

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
Dustin Joling
Parcel# 62-19-32-101-035
Continuation May 20, 2021
APPROVED**

MEMBERS PRESENT: Frank Janusz, Mark Pitzer, Dave Warren, Greg Myers; via teleconference

MEMBERS ABSENT: Derrick McLeod

MEMBERS OF THE PUBLIC PRESENT: Joe Selzer, Zoning Administrator

Chairman Janusz resumed the Public Hearing which was suspended 1/28/21, to assess the request by viewing the property to make an informed decision. This meeting was properly posted and a quorum of the Brooks Township Zoning Board of Appeals was present. Minutes are not a transcription as comments have been summarized for brevity and clarity.

APPROVAL OF AGENDA:

Moved by Pitzer, **seconded** by Myers to approve the agenda. **Approved Unanimously**

CHAIRMAN JANUSZ RE-OPENED THE PUBLIC HEARING AT 7:03

RULES OF PROCEDURE:

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

APPLICANT: Dustin Joling was physically present, along with Alisa Hildreth and a neighbor Randy Smith. See “Supporting/Opposing statements from Public for their testimony.

REASON FOR HEARING:

Chairman Janusz restated the hearing is the result of a variance request, by Dustin Joling to reduce the required setback requirements for a patio within the Lakefront Buffer Zone of the parcel at 1130 E. 88th Street., parcel #62-19-32-101-035

ADJOINING PROPERTY OWNERS NOTIFICATION:

All property owners within 300 feet of the above parcel were re-notified with a copy of the Public Notice for the May 20, 2021 hearing.

ZONING ADMINISTRATOR COMMENTS: (See Staff Report for Variance Request filed 11/3/2020)

Joe Selzer, ZA, re-reviewed the Staff Report which provides specific detail of the property location and background for the variance request. The report concluded that only one of the six standards were met and recommended denial of the variance request. The ZA added that this is a unique situation involving a very narrow parcel on the lakeshore. The problem was ignored by the previous owner and inherited by the current owner.

APPLICANT'S REASONS FOR APPEAL:

Refer to 1/28/21 minutes – No additional comments

SUPPORTING/OPPOSING STATEMENTS FROM PUBLIC:

Refer to 1/28/21 minutes - No additional comments – Neighbor to the West (Randy Smith) present, and in support of Mr. Joling

ZBA CHAIRMAN REVIEW

Chairman Janusz, explained that some of the members had viewed the property and had arrived at some viable options.

ZBA MEMBERS QUESTIONS AND COMMENTS: Members discussed pros and cons of options presented.

FINAL REBUTTAL/COMMENTS

None

CORRESPONDENCE

Letter of support from neighbors to the East, Mark and Peg Mathis

DELIBERATIONS BY THE ZBA:

ZBA members discussed and presented the motions identified below.

MOTION & ROLL CALL VOTE

1) **Moved** by Warren, **seconded** by Myers to approve the variance with no conditions based on the premise that the property is non-conforming, very narrow, the current property owner did not install the patio and the neighbors on either side have no problem with the patio.

Motion Denied based on roll call vote – AYES: Warren, Myers NAYS: Janusz, Pitzer

2) **Moved** by Janusz, **seconded** by Myers to grant a conditional variance which would involve following:

- Follow the sidewalk across the slab (4' back from the seawall) and cut a 6" (six inch) area in the cement on each side of the dock approach (approximately 8 feet on either side of the dock)

- Fill the length of the 6" cut with gravel to allow drainage

- Above conditions to be completed within 90 days from 6/03/20.

Motion approved based on roll call vote: AYES: Janusz, Pitzer, Myers NAYS: Warren

UNFINISHED BUSINESS – Approval of minutes scheduled for June 3, 2021

BOARD MEMBER COMMENTS: Comments received

PUBLIC COMMENTS: None

ADJOURNMENT:

Meeting was closed by Janusz at 8:50 PM