**Elk Township Combined Planning and Zoning Board**

**Regular Business Meeting**

**September 21, 2022**

**Minutes**

**Call to Order**:

Regular Business Meeting was called to order at 7:00 pm.

**Roll Call:**

**Present:** Mr. Clark, Mr. Hughes, Mr. Schmidt, Mr. Shoultz,

Mr. Richardson (alt 1), Mr. Swanson (alt 2), Madam Chairwoman White,

**Absent:**  Mr. Afflerbach, Mr. Lucas, Mr. McKeever, Mrs. Nicholson

**Open Public Meeting Act:** was read by the Board Secretary

**Flag Salute:** Madam Chairwoman White led the flag salute.

**Approval of Minutes:**

1. July 20, 2022

***Mr. Shoultz moved to approve the minutes of July 20, 2022,***

***Seconded by Mrs. Swanson.***

***With all other members in favor, the motion was carried***.

**General Business:**

**Creation of Concept Plan Review Committee**

After discussion, it was agreed that this Committee will be made up of:

Chairperson – Jeanne White, Vice Chairperson – Jay Hughes, Bob Clark

and an alternate – Richard Schmidt as well as Board Engineer, Board Planner and Board Solicitor

Time and Dates were proposed with the understanding that they may be changed according to schedules of this committee and the applicant.

Completeness Hearing**:**

House 19, LLC, Chen, Bulk Variance request to build a 6’ fence around his residence including the front yard

499 Bridgeton Pike, Block 6 Lot 29

Completeness followed by Public Hearing, Application #ZB-22-03

The following individuals were sworn to provide testimony:

Mr. CL Chen applicant

Mr. Chen explained that the need for the fence is for privacy as motorists driving on Bridgeton Pike sometimes use his driveway to turn around.

Bob Clark, Elk Township’s Zoning Officer, explained that from the house toward the back of the property a 6 foot fence is allowed but only a 4 foot fence is allowed from the house forward.

Mr. Chen stated that the fence would be a white, vinyl solid fence.

Mr. Dale Taylor, Board Solicitor, asked how many feet forward of the house will the fence built and Mr. Chen answered that the fence will not be placed further than the front of the house.

Mr. Clark stated that when the initial Zoning Application was brought in by the applicant and his father that it was stated that the fence would be built across the front yard, thus necessitating a Variance.

Mr. Chen clarified that the fence would not be going forward of the house in the front yard.

Mr. Chen was told that if he does not build the fence further than the front of the house that he will not need a variance.

Mr. Stan Bitgood, Township Engineer, asked how far the house sits from the right away line of the street and it was shown on a drawing as to being 36 feet 9.5 inches.

Candace Kanaplue, Township Planner asked Mr. Clark what the front yard setback would be for this property.

Mr. Bitgood wanted clarification that the front of the house is not in the front yard required set back. He stated that the intent of that ordinance is to not allow fences in that front yard set back.

Mr. Clark stated that the front yard set back is 40 feet.

Mr. Taylor explained that the applicant can ask for the variance to run the fence up to the front of the house or move the fence about 3.5 feet behind the front of the house which would require no variance.

The applicant stated that it would look much better if the fence could come up to the front of the house and therefore would like to ask for the variance.

The variance language has changed to a front yard set back for a fence and the applicant is asking that the fence could come up equal to the front plane of the house within the front yard set backs.

Ms. Kanaplue mentioned that in her review letter she requested information on the type of fence that was sought to be installed and her recommendation was that a picket style fence be installed. Given the need for privacy, she wants to remove that recommendation.

Mr. Bitgood asks how far the fence will be off the pond in order to have proper maintenance performed.

The applicant states that there will be 4 feet of room between the fence and the pond.

Both the Board Planner and Board Engineer had no additional items.

***Mr. Clark moved to deem the application complete.***

***Seconded by Mr. Richardson***

***Roll Call:***

***Voting in favor:***

***Mr. Clark, Mr. Hughes, Mr. Schmidt, Mr. Shoultz,***

***Mr. Richardson (alt. 1), Mr. Swanson (alt. 2), Madam Chairwoman White***

***Against: None Abstain: None 7-0-0***

Mr. Hughes asked for clarification regarding the ownership of the house in this Variance application.

***Mr. Hughes moved to open to the public, seconded by Mrs. Schmidt***

***With all members in favor, the motion was carried.***

***With no comment from the public, Mr. Shoultz moved to close the public portion,***

***seconded by Mr. Hughes.***

***Mr. Clark moved to grant a Bulk Variance, seconded by Mr. Richardson***

***Roll Call:***

***Voting in favor:***

***Mr. Clark, Mr. Hughes, Mr. Schmidt, Mr. Shoultz,***

***Mr. Richardson (alt. 1), Mr. Swanson (alt. 2), Madam Chairwoman White***

***Against: None Abstain: None 7-0***

***Mr. Hughes moved to enter into our General Public Portion, seconded by Mr. Swanson.***

***With all members in favor, the motion was carried.***

***With no comment from the public, Mr. Shoultz moved to close the General Public Portion,***

***Seconded by Mr. Hughes.***

Correspondence: Copart will be turning in their Final Major Site Plan Application and Escrow money with the goal of appearing before our Board in October.

***Adjournment:***

***Mr. Shoultz moved to adjourn, seconded by Mr. Richardson***

***With all members in favor, the motion was carried.***

Adjournment time: 7:43pm

Respectfully submitted,

Ann Marie Weitzel, Board Secretary