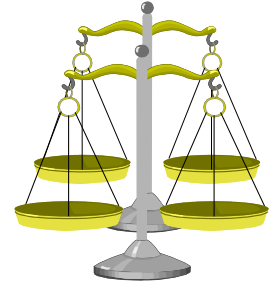


**MORTON TOWNSHIP ZONING BOARD OF APPEALS  
MEETING MINUTES – JULY 29, 2020**



Meeting called to order at 6:00 P.M. by Chairman Dennis Morawa  
Pledge of Allegiance to the Flag by all  
Members Present: Dennis Morawa, Yulanda Bellingar, Jeff Cross  
Members Absent: None  
Others Present: Zoning Administrator, Fritz Pins; Recording Secretary, Vicky Esch  
Public Present: Ronald Wright

Motion by Yulanda Bellingar  
To Approve the minutes of the June 17, 2020, meeting as presented.  
2nd by: Dennis Morawa  
Vote: 2 Ayes 0 Nays 1 Abstain 0 Absent Motion Carried

Jeff Cross abstained from voting as he was not present at the June 17, 2020 meeting.

**Open Public Hearing**

**New Business**

A. Application to hear an appeal for a setback variance that does not meet the requirements of Section 5.15 (#3), of the Morton Township Zoning Ordinance. The appeal is asking for a 15-foot variance on the front of the property and a 19-foot variance on the back (north).

Facts:

Property Code: 5411-077-012-000 Property Address: 10675 Round Lake Dr  
Owner/Applicant: Timothy Michael Zoning: R-1  
Notice in Big Rapids *Pioneer* on July 16, 2020  
Letters sent to 21 neighboring property owners on July 16, 2020

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

Comments by Fritz Pins, Zoning Administrator:

- Mr. Michael had applied for a zoning permit to build a pole barn 15 feet from the property line instead of the 30 feet required. Also asking for a 19-foot variance to put an 8-foot deck on the side of the house.
- House is 13 feet from the property line.
- Received one letter from Dick Murphy (neighbor) in favor of the requested variance. (read to those present)

Comments by Ronald Wright (on behalf of applicant):

- Neighboring / existing pole barn is exactly 30 feet from center of road. This one would be 15 feet back.
- Downsized the pole barn 2 feet on both sides to try & accommodate. Irregular shaped lot. Allowing for a 1-foot overhang.
- Shed will be removed when pole barn is built.

Comments/Questions by Zoning Board of Appeals members:

- Questioned if the shed would be removed and if there was going to be an overhang on the pole barn. Both were answered by Mr. Wright.
- Size of pole barn is within allowed size.

**Close Public Hearing**

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. *The regulations would unreasonably prevent the owner from using the property for a permitted use.* 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 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. *Dimensional zoning requirements cannot be met on existing lot due to narrowness and shallowness. Would inhibit desired size of pole barn. Contour of property with drop-off creates a practical difficulty.* Standard is satisfied.
4. Whether the problem is self-created. *Practical difficulty was not created by an action of the applicant. 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.
 Standard is satisfied.

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

Motion by Yulanda Bellingar

**Determination of this board is:**

In the finding of facts as per the Morton Township Zoning Ordinance, in granting a non-use variance as shown in Section 12.2, Variance, Paragraph 3 (A-E), this Board finds that it is not a self-created circumstance and **approves** the request for a variance with the following setbacks: front setback (south) of 15 ft., rear setback (north) of 19 ft.

2<sup>nd</sup> by Jeff Cross

Vote: 3 Ayes      0 Nays      0 Absent      Motion Carried

**The appeal request for a non-use variance is approved.**

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

**Old Business - None**

**Adjourn Meeting.**

Motion By: Jeff Cross

To adjourn the meeting.

2<sup>nd</sup> By: Yulanda Bellingar

Vote: 3 Ayes      0 Nays      Motion Carried

Meeting adjourned at 6:45 P.M.

Respectfully Submitted,

*Vicky Esch*

Vicky Esch, Recording Secretary