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**PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES**

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**Members Present:** Gerald Krone, Jan Haupt, Chris Wall

**Members Absent:** Scott Fisher, Ann Harris

**Others Present:** Laura Kreps, Township Planning Consultant, Sonia Castleman, Recording Clerk

**1.0 Call Meeting to Order/Determination of a Quorum**

Member Wall called the meeting to order at 6:30 p.m. A quorum was present.

**2.0 Approval of Agenda**

**Motion made by Member Krone to move Item 7.1 to follow 5.1, to move Item 7.2 to follow Item 5.2, to move 7.3 to follow 5.3 and approve the agenda as recommended.**

**Motion made by Member Krone, supported by Member Haupt**

**MOTION CARRIED**

**3.0 Communications and Announcements**

None

**4.0 Items from the Floor**

None

**5.0 Public Hearings**

**5.1 ZBA 21-11 489 Hunters Crest Drive– Accessory Structure Height Submitted for Variance  
489 Hunters Crest Drive, Article 8, Section 8.03**

Laura Kreps, Township Planning Consultant, presented ZBA 21-11 489 Hunters Crest Drive – Accessory Structure Height. The applicant is requesting a variance to allow the construction of an accessory structure that exceeds the height allowance of 14 feet in Section 8.03 B.2.a.v. of the Zoning Ordinance.

The applicant would like to construct a building with an upper floor bonus room. The building proposed is one and a half stories high and a total building height (measured as defined) of 18 feet. The location of the building meets all setbacks and lot coverage requirements. Two letters were received from neighboring properties in opposition or having additional questions about this application.

The applicant stated that he is requesting to construct a detached garage on his property zoned as residential. The Homeowner Association bylaws requires all materials and design be similar to the style of their home. The applicant's home has a steeper pitch (12/12) and due to the topography of his property there would be a slope to walk down to reach the detached garage. Because the garage will be built lower than his home, adding the extra footage in height to the garage allows the appearance from the street to appear leveled to the home. The applicant stated there were similar detached garages that were 14-feet or higher built to match the design of their homes.

Member Krone asked the applicant if a driveway will be added to gain access to the detached garage. The applicant responded he will be extending his concrete driveway to reach the detached garage to correlate with other residents that were required to do the same by the Homeowners Association.

Member Wall opened the floor for public comments. No comments were made from the public.

**Motion by Member Krone, supported by Member Haupt to close the Public Hearing ZBA 21-11 489 Hunters Crest Drive – Accessory Structure Height.**

**MOTION CARRIED**

#### **7.1 ZBA 21-11 489 Hunters Crest Drive – Accessory Structure Height**

Member Wall asked the applicant if the project has been approved by Homeowner Association. The applicant responded that he received an approval via email on October 18, 2021. Member Wall requested a copy of the approval letter from the Homeowner Association to be submitted for the township records.

Per Laura Kreps, if the structure is approved the applicant will need to submit a new Zoning Compliance application which at this time a copy of the Homeowner Association's approval and drawing extending the driveway would be required. Member Haupt asked if the well would be affected and the applicant responded the well will not be affected. Member Wall asked the applicant why he chose this location to add the garage. The applicant responded due to the topography of the property this location serves best to gain access to the garage. Member Haupt asked the applicant how many feet down is the slope to the garage.

The applicant responded the slope down would be 8-feet. Member Haupt asked the applicant would the winter weather pose a problem getting to the garage. The applicant does not believe it would pose a problem per his calculation. The applicant stated the usage for the garage would be to store his sports car during the weather and tools.

Member Wall read the findings for **ZBA 21-11 489 Hunters Crest Dr – Accessory Structure Height, Article 8, Section 8.803 to allow a 4- foot increase in accessory structure height above the maximum accessory structure height of 14 feet.**

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 Haupt disagrees with the finding.  
Member Wall 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 Wall agrees with the finding.  
Member Haupt agrees with the finding.  
Member Krone 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 Wall agrees with the finding.  
Member Haupt agrees with the finding.

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

Member Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall 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 Wall agrees with the finding.  
Member Haupt agrees with the finding.  
Member Krone agrees with the finding.

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

Member Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall agrees with the finding.

**Motion by Member Krone, supported by Member Haupt to approve petition ZBA 21-11 489 Hunters Crest Drive to allow a 4-foot increase to accessory structure height allowing an additional story above the maximum accessory structure height of 14 feet / one-story. Requesting proof of HOA approval and Zoning Compliance submittal.**

#### **ROLL CALL**

**YES: KRONE, HAUPT, WALL**  
**NO: NONE**  
**ABSENT: FISHER, HARRIS**  
**ABSTAIN: NONE**

**MOTION CARRIED – Variance Granted**

#### **5.2 ZBA 21-12 3270 May Apple Court - Addition Submitted for Variance 3270 May Apple Court – Addition Article 4, Section 4.19 A**

Laura Kreps, Township Planning Consultant presented ZBA 21-12 3270 May Apple Court – Addition

The applicant is requesting a variance to construct a sunroom addition to the rear of the existing residential structure. The Hawthorne Ridge Condominium PUD requires a rear yard setback of 35 feet. The existing residential structure is built at the 35-foot rear setback line. The proposed sunroom addition will encroach 13 feet in to the required 35-foot rear yard setback giving a 22 rear yard setback from the propose addition. The applicant indicates their lot is adjacent to a larger property (4.5-acres) with a single-family residence directly behind zoned R-1A, and is separated by a mature tree line.

Additionally, the existing home almost entirely encompasses the allowable building envelope due to its configuration and location on the cul-de-sac. The location of the sunroom addition meets all other setback and lot coverage requirements.

The applicant gave reasons for requesting a 13-foot setback to build the sunroom:

- The property is located within a cul-de-sac and separated by mature tree line which provides much privacy.
- The adjacent neighboring properties are tilted the opposite direction making the sunroom unnoticeable to the residents in the neighborhood.

Member Krone asked the applicant for the location of the property line since the back of the property has a lot of mature vegetation. The applicant was not sure but estimated about 42 or 43-feet from the house.

Member Haupt asked the applicant if the sunroom would line up with the main structure of the home and the applicant stated the sunroom would line up to the main structure of the home but extending out 13-feet.

Member Wall opened the floor for public comments. No comments were made from the public.

**Motion by Member Krone, supported by Member Haupt, to close the public hearing  
ZBA 21-12 3270 May Apple Court - Addition**

**MOTION CARRIED**

**7.2 ZBA 21-12 3270 May Apple Court - Addition  
Submitted for Variance  
3270 May Apple Court – Addition Article 4, Section 4.19A**

Member Wall noticed other homes in the community that had similar layouts of the proposed expansion of the sunroom. He felt it would fit right into the similarities of the neighborhood.

Member Wall read the findings for **ZBA 21-12 3270 May Apple Court - Addition** in the Staff Report for Article 4, Section 4.19A to allow a 13 feet encroachment in to the required 35-foot rear yard setback to construct a sunroom.

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 Wall disagrees with the finding.  
Member Krone disagrees with the finding.  
Member Haupt 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 Haupt agrees with the finding.  
Member Wall 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 Wall agrees with the finding.  
Member Haupt agrees with the finding.

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

Member Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall 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 Wall agrees with the finding.  
Member Haupt agrees with the finding.  
Member Krone agrees with the finding.

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

Member Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall agrees with the finding.

**Motion by Member Krone, supported by Member Haupt to approve petition ZBA 21-12 3270 May Apple Court to allow a reduction of 13-feet from the required 35-foot rear yard setback; allowing a 22-foot rear yard setback.**

#### **ROLL CALL**

**YES:           HAUPT, KRONE, WALL**  
**NO:            NONE**  
**ABSENT:     FISHER, HARRIS**  
**ABSTAIN:    NONE**

**MOTION CARRIED, Variance Granted**

#### **5.3    ZBA 21-13 4263 Rolling Meadow - Fence Submitted for Variance 4263 Rolling Meadow – Fence, Article 13 Section 13.06**

Laura Kreps, Township Planning Consultant presented ZBA 21-13 4263 Rolling Meadow - Fence

The applicant is requesting a variance to install a 4.5-foot black aluminum fence into the required front yard setback along Conifer Drive. This particular property has two front yards. One along Rolling Meadow and the other along Conifer Dr. The applicant contends that the fence is needed for their dog to use the front yard without a leash. A shorter fence (3-feet) will not meet their needs. Section 13.06.C.1 of the Zoning Ordinance states that “only ornamental type fences shall be located in a required front yard or, in the case of a corner or through lot, in a required yard which adjoins a public or private street provided such fences shall not exceed three (3) feet in height”.

The applicant explains why a 4.5-foot fence is needed over having a 3-foot that’s required in the ordinance:

- 3-foot fence would not be tall enough to keep his large dog from jumping the fence.
- Approval from the Homeowners Association was received on August 27, 2021.
- If the fence was moved to the edge of their home to comply with the 25-foot setback, it would be a dramatic decrease in useable space to their backyard.

- It would also create a 25-foot area between the sidewalk and fence along the backyard which they have future plans to use.
- Applicant has received approval from their neighbors.

Member Wall asked the applicant how close would the fence be to the sidewalk. The applicant responded about a foot in between. Member Krone asked applicant what the setback was from the house to the sidewalk. The applicant responded 25-feet.

Member Wall open the floor for general public comments.

Public comments from Maura Dowling stated her concerns:

- Would like the fence to be placed far enough from the sidewalk so people felt safe to walk.
- Would like the fence to be tall enough to keep the applicant's dog from getting entangled with other dogs and jumping the fence.
- The fence could interfere with the nearby open space.

Public comments from Brandon Smith stated his concerns:

- The fence would not interfere with the open space.
- Agreed with the proposed fence project and shared he might have to go through the same process with his property due to his odd lot shape.
- If approved this project it would provide great benefit to the homeowners with odd shaped lots.

**Motion by Member Krone, supported by Member Haupt, to close the public hearing ZBA 21-13 4263 Rolling Meadow - Fence**

**MOTION CARRIED**

**7.3 ZBA 21-13 4263 Rolling Meadow - Fence  
Submitted for Variance  
4263 Rolling Meadow – Fence Article 13, Section 13.06**

Member Haupt asked the applicant if the dog stands on his hind legs how tall would he be. The applicant responded about 4.5-feet allowing the dog to be able to stick his snout through the fence but not his head over the fence.

Member Wall stated in proximity to the sidewalk he would like to see more of a buffer from the sidewalk to the fence. This would prevent dogs or someone walking down the sidewalk being too close to the fence. Member Wall asked the applicant would he agree to adding the buffer. The applicant responded yes maybe a 3 to 5-foot buffer. Member Wall agreed with the applicant for a 5-foot buffer to minimize conflicts from people or dogs walking along the fence. Member Wall requested revised plans showing the buffer in addition to the Homeowner Association Approval Letter when submitting the Fence Permit Application.



Member Wall read the findings for ZBA 21-13 Rolling Meadow in the Staff Report for Article 13, Section 13.06 to allow a 4.5-foot black aluminum fence to be installed into the required 3-foot front yard setback along Conifer Dr.

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 Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall 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 Haupt agrees with the finding.  
Member Wall 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 Haupt agrees with the finding.  
Member Wall agrees with the finding.

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

Member Wall agrees with the finding.  
Member Krone agrees with the finding.  
Member Haupt 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 Haupt agrees with the finding.  
Member Krone agrees with the finding.  
Member Wall agrees with the finding.

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

Member Wall agrees with the finding.  
Member Haupt agrees with the finding.  
Member Krone agrees with the finding.

**Motion by Member Krone, supported by Member Haupt to approve petition ZBA 21-13 4263 Rolling Meadow to allow installation of a 4.5-foot black aluminum fence into the required front yard with a setback buffer of 5-feet along Conifer Dr.**

**ROLL CALL**

**YES: KRONE, WALL, HAUPT**  
**NO: None**  
**ABSENT: FISHER, HARRIS**  
**ABSTAIN: None**

**MOTION CARRIED, Variance Granted**

**8.0 Zoning Administrator's Report**

There is currently no application for the November 22, 2021 Zoning Board of Appeals meeting

**9.0 Member's Report**

None

**10.0 Secretary's Report**

Member Wall reviewed previous minutes from September 27<sup>th</sup> and returned to Pittsfield Township. Member Wall suggested that a vice president be selected for the Zoning Board.

**11.0 Chairperson's Report**

None

**12.0 Approval of Prior Minutes**

**12.1 Minutes of September 27, 2021**

**Motion by Member Krone, supported by Member Haupt,  
to approve the Minutes of September 27, 2021.**

**MOTION CARRIED**

**13.0 Adjournment**

Member Wall adjourned the meeting at 8:12 p.m.

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**s/ Chris Wall, Secretary**