

Frankenlust Township Zoning Board of Appeals Minutes
Wednesday, June 20, 2018 6:00 p.m.
ZBA103 Applicant -Martin Arford

GENERAL INFORMATION

Zoning Board of Appeals variance application was received May 11, 2018 from the Applicant, Martin Arford, parcel #09-030-015-100-050-00, 7130 Kraenzlein Road, along with a 3 page letter dated May 11, 2018 and 4 drawings, each of which are marked Drawing A, Drawing B, Drawing C and Drawing D.

The variance is being requested due to practical difficulties, substantial justice, unique circumstances, not self-created, more than an inconvenience, preservation of property rights, public safety and welfare and minimum necessary action.

June 5, 2018 a notice of hearing was sent to the surrounding owners within 300 feet. No one was present in the audience; the applicant was not in attendance.

MEETING WAS CALLED TO ORDER BY CHAIR DAVE HELMREICH. A roll call was made. Present were Dave Helmreich, Mary M. Revord and Edward Zuraw. Absent were Daniel Meyer excused and Randy Appold excused. Attorney James Hammond and Zoning Administrator Rodney Nanney as well as Debbie Gibbon, Administrative Assistant.

APPOINTMENT OF OFFICERS

Motion was made and seconded (Revord/Zuraw) to nominate the existing officers, which are D. Helmreich as Chairman and M. Revord as Recording Secretary. 3 Ayes, 0 Nays. Motion carried.

REVIEW AND APPROVE AGENDA.

Chairman called for approval of Agenda; 3 Ayes, 0 Nays. Motion carried.

OPEN HEARING.

Chairman called to open the hearing. Zuraw/Revord motion to open the hearing. 3 Ayes, 0 Nays. Motion carried.

HEARING WAS CALLED TO ORDER BY DAVE HELMREICH.

Mr. Hammond noted this is a request for a variance not an interpretation of the zoning ordinance. The applicant is requesting a variance of 28.5' from applicable Ag zoned district 50' front yard requirement to reconstruct a covered front porch. Section 23.08 Variance (p 23-6) applies eight standards as follows:

- **Practical Difficulties**
 - Strict compliance will deprive the applicant of rights commonly enjoyed by other property owners, or unreasonable prevent the owner from using the property for a public purpose.
 - ❖ Because Mr. Arford is stuck with an existing layout that he didn't create, if we insist on strict compliance with the 50' front yard setback requirement, he can't have a covered front porch which most residential property owners in the township can have.

- **Substantial Justice**
 - Variance will give substantial justice to property owner because he will be able to have a covered front porch like most Frankenlust Township residential property owners.

- **Unique Circumstances**
 - Mr. Arford is struck with an existing layout.

- **Not Self-Created**
 - Mr. Arford did not build this house.

- **More Than An Inconvenience**
 - The porch design proposed will improve Mr. Arford's house aesthetically and increase the enjoyable use of it.

- **Preservation of Property Rights**
 - The variance is necessary for the enjoyment of a substantial property right enjoyed by others in the same zoning district—the right to have a covered front porch.

- **Public Safety and Welfare**
 - The requested variance doesn't pose any threat to public safety and welfare.

- **Minimum Necessary Action**
 - A lesser variance will not be of much use to Mr. Arford.

Motion by Revord/Zuraw for a variance from the minimum 50.0' front yard setback area required in the agriculture zoning district per section 5.101 of the zoning ordinance 79, to expand an existing front porch to 11.0 feet wide by 13.0 feet long, and to construct a new gable-roofed porch overhang that would encroach 29.0 feet into the required setback area of the 0.5 area nonconforming lot at 7130 Kraenzlein Road (tax parcel 09-030-015-100-050-00), which is located on the southwest corner of Kraenzlein Road and Kloha Road and to allow an additional bay window within the newly established set back area and a new zoning permit is required. This is based on his application and all documents submitted with it. Mr. Arford has met the zoning ordinance criterial of

practical difficulty, substantial justice, unique circumstances, not self-created, more than an inconvenience, preservation of property rights, is not a public safety and welfare issue, minimum necessary action.

Roll call vote: Zuraw-yes, Revord-yes, Helmreich-yes, two absent. Motion carried.

ZURAW/REVORD MOTION TO ADJOURN HEARING at 6:15 p.m. Ayes-3 Nays-0 Absent-2. Motion carried.

Mary M. Revord, Recording Secretary

Zoning Board Of Appeals.

Debbie Gibbon, Admin. Asst. acting as Assisting Recording Secretary.

June 20, 2018

ATTACHMENTS TO ORIGINAL MINUTES:

1. ZBA APPLICATION WITH LETTER FROM APPLICANT WHICH INCLUDES 4 DRAWINGS.
2. AGENDA
3. AFFIDAVIT OF MAILING OF NOTICE
4. LIST OF PROPERTY OWNERS NOTIFIED WITHIN 300 FEET.
5. ORDINANCE NO. 5.101
6. NOTICE OF HEARING
7. AFFIDAVIT PROOF OF PUBLICATION