

## Porter Township Zoning Board of Appeals

### Meeting Minutes

May 6, 2021

**Call to Order:** Josh Hendricks called the meeting to order at 6:00 PM at the Porter Township Admin Building. Pledge to the Flag was given by those in attendance.

**Roll Call:** Roll call was taken. Not in attendance was Hank Yeomans. Tommie Harman, Chad Niblock, Terry Schutter, Al Newvine, Josh Hendricks and Mike Schirott were in attendance. A quorum was achieved.

**Minutes Approval** In reading the minutes of the April meeting, an error was discovered. At the time of the meeting, the Board did not have a copy of the approved zoning for accessory buildings in residential zoning districts. The lot size of the property on application 21-386, 70792 Long Lakeview, White Pigeon, parcel 285-036-02 was in error. The board applied the requirement for a lot over an acre in size. The actual lot is ½ to 1 acre, Lake Residential and would allow for a maximum foot print of 1,800 square feet. The building that was allowed is to be 2,800 square feet. A determination was made that the building permit had been issued. Therefore, the error could not be reconsidered.

The minutes were approved with the noted correction that “The building would be 2,800 square feet versus the 1,800 square feet allowed for a lot ½ to 1 acre. “

**Open Issue:** Application 21-426 as it applies to 13509 Pleasant Drive, Union, MI, parcel 14-120-315-004-10. The issue applies to 111.508(c) accessory buildings in LR zoning districts. The request was for a maximum height to be 22 ½ feet high versus the 21 feet as allowed under the ordinance. The builder, John Slabach and the owners the Rumfelt’s were in attendance in support of their request. None of the neighbors were at the meeting nor had formally opined on the subject.

The matter was discussed at length. Tommie Harman questioned why have ordinances if the ZBA continues to ignore. Mike Schirott questioned how the ZBA could grant a permit/variance when the County has not approved the permit to remove a substantial hill to build the building.

The meeting on the issue was closed by motion. There was a motion by Chad Niblock seconded by Al Newville to approve the variance request and allow the accessory building to be 22 ½ feet tall. The motion passed 4-2.

**Open Issue:** Application 21-422 as it applies to 70163 Sunset Blvd, Union, MI, parcel 14-120-290-007-01. The application sought a side yard set-back from the total of 20 feet,

with one side not being less than 6 feet. The request was for a three-foot stoop which would shorten the side set back to 18 feet in total. Mark Harman was attendance in support of his variance request. Louis Harrington the neighbor to the North expressed a concern over the set-back, though this would not have a direct impact upon his property. He brought a letter from the other neighbor Steve Hartman expressing concern over the variance. Hartman called in during the discussion and the letter was verified to have been written by him and admitted into the record. Harman felt this would encroach upon his property.

A discussion of the issue and the spacing of houses in the area ensued.

The meeting was closed on the issue. A motion was made by Mike Schirott to approve the variance request. There was no second. There was a second motion made by Chad Niblock to deny the request, seconded by Josh Hendricks. A roll call vote was taken with Tommie Harman abstaining due to his relationship to the owner. The motion to deny the request passed 4 to1.

**New Business:** The succession of the Chairman from Hank Yeomans to Josh Hendricks was discussed.

There is a project underway to give each member a book of all ordinances and codes. The project is ongoing with all members receptive to the possibility of having an accurate and complete set of the ordinances and codes. That would eliminate making mistakes such as the building size in the April meeting.

Motion to adjourn, seconded and passed. Next meeting is not scheduled as currently there are no outstanding variance requests. If one is timely made the next meeting would be June 3, 2021.

Respectfully submitted by Mike Schirott