Date: June 17, 2015
Location: Township Hall, 26900 Cook Road
Attendees: Chairman Tom Cole, Mr. Karl Patay, Mr. Ron White
James McReynolds, OT Building Commissioner

Pledge of Allegiance

Old Business: None

New Business: None
Mr. White made a motion to approve the minutes of the BZA meeting of April 15, 2015. Seconded by Mr. Patay Roll call, all approved.

Hearings: 1. Variance no. 20150382

Deborah McGinty was sworn in.
Deborah McGinty 26560 Kingswood Dr. requests a variance to permit a driveway to remain after the construction application was denied for encroaching into the side yard setback.

Deborah McGinty: I applied for an application to install a driveway addition. The application was denied. The driveway was set up before we were going on vacation. My husband contacted the contractor and left a message not to pour the driveway. While we were on vacation, my son said that the driveway looked nice. The area was muddy and wet all of the time. The area is now clean and dry. We have five vehicles and 2 motorcycles.

Tom Cole: The driveway was set up while you were on vacation?

Deborah McGinty: The driveway was set up before we left. The contractor did not get the message and went ahead and poured it.

Tom Cole: What is the width of the drive way. There are two different sizes listed for the driveway. One says 10 feet and one says 11 feet.

Deborah McGinty: The second plan submitted is correct. The RV does not extend past the front of the house.
Tom Cole: Who is contractor?

Deborah McGinty: I don't recall, he was a friend of my husbands.

Tom Cole: RV's are not permitted to be parked in the front or side yard.

Deborah McGinty: It is next to the house. I have many pictures of homes with RV's parked in the front.

Tom Cole: If that is the reason for your hardship, it is not valid. You may file complaints with the building department if you want.
Tom Cole: Did you know about the five foot setback rule.

Deborah McGinty: No

Ron White: The contractor is not here to obtain testimony.

Tom Cole: Cut 2 feet off of the driveway

Ken Stavone: 26534 Kingswood was sworn in.

Ron White: Ken, you are the one being encroached upon, do you have a problem with the driveway? Ken: I have no problem with the driveway. The area is no longer a swamp area.

Tom Cole: In order to approve the variance, you need to prove a hardship. Why do you need a variance? Deborah McGinty: We have 5 vehicles and two motorcycles. Tom Cole: Could you get away with an 8 foot driveway instead of 11 feet? Deborah McGinty: Not sure, it may damage the regular driveway

Ron White: Cost Five Vehicles and two motorcycles isn't a hardship.

Deborah McGinty: Seven thousand dollars.

Ron White: Move to approve the variance. The job is done, no contractor to give testimony. The building department should do a better job.

Karl Patay: The application was applied for. The building department denied the application and the property owner went ahead and poured the driveway any how.

Ron White: Who denied it and why?

Tom Cole: Did you apply for a variance when it was denied?

Deborah McGinty: No

James McReynolds: The original application is in the folder. My predecessor denied it. Ron White: these are his notes?

When you came back did you apply for a variance at that time.

Karl Patay: You stated $7000 cost, the application says estimated cost $3000. Tim McGinty filled out and signed.

Jack Hirsh, 26559 Kingswood: I live across the street no problem with the RV or the driveway, property is kept up.
Ryan O’Connor: Sworn in. Known McGinty for 3 years kind and generous neighbors. Credit to development. Right to ask for a small favor from the Township 540.06B subsection 4 surrounding properties benefit. Improve own property and neighboring property. Drainage is a severe problem in the Township. Section (9) special privilege, Mrs. McGinty provided photos to show a lot of other cases like this.

Karl Patay: When you install concrete versus, dirt or gravel, you make an impervious area. Putting concrete creates water runoff somewhere else.

Deborah McGinty: It slopes to the street.

Karl Patay: More built the more drainage issues there are.

Ryan O’Connor: We know from individual cases. Area is particularly bad for drainage improved drainage around these two properties. McGinty’s use garage for storage other than vehicles. Number of vehicles, still tight quarters in the driveway. Not going to be green space. Keep surface and that improves the properties. Legally responsible choice would be to award the variance. Seek to uphold the rule of parking the RV.

Tom Cole: If the drive is 9 feet versus 11 feet, don’t know what the difference is.

Karl Patay: Certain amount of vehicles on a property. It has to be a logical amount.

Ryan O’Connor: The driveway has been bought and paid for.

Tom Cole: Should not have been done how it was. Should have been before the Board 4 years ago.

Ron White: Tear up the whole thing or leave it.

James McReynolds: The applicant stated that the second picture is more accurate, it goes right to the property line.

Tom Cole: Did you measure it?

James McReynolds: The only way to verify is if property pins were set.

Tom Cole: Is there a fence in your yard?

Deborah McGinty: A fence is in the back yard, there are 14 inches between property and driveway.

Mr. Stavone: We don’t mind the driveway where it is, it solved wet problem.

Tom Cole: Maybe not you, the Board has to think beyond the current owner.

Karl Patay: If the area was graded properly and filled in with dirt it would probably have solved the problem and water would not set there.

Tom Cole: If the yard was pitched correctly then the neighbor’s yard would not be wet.
Ryan O’Connor: Not pitched correctly originally. McGinty’s pitched theirs correctly and solved a problem.

Ron White: It is regrettable that the home owners did not return to have the driveway approved. It would be a hardship to remove the driveway. We are not here to create hardships for homeowners.

Karl: They should have come back 4 years ago.

Ron White: That was done in the past. It is in our ability to have the home owner tear out and do we really want that done?

Tom Cole: How far from side if the house to the prop line?

Ron White: It says 15 feet.

Ryan O’Connor: Most people aren’t like you and I? They don’t think in legal ways.

Tom Cole: What would happen if the justice system allowed something because a lot of people do the same thing.

Tom Cole: The application was denied, and it was still done.

Karl Patay: I, as a homeowner, would be concerned that the driveway was done when I called home.

Tom Cole: I would be surprised a contractor would pour without someone being home. I would like to find out more information from the contractor.

Tom Cole: Why was he putting in a driveway without a permit. Liability is on the homeowner to make sure it is done properly.

Deborah McGinty: It is my responsibility. I am taking the blame.

Ron White: Talking to the contractor will not be the end result. Because we don’t know who the contractor is. Doesn’t mean the driveway should be torn out.

Tom Cole: We don’t know where the property line is.

Ron White: What is the cost to remove part of the driveway?

Karl Patay: It is not a big job, saw off concrete remove gravel, seal edge, the edge would expose aggregate.

James McReynolds: A survey is the only way to verify the property line.

Deborah McGinty: The driveway is 14 inches from the property line.

Tom Cole: Is the fence on the property line?

Deborah McGinty: Fence is on property line
Tom Cole: The variance, if granted, the Board needs to know how much of a variance should be granted.

Ron White: Motion to continue until next month to allow the owner to show property lines and provide the name of the contractor.

Karl Patay: Second

James McReynolds: Motion is to table the application no. 20150382 for a driveway setback variance for 26560 Kingswood Dr. Applicant to provide proof of the property line and the contractor.

Roll call: Karl Patay- yes, Ron White-yes, Tom Cole-yes

Deborah McGinty: Professional to measure or can I do it?

Tom Cole: Plot that will show property lines. You can obtain that from the county website.

Tom Cole: Any further business?

Tom Cole: Move to adjourn at  7:56

Ron White: Second