

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING**

ADRIAN COLE

Parcel# 62-19-33-102-008

JUNE 18, 2019

APPROVED

MEMBERS PRESENT: Frank Janusz, Mark Pitzer, Kim Roehrig

MEMBERS ABSENT: David Warren, Ken Page

MEMBERS OF THE PUBLIC PRESENT: None

APPLICANT: Adrian Cole

Chairman Roehrig called the meeting to order at 8:45 AM. The meeting was properly posted and a quorum of the Brooks Township Zoning Board of Appeals was present. This meeting is being held solely to approve the minutes from the Adrian Cole Hearing held 6/6/19.

APPROVAL OF MINUTES:

Moved by Janusz, **seconded** by Pitzer to approve the minutes. **Approved unanimously**

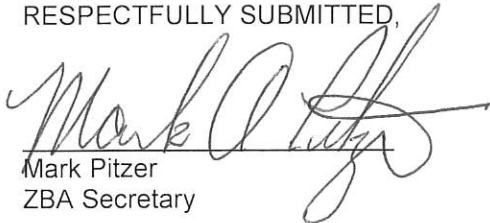
BOARD MEMBER COMMENTS: None

PUBLIC COMMENTS: None

ADJOURNMENT:

Moved by Pitzer, seconded by Janusz to adjourn the meeting at 9:50 AM. **Approved unanimously.**

RESPECTFULLY SUBMITTED,


Mark Pitzer
ZBA Secretary


Dianna Schaafsma
ZBA Recording Secretary

**PUBLIC NOTICE
BROOKS TOWNSHIP
ZONING BOARD OF APPEALS**

Public Notice is hereby given that the Brooks Township Zoning Board of Appeals will hold a special meeting on Tuesday 6/18/2019, at 9:00 AM at the Brooks Township Hall, 490 Quarterline Road, Newaygo, in order to approve the minutes and hearing notes from the June, 4, 2019 meeting.

Jennifer Badgero
Brooks Township Clerk

Posted June 11, 2019 2:14 p.m.

This notice is posted in the compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.72a (2) (3) and the Americans with Disabilities Act (ADA).

The Brooks Township Board will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to the Brooks Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Brooks Township Board by writing or calling the following: Jennifer Badgero, P.O. Box 625, Newaygo, MI. 49337, (231) 652-6763

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
ADRIAN COLE
Parcel# 62-19-33-102-008
JUNE 4, 2019
APPROVED**

MEMBERS PRESENT: Frank Janusz, Mark Pitzer, Kim Roehrig

MEMBERS ABSENT: David Warren, Ken Page

MEMBERS OF THE PUBLIC PRESENT: Joe Selzer

APPLICANT: Adrian Cole

Chairman Janusz called the meeting to order at 7:00 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 and have been summarized for brevity and clarity.

APPROVAL OF AGENDA:

Moved by Pitzer, seconded by Roehrig to approve the agenda. **Approved unanimously**

REASON FOR HEARING:

Chairman Janusz stated the hearing is the result of Adrian Cole's variance request to reduce the required front property line setback on parcel #19-33-102-108 (8802 Vista Dr.) from twenty five (25) feet to fifteen (15) feet to allow for the construction of an accessory structure.

ADJOINING PROPERTY OWNERS NOTIFICATION:

All property owners within 300 feet of the above parcel were notified with a copy of the Public Notice.

RULES OF PROCEDURE:

Chairman Janusz introduced himself and other board members and explained the order of procedure for the hearing.

ZONING ADMINISTRATOR COMMENTS: (See Staff Report for Variance Request 6/4/19)

The Zoning Administrator was not present at the onset of the Hearing but had submitted a Staff Report which summarized details of the property location, actions taken by the applicant which failed to meet setback requirements, and action taken by the ZA, as a result of the violation, (including a Stop Work Order and Notice of Violation). The Staff Report also outlined a series of six questions asked of the applicant, along with the applicant's response. The report concluded with a recommendation that the variance request be denied as required standards had not been met.

A copy of the Staff Report was provided to the applicant and Chairman Janusz reviewed the report which specified standards that must be met for variance approval. It was explained to the applicant that all 6 standards identified in the Variance Report must be met in order to grant his request.

APPLICANT PRESENTS REASONS FOR APPEAL:

The applicant, Adrian Cole, explained that he considered the building to be a "utility building" rather than an accessory structure (shed) as his electrical service was already on the building and he planned to place the well there. He also noted that the property is located on a sharp curve which is accident prone and needs to be lit. He has plans to put an LED light on the "utility building" that would light the driveway entrance and curve. He further stated that he realized the ordinance may have changed, however, he had talked to "Warren" three years prior and asked if he needed a permit. At that time, setback requirements had not been mentioned by Warren nor later by Joe (until after the structure was built). He explained he looked at the other nearby houses and set the structure back further than other residences on the street. He concluded in stating his lot is extremely small, rectangle shaped, and on an angle. He plans to relocate an existing (18x30) structure on the property. He expressed concern that he will have no room to move the house using the driveway if he has to relocate the utility building. Additionally, using the driveway would be much safer than taking a large structure out onto Vista St.

SUPPORTING STATEMENTS FROM PUBLIC:

No Public parties present

OPPOSING STATEMENTS FROM PUBLIC:

No Public parties present.

ZBA MEMBERS QUESTIONS AND COMMENTS:

Pitzer explained that the building is considered an accessory structure if it is not going to be occupied.

Janusz clarified that tax statements include information that states changes done in the township require a permit.

Roehrig pointed out that any new structure must meet current requirements and codes. The applicant states he understands and plans to add on to the structure once it is moved. Roehrig also questioned whether he was interpreting the information on the site map correctly. He indicated he had paced off the property and found that the structure was 28.5 feet off the Right of Way which was within the 33 foot standard.

Janusz noted that Vista had been extended several years back when M-82 had been developed. He pointed out that based on the site map, the Right of Way standards for Vista St narrows from 66 feet to 33 feet (old standard) at the applicant's property line. Based on this, it appears that the applicant is within the 45 foot requirement from the centerline of Vista. Since the Zoning Administrator was not present, it was determined that a fair decision could not be reached as it was unclear which Right of Way standard was to be used.

FINAL REBUTTAL OR COMMENTS

The applicant understands the issue, appreciates the delayed decision and hopes it is in his favor.

DELIBERATIONS BY THE ZBA:

Moved by Pitzer, **seconded** by Roehrig to suspend the hearing and reschedule once the Zoning Administrator can confirm the correct distance standard, which is critical to a fair decision. It was explained to the applicant that he would be notified of next steps once a determination had been made. **Unanimously approved**

The Zoning Administrator arrived shortly after the hearing suspension. Following a brief discussion, a **motion** was made by Pitzer, **seconded** by Roehrig to reopen the hearing at 7:36 PM. **Unanimously approved.**

FINDING OF FACTS/STANDARDS OF REVIEW

Based on and research of critical facts by the ZA it was agreed that the 33 feet Right of Way is the correct standard for this variance request. The setback is 45 feet and the applicant's structure is correctly measured at 41.5 feet. As a result, the applicant's structure is in compliance and a variance is not required.

MOTION & ROLL CALL VOTE

Moved by Pitzer, **seconded** Roehrig to dispense of the variance request as the location of the accessory structure is in compliance with the zoning ordinance.

Ayes – All

It was noted that the Township Board would make a determination as to whether the application fee would be refunded and the applicant will be notified.

RECESS: The meeting was recessed at 7:45 PM

Chairman Janusz called the meeting back to order at 8:00 PM

CORRESPONDANCE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. Date for approval of minutes – A meeting was set for Tuesday, June 18, 2019 at 9:00 AM to review and approve the minutes. The date and time will be posted on the website and displayed at the township 18 hours prior to the meeting.

B. Election of Officers –

Moved by Roehrig, **seconded** by Janusz to reappoint Pitzer as secretary. **Unanimously Approved**

Moved by Janusz, **seconded** by Pitzer to appoint Roehrig as Chairman. **Unanimously approved**

Moved by Pitzer, **seconded** by Roehrig to appoint Janusz as Vice Chairman. **Unanimously Approved**

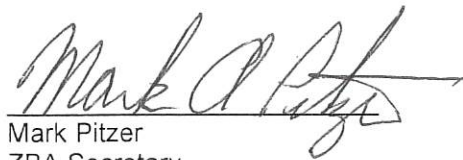
Moved by Roehrig, **seconded** by Janusz to elect slate of officers as presented above to take over effective 6/18/19. **Unanimously approved**

BOARD MEMBER COMMENTS: None

PUBLIC COMMENTS: None

ADJOURNMENT:

Moved by Pitzer, seconded by Roehrig to adjourn the meeting at 8:08 PM
RESPECTFULLY SUBMITTED,


Mark Pitzer
ZBA Secretary


Dianna Schaafsma
ZBA Recording Secretary

BROOKS TOWNSHIP ZONING BOARD OF APPEALS AGENDA

June 4, 2019

Adrian Cole is asking for a variance request to reduce the required front property line setback on parcel #19-33-102-008 (8802 Vista Dr.) from twenty five (25) feet to fifteen (15) feet to allow for the construction of an accessory structure.

1. MEETING CALLED TO ORDER(*statement that the proceedings are being recorded to assist in the accuracy of the minutes*)
2. ROLL CALL (*Janusz, Pitzer, Roehrig, Warren, Page*)
3. APPROVAL OF AGENDA
4. STATE REASON OF HEARING (*A request from Adrian Cole to reduce the required front property line setback.*)
5. AJOINING PROPERTY OWNER NOTIFICATION
6. REVIEW 'RULES OF PROCEDURE'
7. ZONING ADMINISTRATOR COMMENTS
8. APPLICANT PRESENTS REASONS FOR APPEAL
9. SUPPORTING STATEMENTS FROM PUBLIC
10. OPPOSING STATEMENTS FROM PUBLIC
11. ZBA CHAIRMAN REVIEW(*Any reference made to any portion of the ZO needs to be read in full and stated in the minutes as such.*)
12. ZBA MEMBERS QUESTIONS AND COMMENTS
13. FINAL REBUTTAL OR COMMENTS
14. HEARING CLOSED TO PUBLIC COMMENT
15. DELIBERATION BY THE ZBA
16. FINDING OF FACTS / STANDARDS OF REVIEW (*Facts must be stated for the record. Go through standards one at a time.*)
17. MOTION & ROLL CALL VOTE (*Roehrig, Pitzer, Warren, Janusz, Page*) (*If decision is to be made at this hearing; if not, all attendees need to be notified of the next meeting date. See sign in sheet.*)
18. RECESS
19. CORRESPONDENCE
20. UNFINISHED BUSINESS
21. NEW BUSINESS
 - A. Date for approval of Minutes
22. BOARD MEMBER COMMENTS
23. PUBLIC COMMENTS
24. ADJOURNMENT

**BROOKS TOWNSHIP
NEWAYGO COUNTY**

**NOTICE OF PUBLIC HEARING FOR
ZONING BOARD OF APPEALS**

The Brooks Township Zoning Board of Appeals will hold a public hearing on June 4, 2019 at 7:00 p.m. regarding a variance request by Adrian Cole of 45 Bellvue, Wyoming, MI 49548.

The variance request is to reduce the required front property line setback on parcel #19-33-102-008 (8802 Vista Drive) from twenty five (25) feet to fifteen (15) feet to allow for the construction of an accessory structure.

Background information regarding the variance request may be viewed at the Township Hall, 490 Quarterline Road.

Written comments may be addressed to Brooks Township Zoning Board of Appeals, PO Box 625, Newaygo, MI 49337. Comments must be received by the meeting date.

Jennifer Badgero
Brooks Township Clerk