

**BRADY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD OCTOBER 19, 2010**

A meeting of the Brady Township Zoning Board of Appeals was held October 19, 2010. Chairman Jim Dyke called the meeting to order at 7:00 p.m.

Members Present: Chairman Jim Dyke
Ed Haberle
Vice Chairman Joe Timko
Mike Oswalt
Alternate Aileen Greanya

Absent was Gerrit VanderKamp.

Also attending were six others.

APPROVAL OF MINUTES

A **motion was made** by Jim Dyke to approve the minutes of September 21, 2010 as written. Mike Oswalt **seconded** the motion. The motion was **carried unanimously**.

REQUEST FOR A VARIANCE by Trevor Fink

Trevor Fink has requested relief from the front yard setback requirements in order to build a wrap-around porch on his house at 16116 South 27th Street in Brady Township. The proposed porch would be 70' from the property line, and 75' is required. Mr. Fink stated that he wants to build a porch that wraps around three sides of his house. He stated that there are entrance doors on the east, north and south sides of the building and that he needs a way to access the doors.

Chairman Dyke explained that Mr. Fink must be able to show that there is a practical difficulty arising from the land itself to prevent building within the ordinance.

Joe Timko asked if he could build a stairway to the east door and still be within the 75' setback.

Chairman Jim Dyke opened the Public Hearing.

A site plan was available showing the placement of the proposed porch in relation to the parcel.

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

Rob Richardson, 16611 South 24th Street, who owns the land surrounding the Fink property, stated that he supports Mr. Fink's plans to restore the house, and feels the addition of the wrap-around porch would look very nice. He also stated that since his land is in a conservation trust to be kept as farmland only, there would not be other homes going up in the area.

Mike and Cara Brink, 5801 East Y Avenue, are also neighbors. Mr. Brink stated that he too supports the Fink family's plans to restore the house. He felt that the porch would improve the property as well as the Fink family's enjoyment of the property. Mrs. Brink stated that she thought how nice the porch looked when it was being planned.

Regina Richardson stated that she feels the ordinance should apply to new construction only, not to existing buildings.

Mr. Fink noted that there are other homes in the area that have porches closer to the road than his proposal. Joe Timko responded that they may have been "grandfathered in" in 1997.

Joe Timko stated that Mr. Fink could go before the Planning Commission and request a change in the setback requirements.

Mike Oswald stated that Mr. Fink could also pursue the course of finding exactly where the center of the road is located, for establishing the front yard setback measurement.

Chairman Dyke asked Mr. Fink if there is any unique or unusual aspect of the property itself to prevent building the proposed porch within the ordinance. Mr. Fink did not name a practical difficulty of the land.

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 not met. There is no practical difficulty shown to building within the ordinance.

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

It was agreed that item 1(c) is not met. There are no exceptional conditions of this property as noted under item 1 (a).

It was agreed that item 1(d) is not met because a wrap-around porch is not 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.

Jim Dyke **made a motion** to deny Mr. Fink's variance request, for the reasons based on the findings that the variance standards in Brady Township Ordinance Section 23.8 are not met. Joe Timko **seconded** the motion. As roll call vote was taken as follows: Joe Timko, yes; Jim Dyke, yes; Ed Haberle, yes; Mike Oswald, yes; Aileen Greanya, no. The motion **was carried** by a four to one vote, and the variance request was denied.

Aileen Greanya stated that she feels that the Planning Commission needs to consider applying Section 23.8 of the Ordinance to new construction only and that some common sense needs to be used in the Zoning Board of Appeals decisions.

Joe Oswald **made a motion** to adjourn at 7:45 p.m. Aileen Greanya **supported the motion**, and it was **passed unanimously**.

Respectfully submitted,

Jim Dyke
Chairman

Brenda Brock
Recording Secretary

