

Porter Township Zoning Board of Appeals

Meeting Minutes

September 1, 2022

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. Chad Niblock, Josh Hendricks, Tommy Harman, Al Newvine and Mike Schirott were in attendance. Also in attendance were the alternate members Terry Schutter and Louis Harrington. Voting on the three variance requests will be described in the listing of the results.

Minutes Approval There was a reading of the minutes of the last three meetings. The dates were March 3, May 5 and August 4, 2022. By motion of Mike Schirott, seconded by Josh Hendricks the minutes were approved.

Follow-up issue: 21-535, variance request granted February 3, 2022. Jeffrey & Debra Bonta at 13734 Wayne St, Union. The structure was demolished due to termite infestation. The issue was cleared up by Rich Drews, Building inspector. The foundation footprint of the house remains the same. Louis Harrington had noted that the variance request had been for a renovation to the structure, not a demolition/new construction.

Open Issue:

Application 22 -622 as it applies to 70966 Hilltop Dr, Union, MI, parcel 14-120-216-032-10. The applicant is Kristine Smith, represented by Paul Delano. The issue applies to 111.501, size of Accessory Buildings. The applicants late husband Bart Smith had pulled a building permit on 11/02/2017. The permit was for a 4,800 square foot barn dominium. The condition of the granting of the permit was that upon completion the modular home on the property would be removed. The permits have been renewed and are in a final extension. This matter was tabled at the August 4, 2022 Zoning Board meeting to determine additional information from the Building Department.

The Barn has been built. It has passed the Electrical inspection. The Mechanical inspection must be completed prior to the building's final approval. The interior walls have not been built.

Kristine Smith explained it was her late husband's dream, not hers. She would like to keep the building to store her memories from the family business she sold as well as other personal items. She has no intention of completing the structure with a completed living area. An inquiry into selling the modular home was fielded without any offers. There is no intention of selling the entire property.

Paul Delano supporting pointed out the housing shortage in the area. He felt the house with oversized accessory building fit the area. It is next to a horse farmette. Paul brought up the fact that at the last meeting he had 5 neighbors sign off in support. Those neighbors being Timothy Doyle, William Rodwick, Julie Staien, Karen Keck and Constance Fulmer. He reminded us that Constance Fulmer was at the last meeting in support of the tabled request. He added a neighbor Tim Miller sent a note in support of the variance request. A copy was submitted as were the original signatures of the other 5 neighbors. None of the other 500 foot owners attended or wrote in response to the request.

The matter was discussed at length. There was a comment by Charlie Fish of Shavehead Lake that the issue could create further issues for the Board. He was advised that each variance request was judged on its own merits.

There was no further public comments and the meeting was closed.

There was a lively debate. Everyone that wanted to state a position was fully heard. Josh Hendricks made a motion "Revoke building permit #20-378, grant the variance for the size of the existing structure. Have Kristine Smith apply for a new building permit for a pole barn. Said pole barn shall comply with accessory building rules and regulations." Motion seconded by Chad Niblock.

The voting was limited to 5 of the group present. Josh Hendricks, Chad Niblock, Al Newvine, Tommy Harman, and Louis Harrington voted. Mike Schirott recused himself as he is an employee of Lake Life Realty. Terry Schutter's vote was not required. The matter passed at a vote of 3-2.

Application 22-632 Steve & Betty Vani for a property parcel 14-120-305-028-00 at 79740 Sunset Blvd, Union, MI. Requested variance is in relation to 111.804 (c) side yard set backs. The Vani's were in attendance in support of their request. Additionally the owners of the adjacent vacant lots were in support of the request. Those owners Alice Ann Troy and Susan Kitson agreed that "the structure will expand the house foundation 1 foot wider to the south and 5 feet further to the North for a total foundation width of 26 feet(existing foundation width is 20 feet) With the construction of the smaller soffits, there will be a total of 15 feet of clearance between lots. I understand this is 5 feet smaller than the required 20 foot minimum clearance."

The recently completed site plan demonstrated the layout of the property. Discussion of the inability to turn the house to fit was discussed. The plan is for a ranch style house that would be 6 feet wider in foot print than existing. It would not block site lines of the neighbors across the street (Kitson and Troy). The lots adjacent to the parcel in question are vacant lake lots of Kitson and Troy.

No public comments were made. The meeting was closed.

There was a minimum amount of conversation and discussion. Tommy Harman made a motion to approve of the variance request and allow a 25 by 62 foot house to be built. Motion seconded by Mike Schirott. Matter passed by a vote of 5 to 0. Alternates did not vote.

Application 22-635 on parcel 14-120-450-029-00 on behalf of Michael and Vickie Schoeffler of 70491 Hilltop Dr Union MI. The variance request entails a lot #26 across the street from the home. The lot abuts a farm field and other lots of similar structures as the proposed structure. The request is for a 1600 square foot accessory barn when a 1200 foot accessory building is allowed under 111. 501 (c).

Michael Schoeffler stated that the barn would be located toward the cornfield and would be part of a project to enhance the yard, remove a' Mr. Schoeffler had the supporting signature's of the houses on the lake side of the street, opposite lot number 26. They included Anthony Svatos, Tom Falkenberg and Thomas Kershner. Additionally he had the sign offs from neighbors on the same side of the street as lot 26. They were R. Andrew Sarphain and the Hilltop Homeowners Association.

No further discussion or comments from the public.

Meeting closed. Motion by Mike Schirott to approve the variance request. Seconded by Chad Niblock. Motion passed 4 to 1. The alternates did not vote.

Future Meetings. It is expected that there is a variance in the works for the month of October. All were alerted to a possible meeting on October 6.

Motion to adjourn. Seconded and passed.

Respectfully submitted by Mike Schirott