. Motion carried.

A motion was made by Peter Kanakaris and seconded by William Martin to appoint Lucille Grozinski, CSR as the court reporter for the board of adjustment for 2015. All present were in favor. Motion carried.

A motion was made by Gail Rader and seconded by Bill Martin to make the Hunterdon County Democrat as the Official News Paper for the board of adjustment for 2015. All present were in favor. Motion carried.

The announcement of the time, date and location of the board of adjustment monthly meetings was previously approved but is as follows:

Township of Holland
Board of Adjustment

2015 Meetings

PLEASE TAKE NOTICE that the Board of Adjustment, Township of Holland, County of Hunterdon, New Jersey, will hold their regular meetings on the following dates in 2015 at 7:30 p.m. to act on public business at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

Meeting Dates	Agenda Deadline
January 28, 2015	January 7, 2015
February 25, 2015	February 4, 2015
March 25, 2015	March 4, 2015
April 29, 2015	April 8, 2015
May 27, 2015	May 6, 2015
June 24, 2015	June 3, 2015
July 29, 2015	July 8, 2015
August 26, 2015	August 5, 2015
September 30, 2015	September 9, 2015
October 28, 2015	October 7, 2015
November 18, 2015*	October 28, 2015*
December 16 2015*	November 25, 2015*
January 27, 2016	January 6, 2016

By ordinance the meetings of the Holland Township Board of Adjustment are held the last Wednesday of the month, with the agenda deadline three weeks prior to the meeting with the following exceptions:
* November meeting will be held on Wednesday, November 18, 2015 with a deadline for submission of Wednesday, October 28, 2015.
*December meeting will be held on Wednesday, December 16, 2015 with a deadline for submission on Wednesday, November 25, 2015.

Identification of those at the podium for the benefit of the recording machine:

Present: Jerry Bowers, Laura Burke, Ginger Crawford, Bill Ethem, Peter Kanakaris, William Martin, Gail Rader Todd Bolig, Esq., Robert Martucci, Engineer, Sue Berber for Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.
Absent: Bill Ethem. The board approved this as an excused absence.

Minutes: A motion was made by Peter Kanakaris and seconded by Gail Rader, to dispense with the reading of the December 17, 2014 minutes and to approve as recorded. All Present were in favor. Motion carried.

Report of the Board of Adjustment Attorney

The Board Attorney, Todd Bolig submitted a "Holland Township Board of Adjustment 2014 Annual Report" at the December 17, 2014 meeting. There was some additional information needed to be included in the report that included some recommendations for the Township Committee to look at. These recommendations included an escrow discussion along with the need to review the Cell Towner Ordinance. A motion was made by Jerry Bowers and seconded

by Bill Martin to adopt the report and to have Secretary Kozak forward the report to the Township Committee and the Planning Board. All present were in favor. Motion carried. Attorney Bolig was praised for preparing such a comprehensive report that could be used as a model for other towns. The report is as follows:

HOLLAND TOWNSHIP
BOARD OF ADJUSTMENT

2014 ANNUAL REPORT

PREPARED BY:

TODD L. BOLIG, ESQ., BOARD OF ADJUSTMENT ATTORNEY

ADOPTED:

JANUARY 28, 2015

2014 BOARD MEMBERS

Ginger Crawford, Chair

William Martin, Vice-Chair

William "Bo" Baker

Jerry Bowers

Laura Burke, Alternate

Bill Ethem

Les Gallipeau

Peter Kanakaris

Gail Rader

2014 BOARD PROFESSIONALS

Elizabeth McKenzie, P.P., Board Planner

Robert Martucci, P.E., Board Engineer

Todd L. Bolig, Esq., Board Attorney

PURPOSE

WHEREAS, *N.J.S.A.* 40:55D-70.1 of the New Jersey Municipal Land Use Law states:

> The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revisions, if any. The board of adjustment shall send copies of the report and resolution to the governing body and the planning board.

This report is prepared, adopted and transmitted to both the Holland Township Mayor and Committee and the Holland Township Planning Board, by the Board of Adjustment pursuant to that Statute.

2014 CALENDAR

The Board held a total of nine meetings in 2014.

SYNOPSIS

A total of six applications were filed in 2014, with the block and lot, zoning district, statutory relief sought, the implicated Township ordinances, and ultimate determination and / or current status of each such application summarized, as follows:

Holland Township Board of Adjustment Applications for 2014						
Applic. No.	**Block**	**Lot**	**Zone**	**Relief Sought**	**Local Ordinance(s)**	**Final Determination or Current Status**
1	27	11	R-5	*N.J.S.* 40:55D-70c(1)	§100-46	Approved
2	22	114	R-5	*N.J.S.* 40:55D 35 / 36, *N.J.S.* 40:55D-70d(3) & Minor Site Plan	§100-36	Approved, Withdrawn prior to Board's vote to adopt Resolution
3	6	53.13	R-5	*N.J.S.* 40:55D-70c(2)	§100-45A & §100-45B	Withdrawn
4	6	62.04	R-5	Amended Final Site Plan Approval		Approved
5	6	62 & 62.04	R-5	Final Site Plan Approval		Approved
6	17	34	R-5	*N.J.S.* 40:55D-70c(2)	§100-45B & §100-109	Application deemed Complete. Public hearing pending.

Application No. 1: Holland Township's Zoning Officer denied the Applicant, **Jane E. Beale**, a building permit for the construction of a single-family home in the R-5 zone as the

subject Block 27, Lot 11 is only 3.05 acres. Applicant Beale sought variance relief from §100-46 of the Township of Holland Zoning Ordinances pertaining to an undersized lot.

The Application was opposed by two neighboring property owners, however, the relief sought by the Applicant was approved by the Board, with conditions, as the subject lot existed prior to the initial adoption of the Township's Land Use ordinances.

Application No. 2: Holland Township's Zoning Officer denied the Applicant, **Bucks County Emergency Communications**, a building permit for the modification of the existing communications tower on Block 22, Lot 114, located on 177 Church Road. The Applicant applied to the Holland Township Board of Adjustment for both variance relief and minor site plan approval to construct a 161' self-supporting tower, to be constructed within the currently-existing tower, in order to locate its emergency communications antennae and equipment. Applicant also proposed the installation of a third equipment "shelter" consisting of a 32' long by 12' wide by 10'5" high building; the installation of a 100kw generator located upon a 9' long by 4' wide concrete equipment pad; and the installation, underground, of two (2) 1,000 gallon propane tanks, all of which will be located within a 100' by 100' area leased by the Applicant within the Subject Property.

The variance relief and minor site plan were approved with conditions, however, Bucks County requested that the Application be withdrawn prior to the Board's vote to adopt the Resolution memorializing the conditions imposed.

Application No. 3: Applicant, **Wesley Schnorrbusch**, sought variance relief to permit the construction of a 768 square foot (measuring 24' by 32') pre-fabricated accessory storage structure on Lot 53.13, Block 6, to accommodate the storage of classic cars, a boat and lawn equipment. The subject property is a non-conforming undersized 1.49 acre property located off a cul-de-sac (Deer Court) in Holland Township's R-5 zone. The storage of boats and classic cars is not contemplated in Holland's Ordinance in connection with a dwelling, and the Applicant would have been required by the Board to seek a use variance pursuant to *N.J.S.A.* 40:55 D-70d-1 for an accessory use not permitted in the R-5 zone, in addition to being required to seek various "c" variances for the proposed size of the accessory structure and for a reduction of the 25' rear yard setback to 10'.

The Application was withdrawn by the Applicant prior to the Board's determination of the Application's completeness, and prior to the commencement of a public hearing.

Application Nos. 4 & 5: Applicant, **Spring Mills, LLC**, sought Amended (Application No. 4) and Final Site Plan (Application No. 5) approval having previously sought and obtained the following relief from the Board: Approval of a two-lot minor sub-division of Block 6, Lot 62 (one new lot Block 6, Lot 62.04 and remaining land, Block 6, Lot 62), and for variance relief pursuant to *N.J.S.A.* 40:55D-70c(1)(a); Grant of variance relief from §100-43 of the Township of Holland Zoning Ordinances pursuant to *N.J.S.A.* 40:55D-70d pertaining to the permitted uses in the Township's R-5 Zone.

Specifically, Spring Mills, LLC sought the following Site Plan amendments:

1. A new site entrance along the western site boundary near the north western site boundary with the originally proposed site entrance to Block 6, Lot 62, through the shared entrance drive with the church, being removed. The new proposed site access location has greatly reduced the length of the proposed site driveway from approximately 1,650 feet to approximately 325 feet, thereby greatly reducing the proposed impervious area.

2. The proposed solar array land area has been greatly reduced within Block 6, Lot 62 from approximately 6.0 Acres to approximately 2.9 Acres reducing the developed area to approximately 48% of the previously proposed area. This reduced the length of exterior safety fencing around the property. The Applicant sought this amended Site Plan relief as improvements in solar panel technologies enable a smaller solar panel to generate equivalent electrical output. As a result, Applicant reduced the footprint of the solar arrays which had the attendant benefit of increasing the setback(s) from adjoining property lines.

Application No. 6: Applicants, **Courtney and Russell Steele**, sought variance relief to permit the construction of a 750 square foot (25' x 30') pole-barn detached garage on Lot 34, Block 17, to accommodate the storage of Applicants' tools and cars. The subject property is a non-conforming undersized 1.49 acre property located off Milford-Mt. Pleasant Road in Holland Township's R-5 zone. Applicants seek variance relief from §100-45B to permit the construction of the garage to the Applicants' proposed dimensions, and from §100-109 for a reduction in the setbacks of 75' to 25'.

The Application was deemed complete by the Board at its December 17, 2014 meeting, and the matter is scheduled for public hearing on January 28, 2015 at 7:30 P.M.

BOARD RECOMMENDATIONS

As a result of Application No. 2 identified above, the Board of Adjustment recommends that either the Township Committee or the Township's Planning Board, and their respective professionals, review the existing Township Land Use Ordinances pertaining to cell towers to ensure that said Township ordinances do not conflict with the Federal Telecommunications Act of 1996.

The Board Administrator notes that the initial escrow required of most "C" or "bulk" variances, often involving Township Ordinance §100-109, is often insufficient. This necessitates additional administrative oversight to ensure that the escrow is replenished so that the professionals work may continue to work on those pending applications. As a result, it is recommended that the initial escrow levels be reviewed with an eye towards increasing those initial escrow amounts.

Finally, with respect to the remainder of the applications received in 2014 by the Board, neither the Board's members nor its professionals recognize any discernible pattern among those applications which warrant any additional recommendation to Holland Township's Committee or Planning Board.

Completeness

There was not a Completeness Review scheduled.

Public Hearing

Courtney & Russell Steele – Block 17 Lot 34 – 417 Milford-Mt. Pleasant Road – "C" Variance Application/garage – received into our office on November 25, 2014. The 45-day completeness deadline is January 9, 2014. Deemed complete December 17, 2014. Public Hearing scheduled January 28, 2015.
Professional Reports on file:

MEMORANDUM

TO: Holland Township Zoning Board of Adjustment

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: December 4, 2014

SUBJECT: Russell and Courtney Steele "c" Variances for Oversized Accessory Building on Lot 34, Block 17, 417 Milford-Mt. Pleasant Road, R-5 Zone

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The purpose of this memo is to offer substantive comments on the application of Mr. and Mrs. Steele for "c" variances to permit the construction of an oversized accessory structure (a detached garage) on Lot 34, Block 17, in the R-5 zone.

The subject property is a 15,000 square foot lot (containing 13,500 net square feet) fronting on Milford-Mt. Pleasant Road. It is developed with a one and one-half story single-family dwelling with a long, and relatively wide driveway that terminates in Lot 80.04 to the rear. It is not known (and does not appear anywhere in the deed to Lot 34 that was submitted with the application) whether Lot 80.04 has any right of access over the driveway that runs through Lot 34.

The subject property currently has no garage. The house has a large partially roofed deck with a hot tub under the roof attached to the back of it. The applicants propose to erect a 750 square foot pole barn type of garage at the back of the lot in an area that is at least partially impervious already and may have once held a detached garage.

The Holland Township Land Use Ordinance limits accessory structures on residential lots to the following:

A. One private garage intended to be used, and used, to store or house automobiles, trucks or similar motor vehicles, for the use of the residents of the lot on which it is located, and their guests and lessees.

B. Storage structures customarily associated with the maintenance of a residential lot, provided the storage structure does not exceed the following maximum gross floor area: (1) For a lot having a lot area of two acres or less, a maximum gross floor area of 300 square feet; (2) For a lot having a lot area of greater than two acres but not three acres, a maximum gross floor area of 400 square feet; (3) For a lot having a lot area greater than three acres, but not over 10 acres, a maximum gross floor area of 1,000 square feet; and (4) For a lot having a lot area greater than 10 acres, the storage structure shall not have a gross floor area larger than 50% of the footprint of the principal structure.

It appears from the above that the proposed garage is a permitted accessory structure on a residential lot. It is also not considered an accessory *storage* structure, as it would be if there were already a garage on the property. The garage is not subject to the size limitations applicable to an accessory storage structure (a storage structure added to a lot that already has a garage). Thus, ***it is my opinion that this application merely requires "c" variances for the proposed setback of the garage from the neighboring lot lines.***

The plot plan submitted with the application showing the proposed location of the garage should include its proposed side and rear yard setbacks. Additionally, for the record, the existing and proposed impervious surface

coverage should be noted. The stone driveway area is treated by the NJDEP as an impervious surface, as are all patios and walkways on the property.

The subject property is an existing undersized lot that was created and built upon prior to the adoption of the first Zoning Ordinance in Holland Township. It is served by sewer and water, so its size does not pose any potential issues with respect to well and septic capabilities. There is a provision at Section 100-109 of the Land Use Ordinance that provides for modified building setbacks on lawfully preexisting undersized lots, but such lots have to be at least 3/4ths acre in size, and this lot is only about a third of an acre. This section of the Ordinance permits side and rear yards to be reduced to 25 feet instead of the 75 feet that would otherwise be required in the R-5 zone. Since the entire lot is only 75 feet wide, compliance with the side yard setback requirements will be difficult, if not impossible. ***The applicant could come closer to meeting the side yard setback requirements, however, it the garage were reoriented so that the longer side faced the driveway, with the doors located on that side instead of on the short (25 foot wide) side.*** This is how the neighbors' driveway shown in the photos submitted with the application is oriented. Given the width and depth of the lot, I believe it is a more appropriate orientation.

It appears that the rear yard setback could be met readily on this lot.

The applicant will have to present proofs on each of the setback variances requested. The rear yard setback, at least, is not a hardship type of situation, since the applicant could readily provide at least a 25 foot setback. To obtain a non-hardship "c" variance (a "c-2" or "benefits outweighing the detriments" variance), the applicant must be able to demonstrate to the Board's satisfaction that granting the variance will promote the purposes of the MLUL (found at N.J.S.A. 40:55D-2) and that the benefits of granting the variance in this particular case will substantially outweigh any potential detriment. The arguments presented in the Rider to the application, describing the benefits to the applicant, are not relevant to the Board's consideration. The applicant must identify some *public* benefit associated with granting the variance.

In addition, the Board must be satisfied, based on the testimony presented by the applicant, that there will be no substantial detriment to the public good and no substantial impairment of the intent and purpose of the zone plan and zoning ordinance of the Township if the variances are granted.

PlanningBoard@hollandtownship.org) Reference: Russell and Courtney

Steele Variance Application
Block 17 Lot 34
Township of Holland Hunterdon County, New Jersey

Dear Maria:

I have received and reviewed the above referenced application for the purpose of determining compliance with the Township's Board of Adjustment "Checklist for Determining Completeness of Application Criteria for Submission". I am also in receipt of a memorandum to the board from Elizabeth McKenzie, AICP; PP dated December 4, 2014 on this application. I understand the Zoning Board of Adjustment will discuss and make a completeness determination at their meeting on December 17, 2014 Documents received consist of the following:

A. Application documents consisting of: AI. Application form
A2. Township's Checklist
A3. Site Walk Authorization
A4. W9 Request for Taxpayer Identification Number and Certification
A5. Denial letter from Holland Township Zoning official
A6. Certified list of property owners within 200 feet of the property. The certification that taxes were paid for this property was not provided.

B. "Location Survey"- prepared by D.P. Sweeny Associates Inc. dated 8/23110.

C. "Floor Plan of Proposed Building (Garage)" –prepared by Pioneer

Pole Buildings Inc. D. Deed information dated August 27, 2010.

E. Site Photographs.

F. Letter from the "State of New Jersey Highlands Water Protection and Planning Council" dated October 6, 2014 for Highlands Planning Area Exemption Determination, Exemption #5 Block 17 Lot 34, Holland Township.

The property is within the R-5 zone. A general review of the application shows that the property owner is seeking variance relief from 100-45 Section B –overall size on accessory structure, and 100-109 – setback requirements for undersized lots. The lot size is 15,000 s.f. (gross area) (13,500 s.f. net area). The lot currently has a 1-1/2 story frame dwelling, a partially covered wooden deck and hot tub area, a stone driveway that goes along the easterly property line, and is partially enclosed with a PVC/chain link fence.
The property is served by both public water and sewer.

Our office also conducted a site visit of the property on December 5, 2014. The features of the lot currently match the location survey submitted. I noted the area where the proposed garage is currently lawn area and is graded towards lot 8.04.

Completeness Review

The following is my review of the above application for completeness with the checklist. I have provided comments for the Board's benefit noting deficiencies in **bold.**

Item H-1 The application escrow fees have been paid.

Item H-2 There is no certification from the Township that the taxes were paid for this lot. **This item must be provided.**

<u>Item H-3</u> A list of property owners within 200 feet of the property is included.

<u>Item H-4</u> The financial disclosure statement is not applicable since the applicant is not a corporation or partnership.

Item H-5 The Hunterdon County Health Department Construction Permit Referral for has not been provided as part of this application since the property is served by public water and sewer.

Item H-6 A denial letter from the zoning officer outlining the denial reasons has been provided as part of the application.

Item H-7 A letter from the Fire Department is not applicable since the lot fronts on a public

road.

Item H-8 An "Applicant's Certification" from the property owner has been provided.

Item H-9 A consent of the property owner in not applicable since the owner of the property is the applicant.

Item H-10 A site walk authorization has been provided.

Items H-11 through H-12 The fees have been calculated, the escrow agreement form has been

completed.

Item H-13 The applicant has provided 3 copies of the current deed.

Item H-14 The applicant has provided a completed application form.

Item H-15 The applicant has provided photographs of the proposed building site.

Item H-16 A copy of the Location Survey showing the proposed building footprint has been provided. The proposed garage has been provided with proposed dimensions on a marked up location survey.

H-17 Overall lot dimensions are noted on the location

survey.

H-18 The tract acreage is noted on the location survey.

H-19 A reference meridian has been provided on the location survey.

H-20 The septic and well location has been checked as ·'not applicable'" since this property is served by public water and sewer.

H-21 All existing features are shown on the location survey.

H-22 A graphic scale has not been provided on the location survey, but is shown on a subsequent dimensioning plan for the proposed building. **This item is therefore acceptable.**

H-23 through H-24 I have summarized the bulk requirements and information for R-5 Zone in the following table:

Requirement	Required	Existing Dwelling	Proposed Building
Lot Area Minimum (acres)	5	0.3443 (gross) 0.3099 (net)	No Change
Lot Width Minimum (feet)	325	75	No Change
Lot Depth Minimum (feet)	350	200	No Change
Height Maximum (feet)	35	Not Provided(1)	Not provided (1)
Stories Maximum	2-1/2	1-1/2	Not Provided (1)
Setback from Street Line, Minimum (feet)	75(3)	31.7	165
Rear Yard Minimum (feet)	75(3)	Not Provided(->	10
Side Yard Minimum (feet)	75(3)	18.7	20

(1) Location Survey does not show the total height of either the existing or proposed structures

or the height in stories for the proposed structure. These items must be completed.

(2) Location survey does not show the minimum dimension from the rear of the property to the existing structure. This item should be completed or waived if approved by the Board.
(3) Setback lines not shown on the plan due to the size of the

lot. H-25 The applicant has provided a floor plan for the proposed

structure.

H-26 The applicant has not provided building elevation plans for the proposed building. The overall height of the building measured from the average elevation from the ground level at the foundation to the highest point of the highest ridgeline of the roof. These items must be completed.

H-27 The applicant has obtained a "'Highlands Planning Area Exemption" for the proposed structure and is in compliance with the checklist on this item.

Based upon the above items H-2; H-23; H-24 and H-26 must be completed in order for the application to be deemed "complete" unless otherwise waived by the Board.

Technical Review
Based on my limited technical review of the application, I offer the following comments for the Board's consideration.

A. Outside agency approvals:
   1. The building construction is subject to the appropriate building sub code and other construction permits. The applicant must comply with these requirements if zoning relief is granted.

B. Other Items:
   1. I would note and agree with Planner McKenzie's comment on maintaining the setback dimensions suggested in her memo. This would, in my opinion, minimize any potential drainage and grading issues that may arise in constructing the building I0' off the rear property line. A grading plan will be required to be submitted and approved by our office if the I0' setback is approved.

   2. Applicant must resolve dimensioning discrepancy for the garage 25' on plot plan verses 24' on building plan.

   3. The applicant must comply with all other requirements and recommendations from Planner McKenzie and Attorney Bolig.

If you have any questions or require additional information, please feel free to contact

me. Very Truly Yours,

Robert Martucci, P.E.
Board of Adjustment Engineer
R-5999.006 141208.docx

Cc Board Members (via email)
Betsy McKenzie PP, ACIP, Planner
(ecmcke@embarqmail.com) Todd Bolig, Esq.
(tlbolig@boliglaw.com)
Russell and Courtney Steele (Via Regular Mail)

Attorney Bolig has reviewed all documents and the Board of Adjustment has jurisdiction to proceed.

Exhibit A1 – Application and all related documents
Exhibit A2 – Notice etc.

Russell and Courtney Steele were sworn in by the court reporter. It was stated that the Steele's are requesting variance relief for the setbacks to build a garage. The lot is narrow. They are also requesting to build a 30' x 24' garage. They need 25' off the side yard and they are looking for relief for 20' off the property line for their purposes. They believe the property value will improve. They do not believe that there is a negative value by granting their request. The neighbors have similar structures and they have pictures for the board to review.

Exhibit A3 – Satellite Photo
Exhibit A4 – Three black and white photos

Courtney Steele describe both exhibits. The photos are of the immediate neighbors.

Planner McKenzie explained her idea to turn the garage. Russell Steele explained that he needs the depth for his vehicle (an Ford Excursion) which often has a hitch on it so the 25' is needed. He hauls a travel trailer. Planner McKenzie thought to reorient the garage would accommodate a need for storage but Russell Steele stated that he also needs the depth for his vehicle.

Exhibit A5 – the original Survey

Engineer Martucci had a question about the orientation of the door and the Steele's responded that they are not using the trailer to go into the garage.

At completeness it was brought to the Steele's attention that they needed to resolve some issues and the Steele's responded that their encroaching fence was removed from the neighbor's property. Stone is already on the ground. Courtney Steele stated that she has asked for relief of 10' for the overall use of the property as the lot is small and the applicants want to use as much room on their property as possible. They want it for family use. There are woods behind them. Chairman Crawford asked if the lot behind them is a buildable lot and the Steele's responded that there is already a home on the property with woods separating the homes.

Attorney Bolig had questions about the filing of the application. There was discussion about the applicant filing a C2 when they are looking for a C1 which is a small size lot and that they are having a difficulty putting a garage where they want it. Attorney Bolig brought up the possibility of needing to amend the existing application on file. Planner McKenzie stated that they are on the record looking for a C1 Variance but a C2 is appropriate. If they changed the orientation they could meet it but the applicant wants a longer garage for the long vehicle and this is NOT a REAL hardship. The garage needs to fit the vehicle they currently have. The board can weigh in. The wider rear yard is better for the applicant's needs but there is no adverse impact on the neighbors in the back. This neighborhood generally has smaller lots. They are trying to keep within the neighborhood standards. Planner McKenzie thinks the C2 Variance is better for their needs.

This goes back to the Board of Adjustment members for consideration of the view of a C1 or C2 application. Consideration needs to be given to: what looks better in the neighborhood?, Is anyone against it, are there any detriments?, etc. After some discussion, all the board members agreed that this application is a C2 variance.

Board members Rader asked for clarification of the use of the garage. The Steele's responded that they are going to use this for their vehicles and not for storage of their trailer.

Engineer Martucci requested that a condition of approval be that a license surveyor be required to do a survey showing the garage. This is to protect the neighborhood.

Chairman Crawford had a question about run-off and Engineer Martucci stated that he saw an issue but after the second inspection he did not see any areas that would affect the neighbors. He suggests that another condition be to have roof leaders on the westerly side of the garage so as to drain towards the applicant's lawn and not drain toward the 10' setback.

No other board members or professionals had comments at this time. Let the record show that NO ONE was present in the audience so there was no need to open for public comment.

Attorney Bolig recapped. All the traditional verbiage in a resolution stands with the additional conditions of the need for a license survey including the garage, no business to be conducted, no bathroom, no kitchen, the electric to be installed will be for the use of lights, no internal plumbing, 18 month building permit and construction to be started from time of resolution approved by the board, building permits will be needed and rood leaders to the west. A motion was made by Bill Martin and seconded by Peter Kanakaris to grant the approval of this application for a C2 variance with the conditions outlined and discussed which includes the standard conditions of the model resolution. At a roll call vote, all present were in favor. Motion carried.

The Steele's had some questions about the process and a discussion took place with a suggestion that the Steele's look into getting a survey done. The Steele's thanked everyone for their help.

Resolution

There were no resolutions to be discussed.

Old Business

There was no Old Business to be discussed.

New Business:

There was no New Business to be discussed.

Public Comment

There was no one present in the audience.

Board Member Kanakaris stated that the WIFI was not working in the room.

Gail Rader made a motion to adjourn. Motion carried.

Meeting ended at 8:15 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Maria Elena Jennette Kozak

Secretary