

## **Porter Township Zoning Board of Appeals**

### **Meeting Minutes**

**May 4, 2023**

**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:** Members present were Josh Hendricks, Al Newvine and Mike Schirott. Not in attendance were Chad Niblock, Tommie Harman, Louis Harrington and Terry Schutter. A quorum was achieved.

**Minutes Approval** There was a reading of the minutes of the March 2, 2023 meeting. By motion of Josh Hendricks, seconded by Al Newvine the minutes were approved as read.

**Follow-up issue:** There were no issues that had to be discussed.

**Open Issue: Application 23-7731.** Raymond and Pamela Niedbala seek a variance on 111.804 (c) side yard setback for their residence at 65828 Lakeshore Dr, Vandalia, MI 49095. The request entails the demolition of the current structures on the property and a subsequent house and garage that would extend the structures closer to the side yard lot line than what is called for under ordinance 111.804 (c). The Ordinance calls for two side yard setbacks at least 20 feet in total with one being at least six feet. The proposed variance would allow for the current footprint to the south to be maintained at 6.9 feet while shortening the North side from the existing 7 feet to 3.9 feet. The property to the North is a walk-through easement for the deeded access owners in the subdivision. The property to the South is a residence 65840 Lakeshore Dr, owned by Stephen and Virginia Ciesielski. They wrote a letter in support of the Niedbala's requested variance.

The owners were present as was their builder Jason Jones of Jones Construction and Dave Nagy of 65908 Lakeshore Drive. The Niedbala's stated that they had spoken to most of the neighbors. There had been a neighbor that thought the construction would impact the easement. It would not. The width of the easement would not be affected. Dave Nagy as a homeowner within 500 feet did not object. He just asked that the sewer be properly disconnected and reconnected in the construction process. Mike Haydon the Ordinance Enforcement Officer had emailed some photos of what he believed to be property line stakes but did not offer any input one way or the other. Josh Hendricks reached out to Mike but did not receive a call back for clarification.

There was a discussion with those present. There was a motion by Josh Hendricks to close the meeting for public comment. Josh Hendricks disclosed he had a conversation with Raymond Niedbala as to the ZBA process prior to his filing for a variance request in which he advised Raymond on the site plan and measurements the board would need to

see at the meeting. There was a brief discussion. Mike Schirott made a motion to approve the variance request as submitted. Seconded by Al Newvine. A vote of 3-0 passed. Josh Hendricks reiterated to the Niedbala's and their contractor that they need to ensure that the structure is no closer than what was approved.

**New Business.** There was a discussion between board members after the variance process had ended. The discussion was over mileage and payment for attending meetings. The procedure is going to be formalized. For now, the mileage would be from Porter Township Hall to the site and back. A statement of those miles on the approved form would be submitted at the ZBA meeting and signed off by Josh Hendricks or Mike Schirott. As to payment for time attending a meeting, it was tabled until it was determined what the amount of compensation would be and if it was already an approved budget item. Mike Schirott will check with Beth to see if there is an approved amount already in the budget. The matter will be discussed by full board at the next meeting.

By motion of Josh Hendricks, seconded by Al Newvine the meeting was adjourned.

Respectfully submitted,

Michael G. Schirott