

LOWER NAZARETH TOWNSHIP ZONING HEARING BOARD

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Zoning Hearing Board Manouel Changalis, Chairman Michael Gable, Vice Chairman Michael Gaul, Board Member Daniel Cortright, Alternate

Zoning Hearing Board Minutes December 12, 2016

Chairman Manny Changalis called the meeting to order at 6:40 p.m. Also in attendance: Board Members Mike Gable and Michael Gaul; Alternate, Daniel Cortright; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator.

MINUTES

Approval of the November 28, 2016 minutes was moved by Mike Gable and seconded by Manny Changalis. Michael Gaul abstained. The motion carried.

CORRESPONDENCE

HEARINGS

ZA2016 - 06 - Kevin and Theresa Moyzan

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Kevin and Theresa Moyzan, Attorney Paul Harak

Attorney Paul Harak withdrew the request for a variance from Section Article 15, Section 1503.F.15 relative to the number of recreational vehicles at the property. They will be storing only two vehicles on the property.

Kevin Moyzan provided testimony regarding the physical characteristics of the property and adjoining uses. The proposed garage would be 60' x 66' or 4,680 s.f. They have another detached structure on the property; however a motor home will not fit in this dwelling. The existing detached structure is 60 x 40 s.f. or 2,400 s.f. Other vehicles they intend to store in the building are a Ranger, 4-wheeler, plow, and log-splitter. There will not be any commercial work on the property.

There isn't anything in the existing accessory building. It will be used for kids play area.

Water would be provided to wash the vehicles. There will not be a working bathroom or living area. They are willing to add this as a condition to an approval.

Dave Nyce, contractor, provided testimony. The RV's would not fit inside the existing buildings. The cost would be prohibitive to raise the roof and would be easier to build another structure. The building would be a Morton Pole Building, constructed according to the building code. It will have 3 garage doors. The exterior will be two-tone, green and brown to match the house and existing detached accessory building. Mr. Moyzan agreed to provide shrubbery to screen the property.

Paul Harak queried Lori Seese regarding an interpretation of definitions of the zoning ordinance. Lori Seese noted the residential accessory structure requirements in comparison to application and property in question.

Mr. Moyzan stated they can comply with the height requirements of the Zoning Ordinance. The building height will be approximately 28 feet. The existing accessory structure height is shorter than the dwelling.

Attorney Harak moved the exhibits attached to application into the record.

The motion to close testimony was moved by Mike gable and Michael Gaul. The motion carried.

Board Deliberation

Mike Gable stated that the Zoning Ordinance intends to control the size of accessory structures; however, there is a hole in the ordinance in that it does not allow for properties of this size. Attorney Harak's stated their request is whether the structure is an accessory structure or private garage. If it is a garage, then they request a variance from 1000 s.f. requirement.

Mike Gable agreed that their request is permitted and made the suggestion that the Zoning Ordinance be amended to address this issue.

April Cordts believes it's an interpretation. She also believes there is a hole in the Zoning Ordinance. There is no catch all and no overall provision to control the height in this situation.

The motion to confirm the interpretation that the proposed structure is an accessory structure not a household garage, and the applicant is permitted to construct the building as proposed with the provision that it does not include any habitable living areas, no sanitary plumbing, and that they provide as much landscaping as possible to meet the aesthetic taste of the neighbor was moved by Mike Gable and seconded by Mike Gaul. The motion carried unanimously.

The meeting adjourned at 7:43 p.m.

Respectfully submitted,

Lori B. Seese

Planning & Zoning Administrator

/lbs

* Note: These minutes are only a brief summation of the actual hearing. All Zoning Hearing Board hearings are officially transcribed by a professional stenographer. Should any parties wish to view these transcripts, please contact the Zoning Officer. If an official copy has not been requested, the requestor must pay for the transcript.