

ZONING BOARD OF APPEALS
Ontwa Township, Cass County, Michigan

Wednesday, July 10, 2019
7:00 PM (EST)

Ontwa Township Hall
26225 US12, Edwardsburg

Members Present: Jeff Brown – Chair, James Forlenza – Vice Chair, Sandra Seanor, Judy Kukla, James Forlenza, Joan Sniadecki, Steven Foster

Member Absent: Joe Tredway

Other Present: Zoning Administrator, Leroy Krempec, Applicant Mr. & Mrs. James Scott, Raymond Garvin, John & Ann Rudy.

The meeting was called to order by Chairman Brown, followed by the Pledge of Allegiance.

Approval of March 27, 2018 Minutes:

Chair Brown requested recording secretary, Brigid Forlenza - read the minutes for the record.

A motion was made by Sandra Seanor and seconded by James Forlenza to approve the minutes. Chair Brown called for a voice vote. All were in favor of the motion and the motion passed.

New Business:

Election of Officers: 2019-2020

Motion was made by Sandra Seanor and seconded by Steve Foster to elect Jeff Brown – Chairman. Motion made by Judy Kukla seconded by Joan Sniadecki to elect James Forlenza – Vice Chairman. Motion made by Jeff Brown to elect Brigid Forlenza – Recording Secretary. All in favor – motions passed.

Zoning Board meeting dates for 2019-2020:

Chairman Brown requested to set Zoning Board Meetings to be held on the 3rd Wednesday of the month @ 6:00 PM. Sandra Seanor moved to approve supported by Joan Sniadecki. All in favor motion passed.

Zoning Variance – Property number 14-090-070-007-00
Applicant: James Scott
Owner of Record: James Scott
23582 South Shore Drive

Chair Jeff Brown read into record Section 21.08. VARIANCES PROHIBITED (AMENDED 6/13/16)

No variance in the provisions or requirements of this Ordinance shall be approved by the Board of Appeals unless it finds from reasonable evidence that such variance meets all of the standards below:

- 1) That the requested variance is not contrary to the public interest or to the intent and purpose of the Ordinance.
- 2) That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
- 3) That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
- 4) That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Zoning Administrator Report:

Notification of Public Hearing letters were mailed to seventeen property owners within 300 feet of said property.

Chair Brown read Public Hearing rules.

Petitioner Comments:

Applicant James Scott related he needs variance for garage in east setback. He and his wife both work in South Bend and plan to retire and live full time on Eagle Lake. The variance is needed for a turning radius for a side load garage.

He submitted a letter from neighbor Luke Puckett @ 23576 South Shore Drive that supported his request.

The variance would provide a safety visual from street and safety from attackers. Mr. Scott referenced drawings in pocket, which take into consideration, all setbacks – meeting requirements except the garage

Public Comments:

Chair Brown asked for public comments:

Raymond Garvin – 23594 South Shore Drive related he lives on west side of this property. He stated his sidewalk is 1.5 feet from property line. He is support of the variance request.

Chair Brown asked for comments in opposition – none received.

Chair Brown requested questions from board of applicant.

Member Seanor asked if the builder has addressed the 35% impervious surface and if it was calculated into the design as is required.

Member Kukla asked if they had considered a different garage.

Mr. Scott related a side load garage is more practical and gives flexibility. A different garage would be awkward. He reiterated a side load garage would be more convenient.

Member Sniadecki asked if the 27 ft turn radius is what was needed. Mr. Scott did not know for sure.

Member Seanor explained that water run off needs drainage. Setbacks are needed for fire department. The setback changes are for the better. Zoning ordinances are reviewed as required by the State.

Chair Brown requested a motion to close public comments: Sandra Seanor made a motion to close public comments seconded by James Forlenza. All in favor. Motion passed. Comments closed.

Sandra Seanor related it is a safety issue for fires. The need to have the appearance is not considered.

Chair Brown reviewed Section 21.08 – Variances prohibited.

Chair Brown related the lot conforms- it is not too narrow. The applicant is not being deprived of any rights. The garage can be two stalls instead of three stalls. There is a possibility to change design. Chair Brown states based on rules we cannot approve.

Steven Foster addressed changing design to two stall garage with a detached single garage.

Chair Brown asked for further discussion – None Heard

Sandra Seanor move to deny.

- A. Contrary to public interest necessitated by self.
- B. Created conditions/actions
- C. No exceptional/extraordinary circumstances
- D. The variance is not necessary for the preservation of a substantial property right possessed by other properties in same zoning.

Motion:

Sandra Seanor made the motion to deny the variance seconded by Judy Kukla. Roll Call Vote: Joan Sniadecki- yes deny, Steven Foster – yes, Judy Kukla – yes, Sandra Seanor – yes, James Forlenza – yes, Jeff Brown – yes. Chair Brown motion carries, application has been denied.

Old Business: None

Committee Reports: None

Announcements: None

Adjournment:

Chair Brown requested motion to adjourn. James Forlenza made a motion to adjourn seconded by Joan Sniadecki. All in favor. Meeting adjourned at 7:35 PM.

Brigid Forlenza
Recording Secretary