

The regular meeting of the March 16, 2005 Board of Zoning Appeals meeting was called to order at 7:30 p.m. Present were James Bolander, Gregory Engelking and Larry Maser. Also present were Building Commissioner Keith Foulkes and secretary Nicole Rosiu. Mr. Bolander asked the audience to stand for the Pledge of Allegiance.

Mr. Engelking moved to approve the minutes of the February 16, 2005 meeting. Mr. Bolander stated that in the second full paragraph on the second page, it states, "Mr. Cook said the trailer is temporary, but has lasted a little longer." It should say, "A little longer than anticipated." Mr. Maser moved to approve the minutes as amended. Seconded by Mr. Bolander. Roll call, all approved. Mr. Maser abstained.

The secretary read the public notice for Application #20054930.

Geoffrey Moyse was sworn in. Mr. Bolander stated that the Board does not have any pictures of how the house would sit on the lot. Mr. Foulkes handed the board a Topographic view of the property, submitted by Mr. Moyse. The board measured the distances from the house to the property lines. Mr. Bolander asked what the distance would be between the garage and the side lot line. Mr. Moyse said 5 feet, and 15 feet on the other side. Mr. Maser asked how far the house would be from the street. Mr. Moyse said 180 feet from the road.

Charles Cvitkovich entered at 7:40 p.m.

Mr. Bolander confirmed that Mr. Moyse is asking for a variance to exceed the 35-foot height limitations. Mr. Moyse said yes, he would like the tower to be 40 feet, but he could probably go 39 feet. Mr. Bolander asked if there is anything else on the roof. Mr. Moyse said no, he would conform to all codes. Mr. Moyse stated that the Zoning Code has an exception for chimneys and antennas to go 50 feet. Mr. Moyse said he is only asking for a small peak.

Mr. Cvitkovich asked Mr. Foulkes if there was any concern with the height of the chimney being too close to the turret. Mr. Foulkes stated that the drawings have a lot of inconsistencies from a building standpoint and it does not show garage elevations. Mr. Moyse stated that he marked the inconsistencies on the plans. Mr. Foulkes said that everything would have to conform. Mr. Cvitkovich said that the chimney would be higher than 35 feet, and another set of windows were added to the turret. Mr. Moyse stated that the fireplace would be a pre-fabricated one, or there may not be a chimney. Mr. Cvitkovich asked if it would be gas, and not a wood-burner. Mr. Moyse said he is not sure, but it will meet code. Mr. Cvitkovich measured and stated that the chimney would be 13 feet from the turret.

Mr. Bolander asked why the turret has to be that high. Mr. Moyse said that that is how he wants to customize his home. Mr. Bolander affirmed that it is a personal preference. Mr. Moyse said yes. Mr. Bolander asked if there would be a room in the tower and if so, how big it would be. Mr. Moyse said yes, it would be an octagon shape, about 10 feet in diameter. Mr. Bolander stated that he does not see a hardship. Mr. Moyse said that he has his heart set on this house. Mr. Moyse stated that he has seen houses in the Township that are higher than 35 feet and it does not seem to be a problem with the neighbors.

Mr. Cvitkovich stated that the plans show the roof pitch to be 9 on 12, but it looks like a 12 on 12 pitch. Mr. Cvitkovich suggested that if a 9 on 12 pitch were built, it would scale out to 35 feet high. Mr. Moyse said that he doesn't see what it will effect or hurt in the Township. Mr. Bolander asked what the hardship is. Mr. Moyse said there are exceptions in the code for chimneys and antennas, and

he doesn't think a little peak on a house is detrimental to the Township. Mr. Maser asked if the peak would be dropped down, if it would change the height of the ceiling inside. Mr. Moyses stated that there are already houses over 35 feet in the Township. Mr. Foulkes asked how one would get up to the third story tower. Mr. Moyses said on a spiral staircase.

Mr. Moyses stated that since chimneys are allowed to be 50 feet, he didn't think 39 or 40 feet would be a big deal. Mr. Moyses said this would be his dream house. Mr. Maser asked Mr. Moyses what his hardship would be for not keeping it at 35 feet. Mr. Moyses said that the hardship would be that he would have to up the square footage to 4,000 square feet and he doesn't have the money for that. Mr. Bolander stated that Mr. Moyses is creating his own hardship by building a 3-story house. Mr. Cvitkovich said that if Mr. Moyses reduces the pitch of the roof on the tower, it looks like he would conform. Mr. Moyses said that he talked to the architect and the architect said that it would not work. Mr. Cvitkovich said according to his calculations, it will work.

Mr. Moyses asked the board if they could approve it with a 9/12 pitch, and if he goes over, he won't get in trouble. Mr. Moyses stated that he didn't think it would work, but if the calculations show that it will fit, then there would be no problems. Mr. Foulkes stated that it will work as long as the house is only 2 steps up from grade. Mr. Bolander stated that if it will conform, Mr. Moyses doesn't need a variance. Mr. Cvitkovich asked Mr. Foulkes how the home would get measured. Mr. Foulkes said that he would need plans that scale out correctly. Mr. Foulkes stated that if the plans are submitted and approved with a 9/12 pitch at 35 feet, then it would be okay. If the house is built 4 steps up from grade, there will be problem.

Mr. Engelking confirmed that if the pitch of the roof is changed to a 9/12 pitch, no variance is needed, but if an extra step or two is added, it will be an issue with the Building Department. Mr. Foulkes stated that he checks the house with the plans when it is built, and if there is a significant difference, it would be addressed. Mr. Moyses asked if the board could approve the variance subject to a 9/12 pitch. Mr. Engelking said if Mr. Moyses changed his plans to say 9/12, they could approve it. Mr. Moyses changed the plans to say 9/12.

Mr. Maser moved to approve Application #20054930 with the pitch of the tower changed to a 9/12. Seconded by Mr. Engelking. Roll call, all approved.

Floor Discussion

Mr. Bolander stated that he went out to Schady Road where the commercial trailer was to be removed, due to the denial of his variance on February 16, 2005 to run a business in a residential district, and the trailer was still there. Mr. Foulkes said that he granted a request for extension to have the trailer removed by April 18, 2005, due to the weather.

Mr. Bolander stated that Marty Strelau had contacted him about Ed Kancler putting on a seminar for the Township and wanted to know if the rest of the board was interested. Mr. Foulkes said that Mr. Strelau offered to have Mr. Kancler put on a seminar on zoning laws and have it tailored toward the Township. Mr. Maser asked if there was a date scheduled yet. Mr. Foulkes stated that the seminar is scheduled for April and it is \$240.00 per person, but if Mr. Kancler held it just for the Township, it would be cheaper. Mr. Maser asked how long the seminar would be. Mr. Foulkes said the one in April is 6 hours long, but if one was done here, it will probably be shorter. Mr. Maser suggested that Mr. Foulkes find out what would be covered or what Mr. Kancler is willing to cover.

Mr. Maser stated that the German American Cultural Center has signs out front that are in the right-of-way. Mr. Bolander said that the Irish American Club also has signs in front of it. Mr. Foulkes said the Building Department would look into it.

Mr. Maser moved to adjourn at 8:24 p.m. Seconded by Mr. Engelking. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, Secretary

James Bolander, Chairman

Date