

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
Jeffrey Smith
Parcel# 62-19-33-399-024
January 7, 2021
APPROVED**

MEMBERS PRESENT: Frank Janusz, Mark Pitzer, Dave Warren, Greg Myers, Derrick McLeod

MEMBERS ABSENT: None

MEMBERS OF THE PUBLIC PRESENT: Joe Selzer

Chairman Janusz called a Teleconference meeting to order at 3:30 p.m. This meeting was properly posted and a quorum of the Brooks Township Zoning Board of Appeals was present. These minutes include an annual Business Meeting for 2020. 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**

NEW BUSINESS – Election of New Officers

Moved by Myers, **seconded** by Pitzer to elect new members and retain the current board through 2/28/21, as follows: Frank Janusz – Chair; Dave Warren - Vice Chair; Mark Pitzer – Secretary; Greg Myers – Trustee; Derrick McLeod – Alternate Trustee. **Approved Unanimously**

UNFINISHED BUSINESS – None

CORRESPONDENCE – None

BOARD MEMBER COMMENT

PUBLIC COMMENT – None

FOLLOWING A SHORT RECESS, CHAIRMAN JANUSZ OPENED THE PUBLIC HEARING

APPLICANT: Jeffery Smith present via teleconference

REASON FOR HEARING:

Chairman Janusz stated the hearing is the result of a variance request, by Jeffery Smith, to reduce the required minimum lot width of 100 feet in the Lakefront (LD) District, for the parcel at 9435/9447 S. Catalpa Ave., parcel # 62-19-33-399-024. Mr. Smith later amended his request to increase the amount added to his parcel from 30 to 35 feet. This would make his parcel conforming at 100 feet and the other parcel non-conforming at 75 feet.

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 filed 12/08/20)

Chairman Janusz reviewed the Staff Report submitted by Joe Selzer, ZA, which provides specific detail of the property location and background for the variance request. The Staff Report also outlined a series of six questions asked of the applicant, along with the applicant's response. The report concluded that each of the six standards were not met and recommended denial of the variance request.

APPLICANT PRESENTS REASONS FOR APPEAL:

Mr. Smith owns two (2) properties which have three houses on them. He wishes to remove the smaller cottage (9435 Catalpa) which is twelve inches from the property line, to allow "green space". This cottage has a 3-year lease with the previous owner, until September 2023 and he plans to remove it between 9/23 and 9/24. He was seeking a property line adjustment which originally involved 9435/9447 Catalpa, (currently 105 feet) and a second property at 9425 Catalpa (currently 65 feet). He originally wanted to add 30 feet to one and reduce the other by 30 feet, however he understands he would have two non-conforming lots. Instead, he wishes to amend his request from 30 feet to 35 feet. This would increase the parcel size at 9425 to 100 feet while decreasing the parcel size at 9435/9447 to 70 feet.

SUPPORTING/OPPOSING STATEMENTS FROM PUBLIC:

No supporting/opposing statements from the public were presented

ZBA CHAIRMAN REVIEW

Chairman Janusz read and reviewed the Staff Report and subsequent amended request submitted by the Zoning administrator (ZA).

ZBA MEMBERS QUESTIONS AND COMMENTS:

- Q: Derrick McLeod asked if anyone lives in the cottage
- R: Mr. Smith states there are two houses. 9447 Catalpa is larger and signed a one-year lease on that property beginning 1/01/21. The smaller house at 9425 is currently vacant.
- Q: Greg Meyers asked if 9435 is vacant and if Mr. Smith guarantees to remove the cottage once the three-year lease is up.
- R: Mr. Smith indicates he has a lease agreement that stipulates only the previous owner may lease the property. She is typically there from July 4th to Labor Day weekend each year. He guarantees to remove the cottage once the lease ends.
- Q: Dave Warren asked for the purpose of moving the property line now as opposed to waiting.
- R: Mr. Smith states that he is concerned about a potential change in zoning requirements. It's also easier for him to deal with paperwork now. He purchased the entire property with the intent to put 9447 back on the market as there is a lot of interest in that parcel.

FINAL REBUTTAL OR COMMENTS

No final rebuttal was presented

DELIBERATIONS BY THE ZBA:

Chairman Janusz closed the hearing to public comment at 3:49. He also indicated he was skipping over item 14 on the agenda, "Finding Of Facts/Standards Of Review".

MOTION & ROLL CALL VOTE

Moved by Pitzer, **seconded** by Myers to approve the amended variance request with conditions. The existing property line will be moved 35' south, creating a 70' parcel -024 and a 100' parcel -025.

Condition 1 – This change will not take place until the cottage at 9435 is removed to the satisfaction of the Township Zoning Office.

Condition 2 – The Township will forgive the fee to relocate this property line at that time. He believes all 6 standards of a variance have been met to the benefit of the applicant and Township equally.

Ayes – All - Unanimously approved

BOARD MEMBER COMMENTS: Pitzer wants to ensure that the stipulated change will not take place until the cottage has been removed. Also, that the change will not take place if the cottage is not removed.

PUBLIC COMMENTS: None

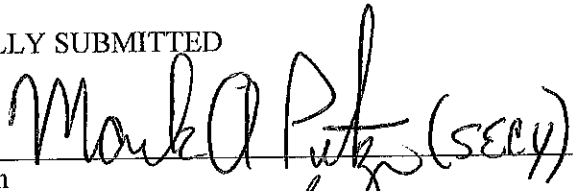
NEW BUSINESS – Another Hearing is Scheduled 1/28/21 at 3:30; minutes for this meeting/hearing will be approved at that time.

ADJOURNMENT:

Meeting was adjourned by Chairman Janusz at 3:57 PM

RESPECTFULLY SUBMITTED

Frank Janusz
ZBA Chairman



Dianna Schaafsma
ZBA Recording Secretary

