**MORTON TOWNSHIP ZONING BOARD OF APPEALS**

**MEETING MINUTES – SEPTEMBER 13, 2022**

Meeting called to order at 3:00 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: Township Supervisor/Zoning Administrator, Cory Zandstra; Recording Secretary, Jill Charron

Public Present: Jean Bessy, Beverly Baker, Michael Kondziolka & James Maybee

Motion by: Dennis Morawa

To Approve the minutes of the February 16, 2022, meeting as presented.

2nd by: Yulanda Bellingar

Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

**Open Public Hearing**

**New Business**

1. The hearing is for the purpose of hearing an appeal of the Zoning Administrator’s decision to deny zoning permit application (PZ21-085), for a 40’ x 40’ garage in violation of Section 5.15 (#3) Setbacks, of the Morton Township Zoning Ordinance. The appeal is asking for a setback variance on the side from 6 feet down to 5 feet, and setback variance on the back from 25 feet to 10 feet. The property code is 5411-072-011-000 and is located at 11460 Phoebe Lane. The applicant/owner is Michael / Cheryl Kondziolka.

Comments by Michael Kondziolka, Homeowner:

* Would like to move the building back because there are only wetlands behind his property that cannot be developed.
* He adjusted the building size larger for the public hearing (40’ x 40’ instead of the 24’ x 32’ that the Zoning Admin had previously denied) to take up more of the property space since it cannot be used for anything else.

Comments by Cory Zandstra, Zoning Administrator:

* Original building 24’ x 32’ disapproved because of backyard setback. Measured around 9’ or 10’ and the required setback is 25’.
* New size of 40’ x 40” is a concern. The previous size of 25’ x 32’ met the square foot requirement.
* Building in this spot would not affect the wetland.

Comments by Dennis Morawa, ZBA Member:

* Lot is non-conforming. The building is limited to 800 square feet.
* We could consider the 25’ x 32’.

Comments from Jeff Cross, ZBA Member:

* We do have written correspondence in regard opposition about this.
* We have all been able to view the area and I would describe it as “compact.”

**Close Public Hearing**

Zoning Board of Appeals members discussion points:

* To use it reasonably, it’d be 15’ x 32’.
* Already overcrowded area and on wetland.
* Owner wants to put something on an area that just can’t conform to it

Michael Kondziolka requests to move the setback to 15’. The back us unusable and the neighbors are closer than 25 feet on their setbacks.

Mr. Kondiolka presents a picture to Zandstra.

Cory Zandstra agrees that the neighboring properties look to be closer than 25’ on the setbacks.

Zoning Board of Appeals Determination:

In the finding of facts as per the Morton Township Zoning Ordinance, the Board **denies** this appeal as submitted and finds that compliance with the regulations would not unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome. Therefore, the request for the variance is **denied.**

**The appeal requested is denied pending a reevaluation and a site visit from the Zoning Administrator.**

Rollcall vote to deny appeal with conditions:

Dennis Morawa: Approve

Yo Bellinger: Approve

Jeff Cross: Approve

Motion Carried

**Old Business - None**

**Correspondence**

One letter was received from a neighboring property owner in opposition of the requested variance.

**Adjourn Meeting**

Motion By: Yulanda Bellingar

To adjourn the meeting.

2nd By: Dennis Morawa

Vote: 3 Ayes 0 Nays Motion Carried

Meeting adjourned at 4:04 P.M.