

## Leighton Township Zoning Board of Appeals Minutes

**Date:** August 19, 2009

**Members Present:** Dave Wright, David Gould, Mary Jane Merren, Roger Alderink

**Members Absent:** John Hooker

**Others Present:** Mark Sisson, Bob Jones (PCI), Charles & Rose DeBoer and 1 interested person.

**Art. 1** Chairman Wright called the meeting to order at 7:30 p.m.

**Art .2 Minutes**

Minutes of the July 21, 2009 meeting were approved as presented.

**Art .3 Public Comments** – None

**Art. 4 Inquiry of Conflict of Interest** –None

**Art. 5 DeBoer Variance Request – Parcel# 0313-400-009-00**

Secretary David Gould read the official Notice as it was published. Relief is being sought from Sections 7.04(a),(d) of the Leighton Township Zoning Ordinance. Said sections relate to front yard setback and lot coverage percentage. The proposed expansion also necessitates granting a variance from Section 12.10A(b) to allow the additional garage in excess of 250 square feet.

Rose DeBoer presented the building plan to the ZBA. The applicants propose an addition of 912 sq ft for an attached garage and sun porch with a basement under the porch. Footprint of the basement is 14 ft and the garage is 24 ft for a total of 38 ft. Discussion returned to the board. Parking spaces and drainage were a concern. The DeBoers received a Soil Erosion Permit which was discussed. Sisson presented a fact sheet summarizing the existing conditions and the proposal (See attached). Questions about minimum and maximum lot coverage and setbacks were also discussed. The request would allow 29.3% lot coverage which exceeds the required 20% and the front setback would be 16 ft instead of the required 35 ft.

Chairman Wright opened the Public Hearing at 7:50 pm:

There were no public comments.

Chairman Wright closed the Public Hearing at 7:51 pm.

Lengthy discussion ensued regarding drainage and the need to avoid parking in and near the street.

Motion by Alderink, supported by Merren, to approve the DeBoer Variances, with the following stipulations and conditions:

1. The retaining wall will be moved to the north 4 to 8 ft, which will open up another parking space.
2. The Road Commission needs to be contacted for a driveway permit and to confirm that the drainage of water onto the roadway will be handled to their satisfaction.

3. The conditions of the Soil Erosion Permit need to be followed.
4. The applicant must instruct the builder/engineer to figure out which type of collection and leaching basin and/or other means will mitigate drainage from the roof of the structure to prevent water buildup on East Shore Drive. The Township Planner and Zoning Administrator must approve the drainage plan before building begins.

The decision to grant the variances allowing the expansion is based on the following findings:

1. The narrow pie shape and unusually steep slope on the front of the lot creates a physical hardship and makes it impractical to develop a basement and attached garage within ordinance limits.
2. Based on empirical observations and information supplied by the planner and zoning administrator and notwithstanding the requirements of the ordinance, the proposed lot coverage is comparable to that on many neighboring lots and does not set a new precedent.
3. The setback variance granted is the minimum variance needed to satisfy the applicant's desires and based on empirical observations and information submitted by the planner and zoning administrator, the proposed setback will still exceed most of the setbacks that exist within 400 feet of the address and when one excludes the subject parcel from the current average, and then recalculate the average with the proposed addition, the new addition will in fact increase the average setback of structures along E. Shore Dr. and retains adequate space for the front yard vehicle parking.

**Roll call vote:** Aye: Gould, Merren, Alderink, Wright  
Nay: None

**All Ayes/ Motion Carried**

**Art. 6 New Business – None**

**Art. 7 Unfinished Business – None**

**Art. 8 Public Comments – None**

**Art. 8 Board Member Comments- None**

Meeting adjourned at 9:25 pm

Respectfully submitted,  
Shari Harmon, Recording Secretary