

COVERT TOWNSHIP

ZONING BOARD OF APPEALS

MINUTES OF THE JUNE 30, 2022 REGULAR MEETING

6:30 P.M. - COVERT TOWNSHP HALL

1. Call to Order and Roll Call

Chairperson Rice called the meeting to order at 6:30 p.m.

Members Present: Chairperson Rice, Ella Harrington, John Snow, Lonzey Taylor
Members Absent: DeWayne Swans
Others Present: Rebecca Harvey, Township Planning Consultant

2. Approval of Agenda

It was noted that the agenda should be amended to reflect the correct day of the meeting. Harrington moved to approve the agenda as amended. Taylor supported the motion. Motion carried unanimously.

3. Approval of Minutes

The next matter to come before the Board was consideration of the proposed minutes of May 26, 2022. Taylor moved to approve the minutes as presented. Harrington supported the motion. The motion carried unanimously.

4. Public Comment on Non-Agenda Items

No public comment was offered on non-agenda items.

5. New Business

A. *Board Overview of Variance Criteria – Section 28.07*

Harvey provided an overview of the variance criteria established by Section 28.07, highlighting examples of application and clarifying the variance review process.

B. *Public Hearing Item:*

Variance Request – *Oberlin*

The next matter to come before the Board was the request by Mary Carol Oberlin for variance approval to allow for the construction of an addition to an existing building that fails to meet the roadside setback requirement established by Section 15.01, Zoning Ordinance. The subject property is located at 79390 Ravine Way and is within the LD-1 Low Density Residential District. (*Parcel #80-07-483-005-00*)

Chairperson Rice noted that the subject request was considered at the May 26, 2022 Zoning Board of Appeals meeting but had concluded in a tie vote of 2-2 on a motion to grant the variance. Accordingly, it was declared that there was no action taken on the request and the matter was postponed to the June meeting.

He further explained that the required public hearing had been held at the May 26, 2022 meeting, with the public comment portion of the public hearing being opened and closed at that time. However, he felt it would be helpful to re-open the hearing to public comment to allow the applicant to provide additional comment if desired and to receive public comment not provided in May.

Brian Oberlin was present on behalf of the application. He explained the proposal to construct a single-story addition on the west side of the existing dwelling on the site. Oberlin stated that the subject property is unique in that it is provided street frontage on three sides . . . which translates into having three ‘front yards’. The property is also unique in that the abutting streets are low-volume private roads serving only three properties . . . with the road abutting on the west side of the property (Ravine Circle) providing access to only a single lot.

Oberlin explained that the Zoning Ordinance requires a minimum ‘front yard’ setback of 30 ft . . . which applies to the east, west and south boundaries of the site, even though the abutting streets are essentially ‘driveways’ serving only three properties. He stated that they are proposing a building addition with a 16 ft setback from the

west property line . . which would exceed the standard side setback requirement of 10 ft.

Michael Jasmin, project architect, offered comment on the variance criteria to be applied, noting the following:

- The subject property is unique in that it is provided three 'front yards' . . and represents the only site in the area with these circumstances.
- By having three front yards, the property is subject to greater setbacks than are required on surrounding properties.
- Existing building setbacks and the location of the septic system limit the buildable area on the site in compliance with setback requirements.
- The proposed addition is small in size and will not result in an overall building size that is out of character with the neighborhood.
- Based on the nature and use of the abutting private roads, specifically Ravine Circle, the west property line can be viewed more as a 'side lot line'. The proposed 16 ft setback exceeds the 10 ft side setback requirement that would normally be applied.
- The lot layout and building placements in the area are old . . and are the basis for the setback limitations that exist.

Chairperson Rice noted again for the record that written correspondence had been received from two of the immediate neighbors indicating their support of the request.

No further public comment was offered on the matter and the public comment portion of the public hearing was again closed.

The Board then proceeded with a review of the variance criteria set forth in Section 28.07, Zoning Ordinance. Specifically, the following findings with respect to the requested variance were noted:

#1 – The subject site is afforded frontage on three roadways resulting in the application of the 'front yard' setback requirement on three sides . . a situation not represented elsewhere in the surrounding area . . constituting a unique circumstance of the property.

#2 – There is no ‘condition of the property’ that would suggest an amendment of the Ordinance is more appropriate than the request for variance relief.

#3 – In determining substantial justice, it was noted that very few properties are provided frontage on Ravine Circle (west property line) but that the existing buildings on those properties are in compliance with the 30 ft setback requirement. It was observed, however, that the existing buildings in the area are largely nonconforming with respect to setbacks overall. The letters of support from neighboring property owners were also referenced.

#4 – In determining if compliance is unnecessarily burdensome, it was noted that the site is currently occupied by a dwelling and that a denial of setback variance for the proposed addition would not prevent reasonable use of the property. It was recognized, however, that the grade of the site and the existing house configuration eliminates the option for a two-story addition . . . and the presence of three ‘front yards’ greatly limits the ‘buildable area’ on the site in compliance with all setback requirements.

#5 – In recognition that the intent of the ‘front yard’ setback requirement is to address issues of roadway/building separation, visibility/sight lines, consistency of building lines, and safe/adequate off-street parking, the following was noted:

- The proposed 16 ft setback suggests that roadway/building separation objectives will not be met . . . however, Ravine Circle serves few properties and experiences limited use.
- Having roadway frontage on three sides, the subject site is only adjacent to one property; the 16 ft setback will create little visibility/sight line or building alignment issues.
- The subject site is provided access off Ravine Circle, limiting the impact of the proposed 16 ft setback on the existing off-street parking arrangement.
- The proposed 16 ft setback from Ravine Circle will exceed the 10 ft side setback requirement that would apply if the roadway were recognized as a driveway consistent with its character and function.
- The addition has been designed to limit the number of trees to be removed and minimize disturbance to the site.

#6 – The location/size/configuration of the site and the existing house were all initially at the discretion of the property owner . . . resulting in practical difficulties created by an affirmative action of the property owner. It was recognized, however, that the lot and existing building are old and nonconforming, which creates difficulties in complying with new standards.

It was stated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Harrington then moved to grant variance approval from the 30 ft ‘front yard’ setback requirement so as to allow a 16 ft setback from Ravine Circle for the proposed addition, based upon the findings of the Board on the variance criteria set forth in Section 28.07, Zoning Ordinance. Chairperson Rice supported the motion. The motion carried 3 to 1, Taylor dissenting.

C. OnGoing Business

Chairperson Rice stated that no ‘Ongoing Business’ was scheduled for consideration.

D. Adjournment

Having no other business on the agenda, the meeting was adjourned at 7:47 p.m.

**COVERT TOWNSHIP
ZONING BOARD OF APPEALS**

Rebecca Harvey
Township Planning Consultant