

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING**

**Scott Portenga
Parcel# 62-19-333-103-009**

July 21, 2021

APPROVED

MEMBERS PRESENT: Frank Janusz – Via teleconference, Mark Pitzer – Via teleconference, Dave Warren, Derrik McLeod, Greg Myers

MEMBERS ABSENT: None

MEMBERS OF THE PUBLIC PRESENT: Scott Portenga

Vice Chairman Warren called the meeting to order at 7:10 PM. 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 Janusz to approve the agenda. **Approved Unanimously**

RULES OF PROCEDURE:

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

APPLICANT: Scott Portenga was physically present.

REASON FOR HEARING:

Vice Chairman Warren stated the hearing is the result of a variance request, by Scott Portenga to reduce the required side property setback requirement for the addition of a lean-to garage, located at 1717 E. 88th St., Parcel # 62-19-33-103-009.

ADJOINING PROPERTY OWNERS NOTIFICATION:

All property owners within 300 feet of the above parcel were notified with a copy of the Public Notice for the July 21, 2021 hearing.

ZONING ADMINISTRATOR COMMENTS: (See Staff Report for Variance Request filed 6/3//21)

Vice chairman Warren, reviewed the Staff Report, submitted by ZA, Joe Selzer, which provides specific detail of the property location and background for the variance request. The report concluded that the request does not meet five (5) of the six (6) requirements and the ZA recommends denial of the variance.

APPLICANT'S REASONS FOR APPEAL:

Mr. Portenga wants to reduce the required side property setback requirement for the addition of a lean-to garage to store his boat. Property location is 1717 E. 88th St., Parcel # 62-19-33-103-009.

SUPPORTING/OPPOSING STATEMENTS FROM PUBLIC:

None

ZBA CHAIRMAN REVIEW

Vice-Chairman Warren, asked Mr. Portenga to review specifics of the structure requested –Mr. Portenga presented a picture of the area in question. He states his proposed plan is for a non-permanent “lean-to” style structure that will be 3 feet (3’) from the lot line. The structure will have siding to match the house and is intended for storage of his boat. He has checked with neighbors on both sides and they have no issue with the proposed structure.

ZBA MEMBERS QUESTIONS AND COMMENTS:

Vice Chairman Warren, Chairman Janusz and Mark Pitzer have all viewed the site in addition to the ZA, Joe Selzer.

Dave Warren – Does Mr. Portenga need a permit for a non-permanents structure?

Frank Janusz: States he spoke with the ZA and the variance was for an attached structure. He understood that a free-standing metal structure would be allowable and that a permit would be required as a 29x12 foot structure is over 200 square feet. He also noted that the structure might be added to the back of the garage as there is land behind the garage that would appear to meet zoning requirements since side placement of the structure is not allowable.

Mark Pitzer – Advised calling Joe Selzer for clarification to see if a metal structure would be allowed. If a temporary structure is allowable, there might be no need for a variance

Dave Warren – Does not feel a call to Joe is necessary, however, a call was made with a message left for the ZA, Joe Selzer.

Greg Myers - Believes Joe’s input is applicable. He is concerned that adding a structure to the back of the garage might be overkill as there may be potential issues with the fence and well.

Frank Janusz – Stated the ZA had told him he might approve a free-standing structure if it were located to the back of the garage.

Derrick McLeod – Asked who the fence belonged to.

Scott Portenga – Scott states the fence is his.

FINAL REBUTTAL/COMMENTS

Mr. Portenga believes that perhaps his wife did not understand that he wanted a non-permanent structure and not an attached lean-to.

CORRESPONDENCE: No written supporting or opposing statements from neighbors.

DELIBERATIONS BY THE ZBA:

Frank Janusz – Noted that the request cannot be approved as stated based on ordinance language in Art 19.08. Vehicles need to get around the house in the event of fire and there is land in the back where a “garage” structure could be located.

Mark Pitzer – Since the request does not meet all six standards building of a structure is not appropriate and he recommends denial of the request.

Greg Myers – Cannot warrant approval based on hearing discussion.

Derrick McCleod – Recommends denial, however, he would be in favor of a free standing structure.

MOTION & ROLL CALL VOTE

1) **Moved** by Warren, **seconded** McLeod to accept a “conditional” variance request for an unattached, free-standing, metal structure

Motion not carried based on roll call vote: **AYES:** Warren, McLeod
NAYS: Janusz, Pitzer, Myers

2) **Moved** by Janusz, **seconded** by Pitzer to deny the variance request but approve a free-standing, temporary structure if it meets requirements outlined by Joe Selzer.

Motion carried by Roll Call Vote: **AYES:** Janusz, Pitzer, Myers
NAYS: Warren, McLeod

NEW BUSINESS:

1) Scheduled date for approval of Portenga minutes is planned for Tuesday, 8/10/21, at 10:00 AM via conference call.

UNFINISHED BUSINESS –

1) Approval of Verhil Minutes – **Moved** by Pitzer, **seconded** by Myers to approve the 6/3/21, Verhil hearing minutes as written. Vice Chairman Warren will sign the minutes on behalf of Chairman Janusz. **Unanimously Approved**

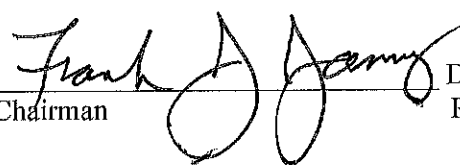
BOARD MEMBER COMMENTS: Comments received

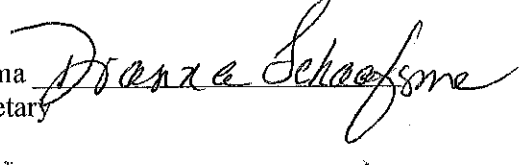
PUBLIC COMMENTS: None

ADJOURNMENT:

Meeting was closed by Warren at 8:00 PM

Respectfully Submitted,

Frank Janusz 
Zoning Board Chairman

Dianna Schaafsma 
Recording Secretary