

**BROOKS TOWNSHIP  
ZONING BOARD OF APPEALS HEARING  
Jeffrey Smith  
Parcel# 62-19-33-45-026  
October 16, 2024**

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

**MEMBERS ABSENT:** Derrick McLeod

**APPROVAL OF AGENDA**

**Moved** by John Orlikowski, **seconded** by Dave Warren to approve the Agenda as written  
**Unanimously Approved**

**MEMBERS OF THE PUBLIC PRESENT:** Jerry Tuin, Zoning Administrator, Cory  
Nelson, Jeffrey Smith, Brian Meyer, Judy Van Hoven, Nora Czres

**Chairman Pitzer**, called the meeting to order at 7:04 PM. The 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.

**APPLICANT:** Jeffrey Smith was present for the Hearing

**REASON FOR HEARING** – Jeffrey Smith is requesting a variance for reduction of required setback requirements. He is tearing down and building a new home in the Lakefront (LD) District for property located at 9447 Catalpa Ave., parcel #62-19-33-451-026

**ADJOINING PROPERTY OWNER’S NOTIFICATION**

All property owners residing within 300 feet of the above mentioned parcel were notified with a copy of the Public Notice for the October 16<sup>th</sup> 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, Jerry Tuin, reviewed the Zoning Staff Report as well as the Zoning Staff Overview which are on record. He explained that parcel # 62-19-33-399-025 was joined with parcel #62-19-33-451-004 across the street to create parcel # 62-19-33-451-026. The joining of properties allowed placement of the septic across the street, as opposed to the lakeside. The combining of parcels changed the property characteristics from “non-conforming” to “conforming” resulting in a change in setback requirements.

**APPLICANTS PRESENTATION – REASONS FOR APPEAL**

Mr. Smith states that the joining of properties allowed for placement of the septic system across the road which is an improvement. Unfortunately, this created a setback issue for placement of the house and garage. Previous structures on the property were only one (1) foot away from the property line and an eight (8) foot setback would be a tremendous improvement.

**SUPPORTING/OPPOSING STATEMENTS FROM THE PUBLIC**

Supporting – Brian Meyer supports the appeal and states that it will be a big improvement. He believes Mr. Smith has done his due diligence to position the house with the least amount of impact to the lake and surrounding properties.

Cory Nelson, the property owner’s agent supports the appeal and makes the argument for the building lot lakeside as being non-conforming and that proposed set backs are an improvement from previous structural placement. The division of the property by the road, also presents unique conditions. Additionally, there is a steep grade on the south side of the property which would present issues with centering the structure on the property. He also states that the structure’s placement will be fifty (50) feet from the water’s edge as opposed to the previous fourty-four (44) feet which is an improvement.

Opposing – Judy Van Hoven who resides on the south side of the property objects to the appeal and would like to see equal setbacks on both sides. She also noted that she felt blindsided by the request. She expected communication from the property owner rather than notification announcing the hearing.

**ZBA CHAIRMAN REVIEW**

ZBA members were given the opportunity to ask clarifying questions. Overall, they agreed that the division of the property by the road, the slope of the lot, the location of the power pole and the current setting of the septic system all present unique factors for placement of the new structure.

**FINAL REBUTTAL/COMMENTS**

Mrs. Van Hoven again stated her opposition to the appeal and believes approval will set a precedence for other lake residents.

**CORRESPONDENCE**

Written correspondence was received from four (4) individuals. Three (3) supported the appeal by Mr. Smith and one (1) opposed the appeal. The correspondence is included in the record.

**FINDING OF FACTS/STANDARDS OF REVIEW**

Chairman Pitzer read the Staff Report and Zoning Staff Overview submitted by the ZA which outlined the standards of review, practical difficulty, and unique circumstances of the request.

**DELIBERATION BY THE ZBA**

ZBA members discussed and presented the motion identified below.

**MOTION AND ROLL CALL VOTE**

Moved by Dave Warren, seconded by Greg Myers to approve the variance request as written to reduce the side yard setbacks to eight (8) feet. Unanimously Approved by Roll Call Vote. AYES: Myers, Pitzer, Warren, Wasmiller, Orlikowski

NAYS: None

**NEW BUSINESS:** Approval of the minutes of this hearing is scheduled for Tuesday, 10/29/24 at 7:00 PM.

**UNFINISHED BUISINESS** - None

**BOARD MEMBER COMMENTS:** It was suggested that the Planning Commission take a look at lake and conformity issues to address the unique situations that occur. Mark Pitzer and Jerry Tuin agreed to write something to better address these issues.

**PUBLIC COMMENTS:** None

**ADJOURNMENT:**

**Moved** by Warren, seconded by Myers to close the meeting at 8:38.

Respectfully submitted,

Mark Pitzer \_\_\_\_\_  
Zoning Board Chairman  
Date \_\_\_\_\_

Dianna Schaafsma \_\_\_\_\_  
Brooks Township Deputy Clerk  
Date \_\_\_\_\_