

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Gerald Krone, Scott Fisher, Stephanie Atkinson, George Cook

Members Absent: Ann Harris

Others Present: Matt Doan, Todd Pascoe, Roseann Kirkland-Alexander, Ronald Alexander, Belinda Kingsley, Zoning & Code Enforcement Administrator and Sheryl Saliba, Recording Clerk.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:32 p.m. A quorum was present.

2.0 Approval of Agenda

Motion Member Krone, supported by Member Atkinson, to move Item 7.1 to follow 5.1 to move Item 7.2 to follow Item 5.2, and approve the agenda as recommended.

MOTION CARRIED

3.0 Communications and Announcements

None

4.0 Items from the Floor

None

5.0 Public Hearings

5.1 ZBA 20-01 3840 Morgan Road

Submitted for Variance
3840 Morgan Road, Section 23

Belinda Kingsley, Zoning & Code Enforcement Administrator, presented **ZBA 20-01 3840 Morgan Road**, stating that the applicant is requesting two variances on the property that is zoned commercial.

The first is from Section 12.05.K.2, which requires that all driveways and parking lots be hard surfaced with concrete or asphalt.

The second is from Section 4.19 D, to allow a structure height that exceeds the permitted height of forty-five (45') in an Industrial zone.

Todd Pascoe, Atwell Engineering, stated that the two variance requests were accurately stated by Ms. Kingsley. Member Atkinson asked the Applicant to display the Site Plan on the easel for clarification of area not being paved. Mr. Pascoe pointed out where the area is that would not be paved.

Chairman Fisher opened the Public Hearing.

No comment.

Motion by Member Cook, supported by Member Krone, to close the public hearing.

MOTION CARRIED

Member Fisher reminded the Board Members that a separate discussion would be held for each variance request. Matt Doan, Applicant, stated that paving around the storage bins would be non-conductive to retaining moisture in the concrete material. Member Cook asked for clarification from Ms. Kingsley regarding the Zoning Ordinance of the property. Ms. Kingsley explained that this is an Engineering standard to prevent businesses from installing gravel parking lots. Member Atkinson, Member Cook and Member Fisher stated that they found the need for a variance appropriate.

Item 7.1 of New Business to follow 5.1 of the Public Hearing

7.1 ZBA 20-01 3840 Morgan Road
Submitted for Variance
3840 Morgan Road, Section 23

Chairperson Fisher read the findings for **ZBA 20-01 3840 Morgan Road** in the Staff Report for Section 12.05.K.2, which requires that all driveways and parking lots be hard surfaced with concrete or asphalt.

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Atkinson agrees with the finding.
Member Cook disagrees with the finding.
Member Krone agrees with the finding.
Member Fisher disagrees with the finding.

- 2. That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

3. *That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Atkinson disagrees with the finding.
Member Cook disagrees with the finding.
Member Krone disagrees with the finding.
Member Fisher disagrees with the finding

4. *That the plight or problem is not self-created.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Krone, supported by Member Cook, to approve petition ZBA 20-01 3840 Morgan Rd to allow a variance from Section 12.05.K.2, which requires that all driveways and parking lots be hard surfaced with concrete or asphalt.

ROLL CALL

YES: COOK, ATKINSON, KRONE, FISHER

NO: None
ABSENT: HARRIS
ABSTAIN: None

MOTION CARRIED

ZBA 20-01 3840 Morgan Road
Submitted for Variance
3840 Morgan Road, Section 23

Todd Pascoe, Applicant, stated that the height requirement for the stack is needed to hold concrete materials that work with gravity to be dispensed.

Chairman Fisher opened the Public Hearing.

No comment.

Motion by Member Cook, supported by Member Krone, to close the Public Hearing.

MOTION CARRIED

Discussion was held on the second variance request. Matt Doan, Applicant, stated that standard silo heights are manufactured at 80'. The need for the second silo is to build a second facility on the property that would mirror the first facility. Ms. Kingsley stated that there have been no complaints about the existing facility. Member Cook and Member Fisher stated that they found the need for the height variance appropriate.

Chairperson Fisher read the findings for **ZBA 20-01 3840 Morgan Road** in the Staff Report for Section 4.19 D, to allow a structure height that exceeds the permitted height of forty-five (45') in an Industrial zone.

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

- 2. That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

3. *That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Atkinson disagrees with the finding.
Member Cook disagrees with the finding.
Member Krone agrees with the finding.
Member Fisher disagrees with the finding

4. *That the plight or problem is not self-created.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Atkinson agrees with the finding.
Member Cook agrees with the finding.
Member Krone agrees with the finding.
Member Fisher agrees with the finding.

Motion by Member Krone, supported by Member Cook, to approve petition ZBA 20-01 3840 Morgan Rd to allow avariance from Section 12.05.K.2, which requires that all driveways and parking lots be hard surfaced with concrete or asphalt.

ROLL CALL

YES: COOK, ATKINSON, KRONE, FISHER
NO: None
ABSENT: HARRIS
ABSTAIN: None

MOTION CARRIED

Motion by Member Atkinson, supported by Member Krone, to approve petition ZBA 20-01 3840 Morgan Rd to allow a structure height that exceeds the permitted height of forty-five (45') in an Industrial zone.

ROLL CALL

YES: COOK, ATKINSON, KRONE, FISHER
NO: None
ABSENT: HARRIS
ABSTAIN: None

MOTION CARRIED

5.2 ZBA 20-02 4621 Cherry Blossom
Submitted for Variance
4621 Cherry Blossom, Section 13

Belinda Kingsley, Zoning & Code Enforcement Administrator, presented **ZBA 20-02 4621 Cherry Blossom** stating that the applicant is requesting a variance to allow a 6-foot vinyl fence that has been installed 9.5 feet into the required yard setback to remain on her corner residential property. This matter was tabled at the November 25, 2019 ZBA meeting, at the applicant's request. The applicant installed a 6-foot vinyl fence on her corner residential property, believing that approval had been provided in 2005. In researching previous permits, a permit issued in 2005 was located for a 3-foot fence that expired without being completed. The applicant contends that the fence is needed for security, to keep trespassers off the property (corner lot cut through) and to protect the shed that is installed in the yard.

The Applicant, Roseann Kirkland-Alexander, discussed specifics regarding the fence. Ms. Kirkland-Alexander expressed her need for the fence to provide security, privacy and to eliminate foot traffic thru her property.

Member Fisher opened the Public Hearing.

No comment.

Motion by Member Atkinson, supported by Member Cook, to close the public hearing ZBA 20-02 4621 Cherry Blossom.

MOTION CARRIED

Discussion was held on:

1. The property is a corner lot and considered having two front yards.
2. Security and foot traffic thru the yard.
3. Hardship on the applicant.
4. Placement of the fence.

Item 7.2 of New Business to follow 5.2 of the Public Hearing

7.2 ZBA 20-02 4621 Cherry Blossom

Submitted for Variance

4621 Cherry Blossom, Section 13

Chairperson Fisher read the findings for **ZBA 20-02 Cherry Blossom** in the Staff Report:

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Krone disagrees with the finding.
Member Cook disagrees with the finding.
Member Fisher disagrees with the finding.
Member Atkinson disagrees with the finding.

- 2. That the granting of a variance would do substantial justice to the applicant as well as to the other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

- 3. That the plight of the applicant is due to the unique circumstance of the property and not to general conditions in the area.*

Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

4. *That the plight or problem is not self-created.*

Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of the variance.*

Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Krone agrees with the finding.
Member Cook agrees with the finding.
Member Fisher agrees with the finding.
Member Atkinson agrees with the finding.

Motion by Member Krone, supported by Member Atkinson, to approve petition ZBA 20-02 4621 Cherry Blossom to allow a 6-foot vinyl fence that has been installed 9.5 feet into the required yard setback to remain on a corner residential property.

ROLL CALL

YES: COOK, ATKINSON, FISHER, KRONE
NO: None
ABSENT: HARRIS
ABSTAIN: None

MOTION CARRIED

6.0 Old Business

None

7.0 New Business

7.1 ZBA 20-01 3840 Morgan Road
Submitted for Variance
3840 Morgan Road, Section 23

Item 7.1 of New Business to follow 5.1 of the Public Hearing

7.2 ZBA 20-02 4621 Cherry Blossom
Submitted for Variance
4621 Cherry Blossom, Section 34

Item 7.2 of New Business to follow 5.2 of the Public Hearing

8.0 Zoning Administrator's Report

Ms. Kingsley announced that there will be a meeting on February 24, 2020.

9.0 Member's Report

Member Krone announced that he will be absent from the meeting on February 24, 2020.

10.0 Secretary's Report

None

11.0 Chairperson's Report

None

12.0 Approval of Prior Minutes

12.1 Minutes of November 25, 2019

**Motion by Member Krone, supported by Member Atkinson,
to approve the Minutes of November 25, 2019**

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 7:56 p.m.