



**MORTON TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES – APRIL 14, 2021**

Meeting called to order at 6:00 P.M. by Jeff Cross
Pledge of Allegiance to the Flag by all
Members Present: Dennis Morawa, Yulanda Bellingar, Jeff Cross
Members Absent: None

Others Present: Zoning Administrator, Rich Davis; Recording Secretary, Vicky Esch; Supervisor, Mark Klumpp
Public Present: Bob & Cheri Bouwkamp, Chad Root, Nancy Berg, Steve & Dianne DeForest,
Steve & Michelle Whip, Jim VandenBosch, Jim Garland

Motion by: Yulanda Bellingar
To Approve the minutes of the April 6, 2021, meeting as presented. (PBE Appeal)
2nd by: Dennis Morawa
Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

Open Public Hearing #1

New Business

A. The hearing is for the purpose of hearing an appeal of the Zoning Administrator’s decision to deny zoning permit application (PZ21-005) for a deck addition in violation of Section 5.15 (#6) Waterfront Setbacks, of the Morton Township Zoning Ordinance. The appeal is asking for a setback variance on the waterfront from an existing 36 feet down to 26 feet and an existing 58 feet down to 48 feet.

Facts:

Property Code: 5411-053-145-000 Property Address: 10940 Marywood Dr
Owner: Robert & Cheryl Bouwkamp Zoning: R-1
Applicant: CR Construction LLC (Chad Root)
Notice in Big Rapids *Pioneer* on March 30, 2021
Letters sent to 10 neighboring property owners on March 30, 2021

Chairman, Jeff Cross, presented the facts of the appeal as listed above.

Comments by Chad Root (builder) representing the owners (Robert & Cheryl Bouwkamp)

- Project to expand lakeside of house, covered area to enjoy water.
- Expanding 10 feet, deck and covered area.
- Phase 1 of multiple things to be done. Phase 1: deck & covering; Phase 2: house improvements inside.
- Asking for forgiveness for 10 feet.

Comments by Mark Klumpp, Supervisor (who was interim zoning administrator when denied)

- It is a conforming lot, based on lot size. 50 feet setback requirement on the water side.
- Want to build a covered deck, 10 feet closer.
- If it were a non-conforming lot, could reduce to fit with neighboring structures.

Comments by Dennis Morawa (board member):

- Went out and visited the site. Houses are purposely set for view of lake.
- Feel all within boundaries with neighbors.

Jeff Cross, Chairman asked if the additional phases would require any variances.

Chad Root responded that no, all would be interior. Going to do exterior work (deck) now so can use for the summer. Phase 2 will start in the fall.

Public Comments: (neighboring property owners)

Nancy Berg: Here to support expansion on their house. Support their dream of the deck.

Steve & Dianne DeForest were also in support of the project.

Correspondence:

Township received emails from two neighboring property owners: Karl Linebaugh and Steve Manko. Both were in support of the setback variance request.

Close Public Hearing #1

Zoning Board of Appeals members review the 5 standards that must be used for 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. *It would unreasonably prevent the owner from using the property for a permitted use; inhibiting the construction of the deck.* 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. *The variance is the minimum necessary to permit reasonable use of the land and the primary structure (house).* Standard is satisfied.
3. Whether the plight of the owner is due to unique circumstances. *The problem creates a practical difficulty which would unreasonably keep the applicant from using the property for a permitted use.* Standard is satisfied.
4. Whether the problem is self-created. *Practical difficulty was not created by an action of the applicant.* 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 surrounding area.
 - Will not increase the hazard from fire, flood, similar dangers, or increase traffic congestion.*The relief can be granted in such fashion that 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: Dennis Morawa

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 of a 26-foot waterfront setback.

The request for a non-use variance of a 26-foot waterfront setback is approved.

2nd by: Yulanda Bellingar

Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

Intermission while secretary prepares the Decision Form.

Open Public Hearing #2

A. The hearing is for the purpose of hearing an appeal of the Zoning Administrator’s decision to deny zoning permit application (PZ21-011) for the construction of a new residence in violation of Section 5.15 (#3) Setbacks, of the Morton Township Zoning Ordinance. The appeal is asking for a setback variance on the sides from 6 feet down to 5 feet.

Facts:

Property Code: 5411-066-087-000

Property Address: 9678 W School Section Lk Dr

Owner/Applicant: Steven & Michelle Whip

Zoning: R-1

Notice in Big Rapids *Pioneer* on March 31, 2021

Letters sent to 11 neighboring property owners on March 31, 2021

Comments by Steve Whip (owner/applicant):

- Bought property 25-30 years ago. Want to build retirement home on. Found plans that we really liked that fits our needs perfectly.
- Asking for just 1 foot on each side. To change the plans would be very expensive.

Rich Davis, Zoning Administrator commented that it would be a good improvement for the north end of School Section Lake.

Mark Klumpp, Supervisor commented:

- Denied for side setbacks.
- Setbacks have already been reduced to down to 10% of lot width to 6 feet.

Public Comments: (neighboring property owners)

Jim Vandebosh: Questioned if the setbacks included the overhang. He also commented that he thought the design for the house was beautiful.

Jim Garland: Was in favor of the request.

Correspondence:

There was no correspondence from neighboring property owners.

Close Public Hearing #2

Zoning Board of Appeals members review the 5 standards that must be used for 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. *Compliance with regulations “as requested” would prevent the owner from using the property for a permitted use. Proposed requirements cannot be met on the existing lot due to narrowness.* 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. *The variance is the minimum necessary to permit “requested” reasonable use of the land and the primary structure (house).* Standard is satisfied.
3. Whether the plight of the owner is due to unique circumstances. *The problem creates a practical difficulty due to narrowness of the lot.* Standard is satisfied.
4. Whether the problem is self-created. *The practical difficulty is self-created by an action of the applicant. Proposing to build a house on a non-conforming lot with already reduced setbacks.* Standard is **not** 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 surrounding area.
- Will not increase the hazard from fire, flood, similar dangers, or increase traffic congestion.

At this point, there was no discussion on Standard #5 due to Standard #4 not being satisfied.

The Zoning Board of Appeals finds that all 5 standards cannot be met.

Motion by: Dennis Morawa

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 (D), this Board finds that it is a self-created circumstance and **denies** the request for a variance.

The request for a non-use variance is denied.

2nd by: Yulanda Bellingar

Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

Intermission while secretary prepares the Decision Form.

Old Business - None

Adjourn Meeting.

Motion By: Dennis Morawa

To adjourn the meeting.

2nd By: Yulanda Bellingar

Vote: 3 Ayes 0 Nays Motion Carried

Meeting adjourned at 7:45 P.M.

Respectfully Submitted,

Vicky Esch

Vicky Esch, Recording Secretary