

Porter Township Zoning Board of Appeals

Meeting Minutes

January 4, 2024

Call to Order: Mike Schirott 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 Tommy Harman, Al Newvine, Terry Schutter, Louis Harrington and Mike Schirott. Not in attendance were Chad Niblock and Josh Hendricks. A quorum was achieved.

Minutes Approval There was a reading of the minutes of the October 5, 2023 meeting. By motion of Al Newvine, seconded by Tommy Harman the minutes were approved as read.

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

Open Issue: Application 23-868. Ryan Pearce through Andrew Stoffel requested a variance on Ordinance 111.801 (c) lake residential sheds for the residence at 69921 Sunset Blvd, Union, MI 49130. The request is for an accessory building in excess of the allowable size for the lot size. The parcel is a unique situation as it has lake frontage on two lakes. Thereby making the property have two front yards. The requested building would be 20 by 24 when a 10 by 10 would be allowed under the ordinance.

There were questions raised about the viability of such a structure on what might be deemed a wetland. Mr Stoffel explained that the process was starting here and would progress through EGLE and Cass County to answer that question. He did not bring a schematic with measurements but assured the board that the building would fit on the lot with all set backs met.

There was a discussion of the other two oversized accessory buildings on adjacent lots to the parcel in question, 14-120-216-022-00. A building permit had been issued in 2015 for the property at 69995 Sunset. Said building called for a 24 by 24 building. It appears the building is larger if the overhang is included and is closer than 20 feet to Baldwin lake. The other oversized building is 12 by 21. It was not determined if that property ever had a permit issued. It was explained the Zoning Board was not bound by the prior permits issued. The zoning board decides all matters on a case by case basis.

Residents were in attendance. Tom Lykowski was concerned about what was to be stored in a building so close to the lake. He pointed out that he would like to build a bigger accessory building on his lake front than the 10 by 10 allowed. It was explained that he did not have that right as he had a front yard and a rear yard unlike the parcel in question.

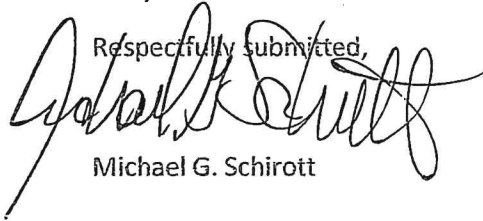
Greg and Julie Strintz and Connie Holt were unified in the opinion that if we were allowing oversized buildings then they might request the same thing. They felt that this was a pass through process and questioned why the ordinances were not followed.

The meeting was closed at that point. Tommy Harman led the discussion. He opined that if we don't follow the rules why don't we throw them out? He felt that the unique situation of two front yards gave credence to the argument that strict enforcement would not allow for them to use their own land. He felt that they might be given some consideration for a larger accessory building but not 20 by 24. He thought a 10 by 12 or a 12 by 12 with a 4/12 pitch roof might be a reasonable compromise. There was a consensus among the members that was reasonable.

Tommy Harman made a motion to deny the requested variance. Al Newvine seconded. The matter passed 5 to 0. Tommy Harman made a motion, seconded by Louis Harrington for a 12 by 12 accessory building with a 4/12 pitch to the roof. 12 by 12 to include overhang, 3 foot side set back, 20 feet from the lake and 35 feet from the center of Sunset Blvd. Motion passed 5-0.

Terry Schutter made a motion to adjourn, seconded by Mike Schirott. Meeting adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Schirott", written in a cursive style.

Michael G. Schirott