

**BRADY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD JUNE 15, 2010**

A meeting of the Brady Township Zoning Board of Appeals was held June 15, 2010. Chairman Jim Dyke called the meeting to order at 7:00 p.m.

Members Present: Chairman Jim Dyke
Ed Haberle
Joe Timko
Mike Oswalt

Absent was Gerrit VanderKamp.

Also attending were Township Trustee Randy Smith, Township Attorney Craig Rolfe and eleven others.

REQUEST FOR A VARIANCE by Anthony Wunsh

Anthony Wunsh has requested relief from front, rear and side-yard setback requirements in order to build a garage on land he owns at 11287 Ullrey Drive in Brady Township. The lot is located in R-1 zoning.

Chairman Jim Dyke opened the Public Hearing.

Chairman Dyke stated that no written correspondence has been received on this variance request.

In response to questions from the Zoning Board of Appeals, Mr. Wunsh stated that his lot is 29'-30' wide. He stated that if all of the setback requirements were met, he could only build a 13' wide garage and the standard garage door is 16'. Mr. Wunsh further stated that his property is intersected by a private road and that the rear of his property backs up to a railroad track. Mr. Wunsh stated that he must meet a 25' setback from the center of the track for the railroad's right of way.

Mr. Wunsh stated that there is currently a very old 15' x 20' shed that is an eyesore. He stated that the proposed 24' x 34' garage would be an immense improvement over the existing leaning wooden shed and would meet his parking and storage needs. He is currently parking next to the shed. He stated that all of the other properties in this neighborhood have garages on the land between the private road and the railroad track, as he is proposing.

Joanne Holmes, 11293 Ullrey Drive, stated that she is a neighbor and that she is in favor of the new garage because it would be an improvement to the neighborhood.

Steve Huntington, 11321 Ullrey Drive, stated that Mr. Wunsh is entitled to a garage since everyone else in the area has a nice garage.

Christine Trepanier, 11299 Ullrey Drive, stated that she too feels that Mr. Wunsh should be able to have a garage.

There were no further public comments, and the Public Hearing was closed.

The Zoning Board of Appeals considered the variance request pursuant to the variance standards in Section 23.8 of the Zoning Ordinance.

It was agreed by all members present that item 1(a) is met because of the extreme narrowness of the land. It was noted that there are also practical difficulties created by the road that divides his parcel into two sections and by the railroad right-of-way in the rear of the property.

It was further agreed that item 1(b) is met because the improvement will not affect the public health, safety or welfare of the community; item 1(c) is met because of the extreme narrowness of the lot; item 1(d) is met because the proposed garage will be similar to others in the neighborhood. The ZBA agreed that item 2 is met because no economic hardships have been cited and item 3 is met because the difficulty is not self-created.

Joe Timko **made a motion** to grant Mr. Wunsh's variance request to build a 24' x 34' accessory building, based on the findings of the variance standard criteria being met. The proposed structure will have 2'side yard setbacks, rear yard setback of 30' or more from the center of the railroad tracks, and a front yard setback of no less than 19' between the front of the proposed structure and the edge of the pavement. Mike Oswalt **seconded** the motion. The vote was as follows: Chairman James Dyke-- yes; Ed Haberle-- yes; Joe Timko-- yes; Mile Oswalt-- yes; Gerrit VanderKamp-- absent. The motion was **carried unanimously**.

REQUEST FOR A VARIANCE by Mark Garritano

Mr. Garritano, 11480 E. Indian Lake Drive, has requested relief from the side yard setback requirements for the addition of stairs to an existing deck on land he owns in Brady Township. The proposed stairway would be 4.5' from the north side-yard property line, and 9' is required. The property is zoned R-1 and is 61' wide.

Mr. Witters, the contractor, stated that Mr. Garritano would like to expand the existing deck and add a stairway to the side of it. There is currently no way to access the yard from the deck. He stated that there is a lower level walk-out running under the entire length of the deck, and any other location would block the view from the walk out. He further stated that building the stairway from the other side of the deck would not work because there is an existing concrete stairway on that side of the house.

Chairman Dyke asked the applicant to explain what there is about his property that precludes building the stairway within the Ordinance.

Mr. Witter stated that it is the narrowness of the property and he added that several neighbors in the area have been granted similar variances.

Gary Boelman, 11490 E Indian Lake Drive, Thomas Nuzzi, 11474 E Indian Lake Drive, and Tony Garritano, 11460 E Indian Lake Drive all stated that they have similar decks and stairways.

Correspondence has been received on this matter from Gordon Milnes, 11444 East Indian Lake Drive, stating that he has no complaint with the proposed stairway.

Attorney Craig Rolfe stated that no variance decision sets a precedent for other variance requests.

Several alternatives were offered by the ZBA members including using a spiral staircase, removing 4' of the deck in order to place the stairs closer to the house, or running a stairway into the existing concrete stairway on the south end of the deck.

Consideration was given as to whether the stairway could be built from the face of the deck into the front yard, without need for a variance. There was discussion about the lakeside setback average. The method for calculating waterfront setbacks has recently changed, and the ZBA would like to be sure that the proper calculations were used. The ZBA will contact Chris Hamilton at SCMCCI to make sure that the latest calculation was used.

Mike Oswalt **made a motion** to recess this agenda item until June 17, 2010 at 7:00 p.m. Joe Timko **supported** the motion, and it was **passed unanimously**.

APPROVAL OF MINUTES

The following changes were made to page 3 of the minutes of December 22, 2009: **at the end of paragraph 5, delete “by a vote of four to one” and add “with all members present voting “yes” except Aileen Greanya.”** In paragraph 6, add the words **“,who voted “no,”** after the name Aileen Greanya.

A **motion was made** by Jim Dyke to approve the minutes as corrected. Joe Timko **seconded** the motion. The motion was **carried unanimously** by the following vote: Jim Dyke--yes; Ed Haberle--yes; Joe Timko--yes; Mike Oswalt--yes; Gerrit VanderKamp--absent.

There was a motion to adjourn at 9:30 p.m. by Joe Timko and seconded by Ed Haberle. The motion was carried unanimously.

Respectfully submitted,

Jim Dyke, Chairman

Brenda Brock
Recording Secretary

