

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
FEBRUARY 18, 2021**

Roll Call

Present were: Kathleen Mueller Engineer, Scott Carlson, Attorney
Mr. Vivona, Mr. Williams, Mr. Weston, Gregory Borsinger, Marty McHugh, Mr. Newman
Mr. Fitt and Ms. Labadie absent

Hearings

CALENDAR ZBA-20-015 (December 16, 2020) STACEY GOODMAN & ERIC YAGODA, 84 MAY DRIVE, BLOCK: 102.04 LOT: 32 Requesting variance for impervious coverage & toilet in pool cabana to construct an inground pool, outdoor kitchen, patio, (2) pergolas, fire pit, & pool cabana (Complete 1/18/2021) Escrow #72992

Cathy Mueller stated that we have a two-tiered patio in the back. Directly adjacent to the home is a higher elevation of the patio its equal to the walk-out of the rear doors that has a fire pit and seating areas and then we're going to have a built-in outdoor kitchen built-in grill, so this area will be utilized year-round in the spring and in the fall when the pool's not open. Then the lower Terrace or lower level the patios that are around the pool those will be in use when the pool is in use. We have walkways around all four sides that's for maintenance and safety purposes they are 5 ft. wide at a minimum. We are creating two separate areas for two basically seasons. So, when the pool is closed, they'll still have their living space to be able to enjoy directly adjacent to the house.

Tony: Says, the pool that takes up a lot of coverage.

Kathy Mueller: The pool surface is excluded from our coverage numbers. But the pool itself is a standard size pool 800 sq. ft. The cabana is similar to a shed of 150 sq. ft. which is compliant with all the setbacks.

Tony: Site visit will be on March 6th at 9am. At the site visit we will mark out the areas that are in question for the variance.

In the meantime, you may look into another option besides a toilet; but it is a prohibited thing. It is unlikely that it will go forward. Once we look at the site we will open up for deliberations.

Dennis Newman: Is there a hardship that deems it necessary for the variances?

Stacey: There is nothing close there for easy access. Given our family and Eric's parents it would be more convenient and easier to have something that's conveniently marked by the pool. We were really trying to stay within what the town and the size of

the structure and everything its very small and it was very much a convenience because it's not easy to get to the bathroom based on the setup.

Eric Yaoda: The bathroom in our house is closer to the front of the house so you would have to walk through the whole house from the pool to get to a bathroom which is why we were proposing the toilet which wouldn't have any other function.

Builder ?: It is a 100-foot walk from the closest edge of the pool to the bathroom on the first floor. It is always away.

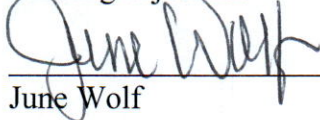
Tony Vivona: I understand what you were just saying but convenience is not an option or reason for a variance. When there is a dedicated zoning ordinance that really doesn't qualify for a variance unless there's a severe hardship. That's what the variances are intended for.

Speaker 2? You may want to prepare to give professional planning testimony regarding your hearings. To justify the variance. There are very specific laws that you need and hardships you have to meet. It's not that it's just not convenient. It's a hardship relating to the property.

Stacey: Were talking around the word hardship a lot and to be more specific about that the testimony would be really a topographic or Geographic hardship as you know the shallowness of a lot or an undersized lot or the narrowness. It's a physical characteristic that's related to the land and not a convenience of the characteristic. When we talk about hardship we're actually talking about hardship in terms of the physical land and the physical sight.

Tony Vivona set up a site visit for March 6th at 9 a.m.

Meeting adjourned


June Wolf

Transcribing Secretary