

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
John Norton
Parcel# 62-19-32-145-018
November 19, 2015
APPROVED MINUTES**

MEMBERS PRESENT: Mark Pitzer, Kim Roehrig, Dave Warren, Ron Jensen

MEMBERS ABSENT: Frank Janusz

ZONING OFFICIAL PRESENT: Joe Selzer

APPLICANT: John Norton

Vice Chairman Warren called the meeting to order at 7:18 p.m. This meeting was properly posted and a quorum of the Brooks Township Zoning Board of Appeals was present. These minutes are not a transcription and comments have been summarized for brevity and clarity.

APPROVAL OF AGENDA:

Moved by Pitzer, **Seconded** by Roehrig to approve the agenda as presented
Approved Unanimously

STATE THE REASON OF HEARING:

Vice Chairman Warren stated the reason for this hearing is to separate two houses on the parcel and return the property to its original state.

ADJOINING PROPERTY OWNERS NOTIFICATION:

Vice Chairman asked if all property owners had been notified.

The property owners were notified by letter and a notice published in the Times Indicator.

ZONING ADMINISTRATOR COMMENTS: (see staff report attached)

Selzer said Mr. Norton is requesting a variance to separate the previously combined parcels. They were combined in 1996 by his father, Fred Norton, and approved at that time. Two parcels had a principle residence. They were joined by a covered walkway. There is also a parcel across 88th St. that was combined with these two parcels. We cannot find any documentation to indicate when this parcel was combined with the lakefront properties. There is a garage in the middle of the property line that would have to be taken down or moved and the walkway between the two homes removed.

Selzer said his opinion is this combination should not have been allowed and should be corrected even though the parcels will be non-conforming. They each have their own well and septic. These parcels may have been conforming before our ordinance changes. No new structures were created.

Selzer recommends that the three (3) parcels be returned to the original dimensions and the garage that has the property line through it in a 1992 survey be removed or moved and the walkway between the homes removed.

APPLICANT PRESENTS REASONS FOR APPEAL:

Mr. Norton said if this variance is granted they will sell one or both homes. They are for sale now (All three parcels). Mr. Norton may decide to keep one home but at this time would like them separated for ease of selling. It will put it back the way it was and be like the other parcels in that area around the lake.

SUPPORTING STATEMENTS FROM PUBLIC:

Warren asked if there were any supporting statements from the public. There was no public present to make comments.

OPPOSING STATEMENTS FROM PUBLIC:

Warren read through two letters from residents opposed to separating the parcels. (See attached)

ZBA MEMBERS QUESTIONS AND COMMENTS:

Mr. Norton was asked if there is living space in the garage and if he planned on moving it. Mr. Norton said there was not any living space in the garage and he would demolish it as soon as he can if the variance is approved.

The question was brought up about keeping the land across from 88th Street attached to one of the parcels. Norton would like to have it separate as he would keep that parcel. He also owns ten (10) acres behind the parcel across 88th Street and if he didn't own this parcel; it would make his ten acres land locked.

Selzer said parcels have to touch lines to be combined and it would only be touching the parcel on the east in the lakefront.

FINAL REBUTTAL OR COMMENTS: No final rebuttal.

HEARING CLOSED TO PUBLIC COMMENT:

Warren closed the hearing to the public at 8:00 p.m.

DELIBERATIONS BY THE ZBA:

There was discussion on the separating of the parcels and removal of the garage and walkway.

FINDING OF FACTS/STANDARDS OF REVIEW:

Warren read through the Standards of Review. The following is the review on each standard from LSL.

- 1. Met
- 2. Met
- 3. Met
- 4. Met
- 5. Met
- 6. Met

MOTION AND ROLL CALL VOTE:

Moved by Roehrig, **Seconded** by Jensen to grant the variance request on condition of the moving or demolition of the garage and removing the walkway between the two houses.

Roll Call: Ayes – Pitzer, Roehrig, Jensen

Nays –Warren

MOTION CARRIED

Selzer said Norton will need to get a zoning compliance permit to demolish the garage and breezeway.

RECESS: The meeting was recessed at 8:10 p.m.

Warren called the meeting back to order at 8:15 p.m.

DELIBERATIONS BY THE ZBA: There was further discussion by the ZBA regarding the non-conforming lots and the 1.2 acre parcel across 88th Street being attached to the parcel on the east. Norton was really hoping it would be a stand alone parcel so he can attach it to his ten (10) acre parcel. The zoning official did recommend making it three (3) separate parcels.

MOTION AMENDMENT:

Moved by Roehrig, **Seconded** by Jensen to amend the previous motion to grant the variance request on condition of the moving or demolition of the garage and removing the walkway between the two houses and include a third condition to split the parcel north of 88th Street from the two lakefront parcels so it becomes the three (3) separate parcels as before the combination.

Roll Call: Ayes – Pitzer, Roehrig, Jensen

Nays –Warren

MOTION CARRIED

CORRESPONDANCE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Date to Approve Minutes:

November 30, 2015 at 8:30 a.m. the ZBA will meet at the Township to approve the minutes from this meeting.

BOARD MEMBER COMMENTS: None

PUBLIC COMMENTS: None

ADJOURNMENT:

Vice Chairman Warren adjourned the meeting at 8:25 p.m.

Mark Pitzer
ZBA Secretary

Maureen Dutkiewicz
Recording Secretary