

Minutes

August 16th zoning board of appeals meeting: Variance request 2001-03.

Present:

Dave Stewart
Larry Peslak
Dennis Bronner
David Hinds
Absent:
E. Vorwerck

Guests present:

John Winters
Matt Zielke

Meeting called to Order 7:00 PM

Discussed Variance request 2001-003

Applicant John Winters was requesting a variance to add to his business, connecting structures between buildings to facilitate heat and Water delivery to the adjacent rental units and to provide storage.

The business currently exists as a legal non conforming use in R-1. It was generally agreed that this would not qualify as a variance because the applicant failed to meet the requirements for a variance, however no vote was taken.

There was discussion as to whether section 301(6) "Repair of non-conforming building" could be applied to this situation. It states that "Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful non-conforming building to correct deterioration, obsolescence, depreciation and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the accessing officer." The applicant claims that the proposed structures are for "modernization" of the heat and water delivery system and for needed storage. The question the board could not decide upon is: Does building a connecting structure between two buildings fit with in the spirit of 301(6) and within the spirit of the first and main paragraph of section 301? It states "No building, structure, or use or part thereof shall be used, altered, constructed, or reconstructed except in conformity with the provisions of this ordinance"

It was unanimously decided to defer this decision until an interpretation of this ordinance could be obtained from the township attorney. A meeting shall be called within thirty days of August 16th to provide the applicant with a final decision. David Hinds will provide these minutes to the township office to forward to the attorney along with a copy of the original variance request.

The meeting was adjourned at 7:55