

**BRADY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD OCTOBER 18, 2011**

A meeting of the Brady Township Zoning Board of Appeals was held October 18, 2011. Chairman Jim Dyke called the meeting to order at 7:00 p.m.

Members Present: Chairman Jim Dyke
Ed Haberle
Ray Lezotte
Alternate Steve Phillips
Alternate Aileen Greanya.

Absent was Vice Chairman Joe Timko.

Also attending were Township Trustee Randy Smith, Zoning Administrator Chris Hamilton and eight others.

APPROVAL OF MINUTES

A **motion was made** by Ed Haberle to approve the minutes of September 20, 2011 as written. Steve Phillips **seconded** the motion. The motion was **carried unanimously**.

REQUEST FOR A VARIANCE by Jon Kachniewicz

Jon Kachniewicz has requested relief from the side yard setback and building height requirements on property he owns at 11309 Ullrey in Brady Township. He is remodeling a pre-existing, non-conforming garage on his property.

Chairman Dyke opened the Public Hearing.

Mr. Kachniewicz stated that he would like to add 12' to the back of the existing garage for extra storage and work space. The side yard setbacks on the preexisting garage are 4' on a 30' wide parcel of land.

He would also like to adjust the roof height so that it has a 12-12 roof pitch to match the roof of his newly remodeled home. The proposed roof would be 18' high instead of the required 15'.

Correspondence has been received on this matter: two letters from neighbors supporting Mr. Kachniewicz's proposed remodeling project.

Steve Huntington, 11321 Ullrey Drive, stated that other variance requests have been approved in the area, and he doesn't see, then, how this request can be denied.

There were no further 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 in regard to the sideyard setbacks.

It was agreed by all members present that item 1(a) is met. There is a practical difficulty because of the parcel of land is extremely narrow--only 30' wide.

It was agreed that item 1(b) is met; no detriment will occur to the adjoining properties.

It was agreed that item 1(c) is met. There is an exceptional condition of the extreme narrowness to this property as noted under item 1 (a).

It was agreed that item 1(d) is met because the use of a garage for storage and workshop purposes is a substantial property right.

The ZBA agreed that item 2 is met because no economic hardships have been cited.

The ZBA agreed that item 3 is met because the difficulty is not self-created.

Ray LeZotte **made a motion** to approve Mr.Kachniewicz's variance request for 4' sideyard setbacks to allow for expansion of 12' on the rear of a pre-existing, non-conforming garage based on the findings that all that the variance standards in Brady Township Ordinance Section 23.8 have been met. Aileen Greanya **supported** the motion. The motion was **passed unanimously**.

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

It was agreed that item 1(d) was not met because additional roof height is not a substantial property right.

It was agreed that item 3 is not met because this difficulty is self-created.

Steve Phillips **made a motion** to deny Mr. Kachniewicz's variance request for building height based on the findings that items 1(d) and 3 of the variance standards in Brady Township Ordinance Section 23.8 have not been met. Ray LeZotte **supported** the motion. Yes votes were given by Jim Dyke, Ed Haberle, Ray LeZotte and Steve Phillips. A no vote was given by Aileen Greanya. The **motion was passed** by four votes to one.

REQUEST FOR A VARIANCE by Brad Yeagley

Brad Yeagley has request a variance for relief from the lakeside setback requirements for construction of a home he plans to build at 11821 W. Indian Lake Drive. The property is zoned R-1 and is an 88' wide lot. He is requesting that he be allowed a lakefront setback of 60' instead of the required 100'.

His builder, Jack Gesmundo, stated that the home will be located between 4 existing homes that are set back 60'. He stated that if the Yeagley house were set back the required 100', they would not have an adequate view of the lake.

Chairman Jim Dyke noted that there is adequate room on the parcel to build the home within the guidelines of the ordinance.

Mr. Gesmundo stated that Section 15.3.2 of the Ordinance calls for the preservation of reasonable sight lines in the development of waterfront properties. Chris Hamilton responded that this Section of the Ordinance deals with setbacks of greater than 100' from the lake.

Mr. Gesmundo stated that the average setback method would work much better for this home, because the 2 homes to the north are set back 71' and 79' and the two homes to the south are set back 51' and 47', giving an average set back of 62'.

Chris Hamilton stated that the setback average is used only for homes set back more than 100'.

Jim Dyke stated that the DNR recommends a lakeside setback of 100'.

After further discussion, Ed Haberle **made a motion** to table the variance request to confer with the Township Attorney about this matter. Aileen Greanya **supported the motion**, and it was **carried unanimously**.

Ed Haberle **made a motion** to adjourn at 9:00 p.m. Aileen Greanya **supported the motion**, and it was carried unanimously.

Respectfully submitted,

Jim Dyke
Chairman

Brenda Brock
Recording Secretary

