

Goshen Township Board of Zoning Appeals

Monday December 10, 2007

CASE #292

Recorded

- Meeting was called to order by Mary Donna Elam.
- Present were Mary Donna Elam, Jesse Shaw, Shirley Bixler and Wanda Downey. Absent was Ed Seigla.
- Mary Donna swore in all individuals that might speak thru the meeting.
- Mary Donna Elam in detail explained the appeal:

Variance Sought:

Applicants Richard and Lisa Spear, 6955 Gaynor Road in Goshen are building a 9,700 square foot home on 23.8 acres currently zoned A-Agricultural (see attached aerial photo). They are requesting a building height variance of 11'6" to accommodate the main residential structure as well as a building height variance of an additional 23'2" to accommodate an observation tower 16' in diameter (see attached drawing). The current maximum height of a principle building in an A-Agricultural District cited in the Goshen Township Zoning Resolution is 2 ½ stories / 35 feet.

Staff Analysis:

Staff has reviewed the site plan, has visited the site, and offers the following comments:

1. The additional height of this single-family residential structure and the observation tower will not adversely impact abutting property view or property values. The 210' front yard setback from Gaynor Road with its location on a 23+ acre parcel in

addition to the heavy stand of mature pine trees will provide the physical separation and the visual screening needed to support this variance.

2. The highest point on the roofline of this residential structure is the top of the observation tower is only 61'3" and is not considered by local recreational pilots as a flight hazard given that much taller telecommunications equipment towers and a county water tower are located in the vicinity.

- Mary Donna Elam asked if there were any comments or opposition to the case.

- Jim Tarter.....Had no opposition but wanted to state that the pine trees are to the west of the structure and not in front of.
- Mr. Martin.....the contractor also viewed the prints to clarify where the pine trees are.

- The first variance is 11'6" building height:

- Mary Donna Elam read the Finding and Facts on Variances:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use for the property without the variance. YES
2. Whether the variance is substantial. YES
3. Whether the essential character of the neighbor hood would be substantially altered or adjoining property suffer a substantial detriment. NO
4. Whether the variance would adversely effect the delivery of government services. NO
5. Whether the property owner purchased the property with the knowledge of the zoning restrictions. NO
6. Whether the problem can be solved by some manner other than granting the variance. NO
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance. YES

Mary Donna Elam asked if there were any questions regarding the 11'6" variance. There were none.

Mary Donna Elam called for a motion to grant the 11'6" variance on the building. Wanda Downey made the motion and Jesse Shaw second the motion:

Mary Donna Elam YES, Shirley Bixler YES, Jesse Shaw YES, Wanda Downey YES.

- Second variance for 61'3" variance for the tower:

- Mary Donna Elam read the Finding and Facts on Variances:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use for the property without the variance. YES
2. Whether the variance is substantial. YES
3. Whether the essential character of the neighbor hood would be substantially altered or adjoining property suffer a substantial detriment. NO
4. Whether the variance would adversely effect the delivery of government services. NO
5. Whether the property owner purchased the property with the knowledge of the zoning restrictions. NO
6. Whether the problem can be solved by some manner other than granting the variance. NO
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance. YES

Mary Donna Elam asked if there were any questions regarding the 61'3" variance. There were none. Mary Donna Elam called for a motion to grant the 61'3" variance on the tower. Shirley Bixler made the motion and Jesse Shaw second the motion:

Mary Donna Elam YES, Shirley Bixler YES, Jesse Shaw YES, Wanda Downey YES.

Mary Donna Elam, Chairperson granted the variance to Mr. and Mrs. Spear.

- **Approval of Minutes.**

Mary Donna Elam asked for motion to approve the minutes of the October 10th hearing.

Wanda Downey made the motion to accept the minutes and Shirley Bixler second the motion.

Mary Donna Elam YES, Shirley Bixler YES, Jesse Shaw YES, Wanda Downey YES.

- **Meeting Adjourned.**

Mary Donna Elam asked for motion to adjourn. Wanda Downey so moved the motion.

Deb Bixler

Mary Donna Elam