**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 James Maybee:

* No objections from neighboring property owners.

Comments by Cory Zandstra, Zoning Administrator:

* Original building 24’ x 32’ disapproved because of insufficient rear property line 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 from a neighboring property owner in opposition to the requested variance.
* 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 an overcrowded area and adjacent to a designated wetland.
* Owner wants to put a building on a lot that cannot accommodate it in accordance with required setbacks.

Michael Kondziolka requests to move the setback to 15’. The property to the rear cannot be developed because it is a designated wetland and the neighboring property owners’ buildings are closer than 25 feet to the designated wetlands.

Mr. Kondiolka presents a picture of the property to Mr. Zandstra.

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