



2. Whether a grant of the variance applied would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that requested would give substantial relief to the owner and be more consistent with justice to other property owners. *Granting would give substantial relief to the owner and be consistent with justice to other property owners.* Standard is satisfied.
3. Whether the plight of the owner is due to unique circumstances. *Intended mounting surface was only considered. If entire front of building area would allow mounting of sign, it would have been acceptable.* Standard is satisfied.
4. Whether the problem is self-created. *Not self-created. The spirit of the ordinance would be kept by considering full front of building for mounting.* Standard is satisfied.
5. Whether relief can be granted in such that the spirit of the ordinance will be observed, and public safety and welfare served:
  - Will not be contrary with the intent and purpose of the zoning ordinance.
  - Will not cause a substantially adverse effect on adjacent properties.
  - Will relate only to the property of the owner.
  - Will not essentially alter the character of the surround area.
  - Will not increase the hazard from fire, flood, similar dangers, or increase traffic congestion.
 Standard is satisfied.

The Zoning Board of Appeals finds that all 5 standards have been met.

Motion by Yulanda Bellinger

**Determination of this board is:**

In the findings of facts as per the Motion Township Zoning Ordinance, in granting a non-use variance as stated in Section 7.3 Signs, the Board grants the non-use variance and finds it would do substantial justice to the applicant as well as to other property owners in the district and would give substantial relief to the owner and be more constant with justice to other property owners.

2<sup>nd</sup> by Joe Lanz

Vote: 3 Ayes      0 Nays      0 Absent      Motion Carried

**The appeal request is approved.**

Intermission while decision forms are completed and signed by the ZBA members.

**Open Public Hearing #2**

- B. Application to hear an appeal of the Zoning Administrator’s decision to deny zoning permit application (PZ19-029), for a residential addition in violation of Section 5.15 (#3) Setbacks, of the Morton Township Zoning Ordinance, which states that the front setback is 30 feet.

This application also requests a setback variance on the front from 30 feet to 9 feet.

Facts:

Property Code: 5411-065-022-000

Property Address: 9881 E. School Section Lake Rd

Owner/Applicant: Wayne & Connie Schafer

Zoning: R-1

Notice in Big Rapids *Pioneer* on June 12, 2019

Letters sent to 16 neighboring property owners on June 12, 2019

Chairman, Dennis Morawa, presented the facts of the appeal as listed above.

Comments by Fritz Pins, Zoning Administrator:

- Schafer’s obviously knew in advance that it would be denied.

- When out at property, could not see where property line was. Concerned about how close to road.
- One thing in their favor, only three houses, not much traffic.
- Received one response from neighbors, Virgil Yanz and Colleen Snow, in favor of the addition to the Schafer home.

Comments by Wayne & Constance Schafer (applicants):

- Have owned the property for 40 years. Seasonal home, would like to make it year around.
- Want more square footage; 8-foot addition mainly to expand bedroom.
- Dead end road, probably 4 cars a day, basically no traffic.

Zoning Board of Appeals members and the Zoning Administrator expressed concern that the Schafer's were not positive to where the survey markers for their property are located. Mr. Schafer knows the location of one of the property monuments.

## Close Public Hearing #2

Dennis Morawa reviews the 5 standards that the Zoning Board of Appeals must use as a basis of substantial evidence to determine whether or not to grant a non-use variance:

In the Finding of Facts:

1. Whether compliance with the regulations would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. *Dimensional zoning requirement cannot be met on the existing lot and would inhibit the lawful location of the principle addition.* Standard is satisfied.
2. Whether a grant of the variance applied would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that requested would give substantial relief to the owner and be more consistent with justice to other property owners. *Granting the variance would do substantial justice to the applicant.* Standard is satisfied.
3. Whether the plight of the owner is due to unique circumstances. *The problem creates a practical difficulty and the ZBA finds that the problem is not unique but common with other like properties for this area.* Standard is satisfied.
4. Whether the problem is self-created. *Not self-created.* Standard is satisfied.
5. Whether relief can be granted in such that the spirit of the ordinance will be observed, and public safety and welfare served:
  - Will not be contrary with the intent and purpose of the zoning ordinance.
  - Will not cause a substantially adverse effect on adjacent properties.
  - Will relate only to the property of the owner.
  - Will not essentially alter the character of the surround area.
  - Will not increase the hazard from fire, flood, similar dangers, or increase traffic congestion.

*Relief can be granted in this matter and the spirit of the ordinance will be observed and public safety and welfare served.* Standard is satisfied.

The Zoning Board of Appeals finds that all 5 standards have been met.

Motion by Yulanda Bellinger

**Reasons for Determination:** In the finding of facts as per the Morton Township Zoning Ordinance, in granting a non-use variance, the Board grants the non-use variance as stated in Section 12.2, Variance, Paragraph 3 (B), would do substantial justice to the applicant as well as to other property owners in the district and would give substantial relief to the owner and be more consistent with justice to other property owners.

The request for a non-use rear variance of 9 feet **is approved contingent** upon location of property monuments or completed of a certified survey.

2<sup>nd</sup> by Joe Lanz  
Vote: 3 Ayes      0 Nays      0 Absent      Motion Carried

**The appeal request is approved.**

Intermission while decision forms are completed and signed by the ZBA members.

**Old Business - None**

**Adjourn Meeting.**

Motion By: Yulanda Bellingar

To adjourn the meeting.

2<sup>nd</sup> By: Joe Lanz

Vote: 3 Ayes      0 Nays      Motion Carried

Meeting adjourned at 7:30 P.M.

Respectfully Submitted,

*Vicky Esch*

Vicky Esch, Recording Secretary