

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
Richard Stacey
Parcel# 62-19-06-402-007
July 19, 2023
APPROVED**

MEMBERS PRESENT: Mark Pitzer, Dave Warren, Derrick McLeod, Greg Myers, Nick Wasmiller, John Orlikowski

MEMBERS ABSENT: None

MEMBERS OF THE PUBLIC PRESENT: Joe Selzer, Zoning Official, Jerry Tuin, Assistant Zoning Official

Chairman Pitzer, called the meeting to order at 7:00 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 Wasmiller, **seconded** by Warren to approve the agenda. **Approved Unanimously**

APPLICANT: The applicant was present for the hearing

REASON FOR HEARING:

Chairman Pitzer stated the hearing is the result of a variance request, by Richard Stacey II to reduce the required setbacks from fifteen (15) feet to three (3) feet for placement of a shed in the Lakefront (LD) District, for property located at 438 E. Emerald Dr., parcel #62-19-06-402-007

ADJOINING PROPERTY OWNERS' NOTIFICATION:

All property owners within 300 feet of the above parcel were notified by a copy of the Public Notice for the July 19, 2023 hearing.

RULES OF PROCEDURE:

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

ZONING ADMINISTRATOR COMMENTS:

The ZA reviewed his Staff Report as well as a formal review from Williams and Works, the township's professional planner. Mr. Stacey's property is under two acres (which requires a permit) and he has placed an accessory structure (10X24), less than 10 feet from an existing detached garage (24X32) and approximately four (4) feet from the edge

of a private road (Emerald Dr.). The ZA's staff report recommended that the variance be granted based on the Planner's review of standards with the following condition: The mini barn should be solidly and physically attached to the existing 24 x 32 garage by adjoining walls and roof.

APPLICANT'S PRESENTATION - REASONS FOR APPEAL:

Mr. Stacey states that his mini barn has been in the same location for nearly three (3) years. He does not have sufficient room to place the mini barn elsewhere without extensive excavation and potential erosion at a cost of twelve to fifteen (\$12 - \$15) thousand dollars. He noted the excavation area involves a steep hill with 100 foot trees, and that he does not own the top portion of the (hill) property. His property is irregular in shape (as are many of the other lake properties) and there is no other reasonable place to put the mini barn. He added that the mini barn is used to house his sub-compact tractor which is used to help keep up the road. He also states that the mini barn does not block access to the road or lake and it does not restrict sight or access for his neighbors or emergency vehicles. Additionally, none of his neighbors have objected to the placement.

SUPPORTING/OPPOSING STATEMENTS FROM PUBLIC:

Verbal correspondence was submitted by one neighbor supporting this request. There were no opposing statements.

ZBA CHAIRMAN REVIEW

Chairman Pitzer read Mr. Stacey's appeal which is a request to keep his mini barn as it is placed next to the garage. The applicant had placed a (10x24) accessory structure less than 10 feet from an existing 24x32 detached garage and approximately four (4) feet from the edge of a private road. This placement violates Articles 3.02b(B) and 3.02 b(C). Basically, the mini barn is too close to the road, too close to the garage and there are more than three (3) accessory structures on a parcel less than two (2) acres. Mr. Stacey provided feedback for placement of the mini barn and the issues with excavating the hill behind the garage, which is the only area for potential placement. He also clarified that he did not realize a permit was required for placement of the structure.

ZBA MEMBERS QUESTIONS AND COMMENTS:

ZBA member questions were addressed. Overall, they agreed that the lake district and private road present unique issues in placement of accessory structures and it would be extremely burdensome to excavate the property to allow appropriate space for the shed. Additionally, there are at least seventeen (17) other properties on the lake which do not meet setback requirements, supporting the unique issues of non-conforming lots in lake districts areas where private roads are prevalent.

FINAL REBUTTAL/COMMENTS

None

CORRESPONDENCE: Verbal correspondence was shared by one neighbor supporting this request.

FINDINGS OF FACTS/STANDARDS OF REVIEW

Chairman Pitzer read the Staff Report submitted by the ZA and the memorandum from Williams and Works, which outlined the standards of review, practical difficulty, and unique circumstances for this request. The ZA recommended that the variance be “conditionally” granted (mini barn solidly and physically attached to the existing garage by adjoining walls and roof), based on the Planners review of the standards.

DELIBERATIONS BY THE ZBA:

ZBA members discussed and presented the motions identified below. Williams and Works noted that this scenario is very common around the “chain of lakes” and recommended that the issue be discussed by the Planning Commission for potential changes.

MOTION & ROLL CALL VOTE

Moved by Myers, **seconded** by Warren to approve the request with the condition that the buildings (garage and mini barn) be attached.

Motion Unanimously Approved based on roll call vote: *AYES:* Warren, Pitzer, Myers, McLeod, Wasmiller

Nays: None

NEW BUSINESS: None

UNFINISHED BUSINESS

1) Scheduled date for approval of Stacey minutes is planned for Wednesday, 8/16/23 at 7:00 PM.

BOARD MEMBER COMMENTS: Comments received

PUBLIC COMMENTS: None

ADJOURNMENT:

Meeting was closed 8:41 PM

Respectfully submitted,

Mark Pitzer _____
Zoning Board Chairman
Date _____

Dianna Schaafsma _____
Brooks Township Deputy Clerk
Date _____