



**WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS MINUTES
November 9, 2015**

The Washington Township Board of Zoning Appeals met in regular session on November 9, 2015 in the Terry L. Blair Meeting Room of Washington Township Government Center. Members of the Board present were Mr. Klepacz, Mr. Schmidt, Mr. Roberts, Mrs. Mulligan and Mr. Schwartz. Call to order at 7:00 p.m.

Pledge of Allegiance

Mr. Schwartz explained the hearing procedure.

Mr. Schwartz administered the oath to all persons testifying.

Case No. A-1710 Kevin and Tonya Weiss requests a variance to exceed 720 square foot maximum size limitation of accessory structure for a 1,568 square foot detached garage located at 6580 Munger Road

Zoning Manager, Ryan Lee, presented the case.

The applicant requests an expansion of an accessory structure larger than permitted on the above-referenced lot.

The applicant is requesting a variance to exceed the 720 square foot maximum size limitation for a residential accessory building of the R-3 zoned lot. The request is to expand the existing detached garage to 1,568 square feet.

The applicant currently has a detached garage located in the rear portion of their irregular shaped lot that is approximately 768 square foot in size. The existing structure is non-conforming to the Zoning Resolution standards as it exceeds the maximum size limitation of 720 square foot. The applicant's variance request proposes an expansion to the existing detached garage structure, which would enlarge the structure to an overall size of 1,568 square feet.

The applicant's request does not provide any statements of fact to substantiate whether a practical difficulty exists which preclude them from adhering to the zoning resolution standards. It is staff's opinion that the size of the proposed structure is substantial given that it is more than double the maximum size allowable within the R-3 district. Furthermore, staff is of the opinion that beneficial use of the property would be achievable even without the variance. Staff recommends **denial** of the requested variance.

Joel Ulrich, 195 Pleasant Hill Rd, Humble, TN, representative for the applicant, he has been sworn in. I am the original builder for the three car garage. The applicant is out of town working and all they are going to do is cover the slab and add onto the front of the garage. The brick, vinyl and roof materials will match the existing structures. They are good with their neighbors but had requests to enclose items into the garage. He works in construction and you are only as good as your tools to have to survive. They are just trying to get the things on the outside on the inside.

Mr. Schwartz- The structure is going to be in front of this structure because I was under the impression that it was behind it from the drawings shown.

Mr. Ulrich- The existing structure is at the setback in the rear so we will need to bring it to the front. Mr. Scholle advised it would be easier to build a second garage but there is not enough width so that's why we are extending this out 25 feet.

Mr. Schmidt- What is inside the garage now?

Mr. Ulrich- There is a lot tools and building materials.

Mr. Schmidt- Is that why he cannot pull his truck into the garage?

Mr. Ulrich- Yes,

Mr. Schmidt- There is another two car garage on the property is that correct?

Mr. Ulrich- There is one attached to the house?

Mr. Schmidt- Is there space in that garage?

Mr. Ulrich- Yes but they have three children and there comes more cars. They also have a hardship and I'm not for sure if I'm should disclose this but her mother recently had brain surgery and she's in and out. He will have to store her furniture there some day for what that's worth. I think they didn't disclose that but it is a fact.

Mr. Schmidt- Are you the original owner of this house?

Mr. Ulrich- Yes.

Mr. Schmidt- You sold it too Mr. Weiss?

Mr. Ulrich- Yes.

Mr. Schmidt- When did you sell it to them?

Mr. Ulrich- In roughly 2000.

Mr. Schmidt- Did you build this existing structure?

Mr. Ulrich- Yes both structures the house and garage the material will match it's not like they are putting a pole barn up everything will look the same.

No citizens voicing concerns, questions or comments.

Public hearing closed.

Board deliberation.

Mr. Schmidt advised in looking at the zoning resolution there is a limitation of 720 square feet for an accessory structure and he understands the existing one was built in 1999. It exceeds that amount a little but they have a attached two car garage and detached two car garage with what looks like a third door for a smaller type of vehicle. He feels by approve this application you are doubling the size of the structure and 1,500 for an accessory structure is bigger than some homes in the Township.

Mrs. Mulligan – What do they have existing?

Mr. Lee- They have a two-three car garage attached but I am unsure of how many overhead doors its 1,568 square feet.

Mrs. Mulligan- Are all the garages now filled?

Mr. Ulrich- Yes they have three kids and they are about to get their own vehicle's. When I talk to zoning he advised that I build another garage but with the irregular shape of the property it wouldn't look right. He said it would be easier but with the irregular property I wouldn't do it.

Mr. Schmidt- Who said this to you?

Mr. Ulrich- The zoning office where I put in for the permit.

Mr. Schmidt- Are you talking about in 1999?

Mr. Ulrich- No a couple weeks ago.

Mr. Lee confirmed that it was most likely Mike Scholle the Township Zoning Inspector.

Mr. Schwartz advised it shouldn't make any difference if they our only allowed one structure on the property. Mr. Lee responded that property owners are allowed to have multiple detached structures but each structure has a size limitation. There is a rear yard percentage requirement with detached structures with pavement or cannot exceed more than 35% of the rear yard area.

Mr. Roberts- The function of the structure is to store tools?

Mr. Ulrich- Yes, he works construction all over the United States as an industrial electrician. He has a couple items out here that is an eye sore for the neighbors that he would like to keep inside. He feels that he needs to get the stuff inside because it's a nice area he lives in. He's good friends with his neighbors but I might get upset looking at all this. I have been in field all my life so what's hardship to me might not be for the neighbor's.

Mr. Schmidt- This structure that we are looking at is it a three car garage?

Mr. Ulrich- Yes.

Mr. Schmidt- What type of vehicles can fit into that smaller third door?

Mr. Ulrich responded that a very small vehicle will fit. He will only be putting on one large door not three doors. He has drawings if the board would like to see them.

Mr. Schmidt- Does the home structure have a two or three car garage?

Mr. Ulrich- There is a two car garage and then on the side of it is a smaller garage but acts as a breezeway to the kitchen area. It does have an overhead door.

Mr. Schmidt- As you stated before inside that garage they do use that garage for vehicles?

Mr. Ulrich- Yes.

Mr. Schmidt- The three car garage in the back is used for building materials, tools and other items?

Mr. Ulrich- Yes, along with his vehicle he's going to end up with 5 vehicles.

Mr. Schmidt- Does the current three car garage structure in the back how much percentage does it occupy the back yard?

Mr. Lee does not have that information available at this time. He advised that the dwelling to the rear property line the lot is fairly deep so there's a lot of lot area. He noted that with the addition they still may be at or below 35%.

Mrs. Mulligan advised that the property is narrow in the back.

Mrs. Mulligan- Are going to construct that garage in front of the existing garage and remove the overhead door?

Mr. Ulrich- Yes he will be only putting in the one 16 foot door.

Mrs. Mulligan- Have any neighbors complained about these garages?

Mr. Lee- We have sent out the public hearing notice and I have not heard anything good/bad or indifferent from surrounding neighbors.

Mr. Schmidt believes that the representative for the applicant mentioned that the neighbors were complaining.

Mr. Ulrich- They weren't complaining and was very nice about it.

Mrs. Mulligan asked if they were considering this a warehouse type of structure. Mr. Ulrich advised no that it will not be run as a business. Mrs. Mulligan advised it is like a warehouse because you're going to store things in it.

Mrs. Mulligan- There is people who rent out space for storage.

Mr. Ulrich- No it will be nothing like that and if something needs to be written up I will make happen.

Mr. Schwartz advised that the solution would be to have it off site for storage.

Mr. Schwartz- We have the zoning resolution to protect the character of the neighborhood regardless whatever type of hardship it may cause. As an individual I don't see much hardship here and as Mrs. Mulligan stated his solution is to have off site storage. I think that is the solution in this case. If we grant this exception we will create a precedent and other residents will come in wanting the same thing so where do we draw the line?

Mr. Schmidt- If we grant this we are looking at a structure that is over 1,500 square foot and as I said before that is bigger than most houses in the Township.

Mr. Roberts – No hardship has been put forth in justification for this application. There was a case before I was on the board for a guy in my neighborhood. He had a business with vehicle and tools and asked for a variance for a structure to house his tools and was turned down. He left the neighborhood. He had a hardship and this does not

sound like a hardship. It's a valid business that has equipment and tools to store. You have to draw the line someplace but its consideration none the less. It's interesting his neighbors are asking for him to put the stuff inside instead of being antagonistic.

Mr. Klepacz- I'm in an agreement with everyone else and certainly sympathetic to the situation. It's a convenience for a homeowner when through yourself or acquaintances to add on a structure. There are reasons we have these zoning resolutions in place. There are lots of people that end up with children at the same time with multiple vehicles. There are reasons why people have businesses off site and it may not be convenient but you have to take into account the area that you're in. I do understand and based on the testimony the circumstances I am sympathetic to the situation. I will say in a final comment the application was very light and not a lot of detail. It was very difficult in reviewing to determine without much information. We didn't hear from any of the neighbors and would have been nice to have some background in the application as well.

MOTION- Mr. Schmidt moved to approve Case No. A-1710 Kevin and Tonya Weiss requests a variance to exceed 720 square foot maximum size limitation of accessory structure for a 1,568 square foot detached garage located at 6580 Munger Road. Motion was seconded by Mr. Roberts.

VOTE- Mr. Roberts, no; Mr. Schmidt, no; Mrs. Mulligan, no; Mr. Klepacz, no; Mr. Schwartz, no

Additional Business:

None

Meeting adjourned.

Next Regular Meeting Date – Nov 23, 2015

Richard Schwartz, Chairman