

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
Scott Portenga Re-Hearing
Parcel# 62-19-33-103-009
December 1, 2021
APPROVED**

MEMBERS PRESENT: Dave Warren, Mark Pitzer, Derrik McLeod, Greg Myers

MEMBERS ABSENT: None

MEMBERS OF THE PUBLIC PRESENT: Joe Selzer, Zoning Administrator, Scott Portenga, Lisa Portenga, Cassie Boone, Gary Boone, Clarence Wamser.

Vice Chairman Warren called the meeting to order at 7:05 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 Myers to approve the agenda. **Approved Unanimously**

APPLICANT: Scott and Lisa Portenga were physically present.

REASON FOR HEARING:

Vice Chairman Warren stated the re-hearing is the result of a variance request, by Scott Portenga to reduce the required side property setback requirement for addition of a lean-to garage located at 1717 E. 88thSt., Parcel # 62-19-33-103-009. It was clarified that the re-hearing was based on the original request made by the applicant which was not resolved at the previous re-hearing held on 10/6/21.

ADJOINING PROPERTY OWNERS' NOTIFICATION:

All property owners within 300 feet of the above parcel had been notified via Public Notice.

RULES OF PROCEDURE:

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

APPLICANT'S REASONS FOR APPEAL:

Scott and Lisa Portenga submitted a supplemental statement provided by their attorney to support their position that they met all six (6) criteria required for approval of their request. This supplemental statement was read in full by Vice Chairman Warren.

SUPPORTING/OPPOSING STATEMENTS FROM PUBLIC: Two neighbors were present and the Portenga's had written confirmation from two other neighbors. All neighbors stated they had no issues with the proposed request. There were no opposing statements from the Public.

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

Joe Selzer, ZA, read the Standards of Review contained in subsection 20.04 of the Zoning Ordinance and stated the Portenga's request does not meet all six standards specified by the Ordinance.

ZBA MEMBERS QUESTIONS AND COMMENTS

Mark Pitzer states that he is aware of a large number of boats shrink wrapped or stored in alternate arrangements. He has difficulty seeing this request as “an immediate practical difficulty” as required in item #6 of the standards required for approval.

Greg Myers does not consider the need to be a hardship situation, as other options are available. Additionally, the public has the option to attend Planning Commission meetings to advocate and support potential changes to ordinance language.

Dave Warren states the property is well maintained and they are utilizing a non-conforming lot without detriment to their neighbors

Derrick McCleod noted the carport is seasonal and removable.

ZBA CHAIRMAN REVIEW

Moved by Warren to accept the variance request as written, **seconded** by McCleod.

Roll Call Vote: Warren and McCleod - Yea
Pitzer and Myers - Nay

FINAL REBUTTAL/COMMENTS – The applicant still believes their request is valid.

CORRESPONDENCE: Letter from Clifford Bloom, Township Attorney dated 11/18/21; stating facts.

DELIBERATIONS BY THE ZBA:

Based on Roll Call Vote the motion was not carried and the request was denied.

NEW BUSINESS:

- 1) Signing of minutes is scheduled for January 5th, 2022
- 2) Moved by Pitzer, seconded by McCleod to approve the 11/3/21, minutes.

UNFINISHED BUSINESS - None

BOARD MEMBER COMMENTS: None

PUBLIC COMMENTS: None

ADJOURNMENT:

Meeting was adjourned by Warren at 7:42 PM.

Respectfully submitted,

Dave Warren _____	Dianna Schaafsma _____
Zoning Board Vice Chairman	Recording Secretary
Date _____	Date _____