

FRANKENLUST TOWNSHIP ZONING BOARD OF APPEALS MINUTES – WEDS. SEPT. 29, 2020- 6 PM – ZBA 106– DR. AUSTIN COLLIER, APPLICANT

General Information – Zoning Board of Appeals variance application was received August 13, 2020 from the Applicant – Dr. Austin Collier along with several attachments.

The variances are 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 applicant were present.

MEETING WAS CALLED TO ORDER BY DAVE HELMREICH.

ROLL CALL - A roll call was made. Present were Randy Appold, Dan Meyer, Ed Zuraw, Dave Helmreich and Mary Revord. Attorney Marcie Klida Blossom and Zoning Administrator R. Nanney were also present.

APPOINTMENT OF OFFICERS – Motion was made and seconded (Meyer/Zuraw) to nominate D. Helmreich as Chairman. Roll call vote excluding D. Helmreich was made. Motion carried. Then motion was made and seconded (Meyer/Appold) to nominate M Revord as Recording Secretary. Roll call vote excluding M. Revord was made. Motion carried..

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

PUBLIC HEARING – Motion made and seconded (Zuraw/Appold) to open the public hearing. Roll call vote. Motion carried.

Zoning Administrator R. Nanney then indicated the Application we received from Dr. Austin Collier, for Parcel # 09-030-002-300-015-12 – a 6.21 acre vacant

parcel located on the east side of Four Mile Road, in the R-2 (Single Family Residential) Zoning District. The Application is for approval for two variance requests.

The first variance request is 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 a proposed private driveway for the construction of new single-family dwelling to encroach into this required setback and also impact a limited area of wetlands.

The second variance request is from Section 3.07E.4. of Zoning Ordinance No. 79 which is a variance from the requirement that a detached accessory structure be located in the side yard or rear yard to allow a proposed detached structure up to 1,200 square feet (30 feet by 40 feet) in floor area to be located in the front yard of the lot in compliance with setback requirements.

Member Meyer asked whether or not the outbuilding would match the outside structure of the home. Applicant Owner indicated that it would

Public Hearing closed – Motion made and seconded (Meyer/Zuraw) to close the public hearing. Motion carried.

NEW BUSINESS –

Variance 1 - A motion was then made and seconded (Revord/Meyer) to grant the requested Variance from Section 16.04B.1.b of Zoning Ordinance No. 79 based on the Findings of Fact criteria information 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 granted.

Variance 2 - A Motion was made and seconded (Meyer/Zuraw) to grant the requested variance from Section 3.07E.4. of the Zoning Ordinance No. 79 based on the Findings of Fact criteria referenced in Mr. Nanney's Variance Application Report and outlined above in Variance 1.

Roll call vote. Motion unanimously granted.

There being no Old Business, Informational Items, or other Public Comment, CHAIRMAN HELMREICH MOVED TO ADJOURN at 6:15 p.m. Motion carried.

MARY M. REVORD, RECORDING SECRETARY

ZONING BOARD OF APPEALS

September 29, 2020

ATTACHMENTS TO ORIGINAL MINUTES:

- 1. ORDINANCE NO. 79 - SECTION 16.04B.1.b and SECTION 3.07E.4.**
- 2. ZBA APPLICATION with attachments 1. Legal Description, 2. Letter of correspondence dated August 11, 2020 from D&M Site, Inc., 3. EAGLE Permit # WRP023724 v. 1 issued July 16, 2020 and its attachments.**
- 3. Zoning Administrator R. Nanney Variance Application Report.**
- 4. AFFIDAVIT OF MAILING OF NOTICE**

5. NOTICE OF HEARING

6. SIGN IN SHEET

7. AGENDA

COPIES EMAILED TO:

DAVE HELMREICH, ED ZURAW, DAN MEYER, RANDY APPOLD

MARCIE KLIDA BLOSSOM, ATTORNEY FOR TOWNSHIP

ZONING ADM, RODNEY NANNEY

DR. AUSTIN COLLIER, APPLICANT

CC: TOWNSHIP CLERK, DEBORAH FISHER