

**FRANKENLUST TOWNSHIP ZONING BOARD OF APPEALS MINUTES – WEDS.  
APRIL 17, 2017- 7 PM – ZBA 102 – MATT & MELISSA GORSKE, APPLICANTS**

**General Information – Zoning Board of Appeals variance application was received March 17, 2017 from the Applicants – Matt and Melissa Gorske along with a 3 pg letter dated 3/11/17 and several attachments.**

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

**A sign in sheet was passed. A notice of hearing was sent to the surrounding owners and no one was present in the audience; only members of the applicants were present.**

**MEETING WAS CALLED TO ORDER BY DAVE HELMREICH. A roll call was made. Also present were Randy Appold, Dan Meyer, Ed Zuraw, Mary Revord. Attorney J. Hammond and Zoning Administrator R. Nanney were also present.**

**APPOINTMENT OF OFFICERS – Motion was made and seconded (Appold/Zuraw) to nominate the existing officers, which is D. Helmreich as Chairman and M Revord as Recording Secretary. Motion approved.**

**REVIEW AND APPROVE AGENDA. Chairman called for approval of Agenda; all okayed.**

**Chairman indicated the Application is received from Matt and Melissa Gorske, parcel # 09-030-002-300-015-16 – a 3.97 acre vacant parcel located on the east side of Four Mile Road, two-tenths of a mile north of Delta Road in the R-2 (Single Family Residential) Zoning District. The Application is for approval for a variance from Section 16.04B.1.b. of Zoning Ordinance No. 79, which requires a minimum 25.0- foot open space setback area from the edge of a wetland, to allow construction of new single-family dwelling, attached garage, and private**

**driveway to encroach into this required setback and also impact between 0.03 and 0.09 acres of wetlands.**

**PUBLIC HEARING OPENED:**

The applicant Matt Gorske presented his case and referred to the Site Plan layout included with the Application. He advised 70% of this property is covered by wetlands and that only .03 is being impacted. He indicated they have tried to keep the parcel as natural as possible and not impact the wetlands and have placed the proposed dwelling with that in mind.

Mr. Hammond asked if there were any other deed restrictions imposed on this parcel which would also limit a minimum area restriction. He indicated that there was and referred to the Deed of Restrictive Covenants. So not only is there only restrictive usable upland there is also a minimum area requirement for his home pursuant to the Deed which is 3600' and also construct a septic field.

Chairman advised according to the ZA that the DEQ has already approved and our Ordinance has the 25' setback and they need this variance because of our Ordinance.

There was no one present to object.

Mr. Nanney committed and referred to the Variance Application Report he had written. The purpose of our ordinance is to protect our wetlands. To meet our Ordinance setback requirement they would have to destroy a much greater area of the wetlands which is opposite of what our Ordinance intends. The 0.03 encroachment is actually most of the driveway passing over. The notice indicates between 0.03 and 0.09 acres to give a little range to the DEQ. The report also lists the different criteria that we should refer to which also is the same criteria the applicants have referred to in their letter of 3/11/17. I also do not have any objections to any of the statements they have made.

Member Zuraw asked if we had the DEQ permit. Mrs Gorske then presented a copy of the DEQ permit #WRP006508 v.1 that they had recently received. Although not needed for this variance we accepted the permit.

Member Meyer had a question about the Deed restriction which was answered by Mrs. Gorske. The prior owner set up the restrictions not the applicants.

Atty Hammond presented his findings they have to have a minimum 3600' building, the proposed home will not fit on either of the wetland areas and also comply with the 25' setback requirement. The land is unique and is mostly wetland with 2 rather small upland areas. If they are unable to obtain a variance they would be denied a substantial property right as they would not be able to build on their property. With that, I believe they have met all of the criteria they requested and would if asked for my recommendation, I would recommend approving the variance.

Discussion was then held about prior setbacks in our prior Ordinance which back then would have not been effected by this variance request. The impact of wetland in this matter is very minimal.

Public hearing closed at this time.

**NEW BUSINESS - A motion was then made and seconded (Appold/Zuraw) to grant the requested Variance from Section 16.04B.1.b of Zoning Ordinance No. 79 based on the following Findings of Fact criteria as referred to in applicant's letter dated 3/11/17 and referenced in Mr. Nanney's Variance Application Report :**

- **Practical difficulty**
- **Substantial Justice**
- **Unique Circumstances**
- **Not self-created**
- **More than an inconvenience**

- Preservation of property rights
- Public safety and welfare
- Minimum necessary action

Along with the Permit issued by the DEQ. That this variance is also based on the application and all documents submitted with that application.

Roll call vote. Motion unanimously approved.

**OLD BUSINESS - Atty Hammond then made a suggestion since we do not meet on a regular basis that we adopt a Standing Order that the Minutes be prepared by the Recording Secretary, sent by mail to all members that they reply within 14 days if any objection and if no objection is received the Minutes would then be approved after the 14 days. Motion was made and seconded (Appold/Zuraw) that we adopt this Standing Order. Motion passed.**

**NO FURTHER MATTERS TO DISCUSS. MOTION MADE AND SECONDED (Revord/Zuraw) TO ADJOURN at 7:35 p.m.**

**MARY M. REVORD, RECORDING SECRETARY**

**ZONING BOARD OF APPEALS**

**April 21, 2017**

**ATTACHMENTS TO ORIGINAL MINUTES:**

- 1. ORDINANCE NO. 79 - SECTION 5.16 16.04B.1.b**
- 2. ZBA APPLICATION with Site Plan and Letter from Applicants, drawings, and Deed Restrictions document.**
- 3. AFFIDAVIT OF MAILING OF NOTICE**
- 4. NOTICE OF HEARING**

**5. SIGN IN SHEET**

**6. AGENDA**

**7. DEQ PERMIT # wrp006508 V. 1**

**8. VARIANCE APPLICATION REPORT dated 4/11/17 from ZA**

**COPIES MAILED TO:**

**DAVE HELMREICH, ED ZURAW, DAN MEYER, RANDY APPOLD**

**JAMES HAMMOND, ATTORNEY FOR TOWNSHIP**

**ZONING ADM, RODNEY NANNEY**

**MATT & MELISSA GORSKE, APPLICANTS**

**CC: TOWNSHIP CLERK, DEBORAH FISHER**