

CLARK TOWNSHIP ZONING BOARD OF APPEALS

April 11, 2018

6:00 PM

Call to Order & Pledge of Allegiance: 6:00 PM

Roll Call: Present – Pearson, Harrison, Schuster, Pieri.

Absent – Eberts.

Others Present: Ken Waybrant, *Zoning Administrator*; Anthony and Robin Hakola; David Murray, *deputy supervisor*.

Approval of Agenda

Motion: Moved by Mr. Pieri, supported by Mr. Shuster to accept agenda as presented.

All Ayes. Motion carried.

Approval of Minutes: 10-24-17

Motion: Moved by Mr. Harrison, supported by Mr. Shuster to approve the minutes of 10/24/17.

All Ayes. Motion carried.

Old Business: none

New Business

Case #289: Anthony Hakola requesting to construct a new accessory storage building, 32 ft by 50 ft, total 1,600 sq. ft. The square footage of the new structure in addition to the square footage of the existing structures on the property would exceed the total square footage for a parcel (1,800 sq ft.) permitted in the zoning ordinance. Zoning administrator noted he could not determine anything to be a legal non-conforming use.

Within the documents presented, a letter from Township Attorney Thomas Evashevski offering guidelines for ZBA to consider.

There were no correspondences from neighbors.

Mr. Hakola stated he was requesting more storage for his equipment to help maintain it; that an additional building would help improve the appearance of the area as neighbors would not have to look at his equipment; that his building would exceed what's allowed. He said he met with Thomas Evashevski, the Township Attorney, and informed him of the history of the property, and Mr. Hakola felt he had Mr. Evashevski's support. Mr. Hakola said he purchased the property between three and five years ago from Brakel Construction which used the site for storage.

The Board held discussion about the actual use and the zoning history of the property; that it had been zoned light industrial prior to enactment of the Zoning ordinance in 1975; and, its historic **use** was for light industrial acceptable activities, and storage was allowed. Currently, the property is within a Residential -1 (R-1) district. Mr. Waybrant said Mr. Hakola's requested use is allowed in an R-1 district. He encouraged the Board to give weight to Mr. Evashevski's comments in their decision making, to consider Mr. Hakola's use.

Recognizing the property is in a legal non-conforming use status, Mr. Pearson said the Board needs to determine the extent and degree of non-conformance. Mr. Pieri inquired if the ZBA could grandfather

the property into a light industrial zoning, but Mr. Harrison said the ZBA cannot change zoning, rather it can grandfather in the use of the property. Mr. Hakola said he is continuing the historic use of the property. Mr. Pearson said the whole property is in a legal non-conforming use.

Mr. Pieri said an additional building will not increase non-conforming use, but section 17.1 (C) prohibits construction of an additional structure in connection with a non-conforming use of the land. The Board would have to determine whether to waive that prohibition through a dimensional variance. The Board, then, worked through four considerations Mr. Evashevski outlined to make their determination.

1. Moved by Pieri, Seconded by Shuster : The Board has determined that storage at the property was a legal non-conforming use pre-dating the zoning ordinances.

Roll Call vote: Pearson yes
 Shuster yes
 Harrison yes
 Pieri yes

Motion passed

2. Moved by Pieri, Seconded by Pearson: The Board has determined that the extent and degree of the non-conforming use is both inside and outside and covering as large or larger area as the square footage of the existing buildings and any new building.

Roll call: Shuster yes
 Harrison yes
 Pearson yes
 Pieri yes

Motion passed.

3. Moved by Pieri, seconded by Shuster: The Board has determined that Section 17.1 (c) of the Zoning Ordinance, which prohibits an additional building that is erected in connection with a non-forming use can be waived by way of a dimensional variance.

Roll call: Harrison yes
 Shuster yes
 Pieri yes
 Pearson yes

Motion passed.

4. Moved by Pieri, seconded by Shuster: The Board approves a dimensional variance from Section 17.1.(c) of the Zoning Ordinance and also for the lot coverage consistent with the variance standards provided in Article 16.6.1 (a) 1-5 of the Zoning Ordinance.

Roll call: Pearson yes
 Harrison yes
 Shuster yes
 Pieri yes

Motion passed.

Appeal approved.

Adjournment: 6:57 PM

Motion: Harrison moved to adjourn the meeting, Pieri supported.

All Ayes. Motion carried.