



**MORTON TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES – NOVEMBER 1, 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: Zoning Administrator, Cory Zandstra
Others Present: Recording Secretary, Vicky Esch
Public Present: Christine Steinmetz, Mark Gaydos, Rob & Sandy Warner

Motion by: Dennis Morawa
To Approve the minutes of the May 24, 2021, meeting as presented. (Swallow, Thompson & Dykstra appeals)
2nd by: Yulanda Bellingar
Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

Open Public Hearing

New Business

A. The hearing is for the purpose of hearing an appeal of the Zoning Administrator’s decision to deny a request to build a storage building on a vacant lot in violation of Section 5.14 Storage Buildings (#3 & #4) of the Morton Township Zoning Ordinance. The appeal is asking to be allowed to build a 40 x 50 = 2000 sf storage building on a 14, 640 sf lot.

Facts:

Property Code: 5411-073-031-100 Property Address: 8640 Wood Street
Owner/Applicant: Mark Gaydos & Christine Steinmetz Zoning: R-1
Notice in Big Rapids *Pioneer* on October 15, 2021
Letters sent to 18 neighboring property owners on October 15, 2021

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

Comments by Christine Steinmetz & Mark Gaydos (owner/applicants):

- In March, spoke with Rich Davis, Zoning Administrator at that time, at the lot. Rich told them what they would need to do to build the storage building: combine the two lots and have a survey done.
- Lots were combined in March. Property was surveyed. Soil erosion permit applied for and approved. Did all the things that Rich told them to do.
- With the two lots combined; can put a house on the one lot and building on the other.
- Building will look good, be in align with building next to it. (shows board members pictures of proposed building, color, etc.) Will look attractive.
- Have property on 90th with large pole building but would like to have a pole building close to the cottage where can store things.
- Cory (current Zoning Administrator) came out. There were issues with what they want to do.

Comments by Cory Zandstra (Zoning Administrator):

- Denied request due to size of building. Is over 800 sf.
- Did go out and check their measurements. All are correct. There is quite a lot of room on the opposite side for placement of a home.

Comments by Board Members:

- Size of building is limited to 800 sf per Section 5.14
- Is the size of the building critical? Would a smaller size work?

The board members also questioned whether or not there was anything in writing from when they met with Rich Davis, and he told them that they would need to combine the lots in order to build the pole building. (*There is nothing in writing*).

Public Comments: Rob & Sandy Warner, neighbors approve of their request. It will be an improvement and be very attractive.

Correspondence:

No correspondence was received by the Township, however, Christine Steinmetz provided copies of “pole barn letters” from eight neighboring property owners who did not object to the building.

Close Public Hearing

Discussion points by the Zoning Board of Appeals members:

- The applicants were given information that was wrong and acted upon it in good faith. They went through the work of combining the lots so that they would be able to build the storage building requested.
- The size of the building allowed is limited by the ordinance to 800 sf.
- One thing to consider, if the applicants had not combined the lots as they were told they needed to do, they could have built an 800-sf building on each of the lots which would of equaled 1600 sf.
- In light of the appeal, a recommendation will be given to the Planning Commission to review the building size requirements of Section 5.14.

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. They reached their determinations based on considering all the facts before them and a relaxation of the ordinance to allow a 1600 sf storage building.

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 the regulations would not unreasonably prevent the owner from using the property for a permitted use, specifically a storage building. (as outlined in #2)
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.
A grant of a variance applied would do substantial justice to the applicant and a lesser relaxation than that requested of a 1600 sf storage building would give substantial relief to the owner.
Standard is satisfied.
3. Whether the plight of the owner is due to unique circumstances.
The plight is unique in that the owners combined the two lots, acting on the information provided to them by the former zoning administrator which was incorrect.
Standard is satisfied.
4. Whether the problem is self-created.
Practical difficulty is not created by an action of the applicant. (as noted in #3)
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.*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 1600 sf storage building.

The request for a non-use variance is approved.

2nd by: Yulanda Bellingar

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 7:06 P.M.

Respectfully Submitted,

Vicky Esch

Vicky Esch, Recording Secretary