

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

### **Meeting Minutes**

**September 7, 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, Mike Schirott, Al Newvine and Chad Niblock. Not in attendance were Tommie Harman, Terry Schutter and Louis Harrington. A quorum was achieved. Chad Niblock is a 500 foot owner of 23-795 and was recused from voting. Likewise, Mike Schirott recused himself on 23-808 as he works part time for Lake Life Realty.

**Minutes Approval** There was a reading of the minutes of the July 7, 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 23-795.** Richard and Mary Beth Murphy requested a variance on Ordinance 111.508 accessory buildings. They sought to put an addition to an existing building that would increase square footage and provide internal upgrades. The revised building would exceed the allowable 2100 square footage allowed. The proposed building would respect all side, back and front yard set-backs. The building would be located on the property at 69480 Bellows Road, White Pidgeon, MI. The building would have 3,920 square feet by virtue of the 1,820 square foot addition. Also the building would have a 27 foot 9 inch height. It would be hooked up to the sewer system.

The only 500 foot owner present was Chad Niblock, he did not object to the building addition.

There was a discussion with those present. The meeting was closed to the public. By motion of Mike Schirott, seconded by Josh Hendricks the matter was approved 3 to 0.

**Application 23-808.** Paul and Claire Delano requested a variance on 111.508 (h) accessory buildings. The request is for a 50 by 80 building that would exceed the 2100 square foot allowance. Additionally the building would have a height of 35 feet.

The request drew many responses. A listing by resident and medium used is as follows: **Tim and Fern Michaels** voice mail in support. **Dahn Johnson** phone call in support. **Heidi Johnson** phone call in support. **Louis Harrington** an email in support. **Mark Harman** an email in support. **Dave & Nancy Smith** an email in support. **Steve Hartman** an email in support. **Jim Gajdorus** a text message in support. **John Leahy** an email in support. **Greg Macri** in a letter stated an objection to the proposal based upon it being too large, increased traffic, a tall building would disrupt the flow of the landscape. He built a house and lived by the rules, everyone should. **Joel Eberlein** a letter that stated ordinances should be adhered to. Accessory buildings should not have guest quarters without a principal residence. It would have a negative impact upon property values in the area. Cause noise. Is close to the designated wetland and might cause wetland issues. **Tom and Diana Lykowski** wrote a letter of objection that stated the roof could be made with a bar

joist roof to avoid the need for a peak of 35 feet. There is no home on the property, what would the structure be used for? An entry on Sunset Blvd violates the private road agreement for Treasure Island. The dumping of numerous (250 stated in the letter) loads of fill changed the topography and will alter the runoff into the wetlands. **Tom Major** wrote a letter of objection citing a lack of communication and need to adhere to the existing ordinances. **Scott and Shelley Virgil** wrote a letter of objection stating that the allowance would set a bad precedent, violate the private road agreement and be on a wetland. **Butch & Coleen Knerr** wrote a letter of objection. They feel the building would be out of place and have a negative impact on property values. **Greg and Lynda Doyle** wrote a letter in support of the variance request. **Greg Desmond** wrote a letter in opposition. The building is too tall and would overpower the neighborhood. **Craig Thorstenson** wrote a letter in opposition as the proposed building would be too tall for the surrounding area. **Michael Segobiano** wrote on behalf of himself and **Deb, Doreen and Dennis Kaufman** in opposition. The letter is essentially the same letter as the one noted above by Greg Desmond. **Jack & Mona Gehring** wrote a letter in opposition to the variance noting the precedent it could set, private road agreement and potential negative impact on property values.

At the meeting there were public comments made by many individuals. **Connie Holt and Julie Lawson** were concerned about the impact on the wetlands. Paul Delano provided a copy of the soil and erosion permit he pulled prior to starting the project. The proposed building would be within the required set back from a wet land. A copy of the wet land map was provided by the Porter Township Clerk's office. Paul Delano marked where the building would be located on that map. There was discussion that the map was incorrect and that the State, not Soil and Erosion should issue a permit. **Ike Smith** said he supported the proposal. **Ryan & Ami Sailor** were in support of the proposal. **Tom Delano** was in support of the proposal. **Chuck Larson** was also in support of the proposal. In addition to writing or calling the following residents were present and voiced their objections to the proposal: **Michael Segobiano, Greg Desmond, Greg Macri, Jack Gehring, Doreen Kaufman, Dennis Kaufman, Deb Murphy, Tom & Diana Lykowski and Charlie Fish.**

There was a spirited debate. The respondent stated he could build a Barndominium on the site without a variance. It would be the same size building and could pull a permit immediately. He stated his proposed building seeking a variance would have a bathroom, no kitchen and would not be used commercially.

Josh Hendricks closed the meeting at that point. The majority of the aforementioned letters written in opposition to the proposed variance were delivered in the afternoon of the 7<sup>th</sup>. The letters included some duplicate letters. The amount of new correspondence could not be absorbed prior to the meeting. Having little time to digest the letters the matter was tabled until October 5 by Josh Hendricks. This will allow the board to deliberate and absorb the information presented.

**Outstanding Issue:** Two outstanding issues were not discussed. 1) the outstanding issue of mileage and time spent was not discussed. The matter has to be discussed with Beth Russell to determine if such costs are in the budget. Mike Schirott will meet with Beth before the next

meeting. 2) The discussion of the type and focus of similar variance requests over accessory buildings was not discussed. Tabled previously, tabled again.

By motion of Mike Schirott seconded by Josh Hendricks the meeting was adjourned.

Respectfully submitted,  


Michael G. Schirott

Secretary