

ZONING BOARD OF APPEALS
Unapproved Minutes of April 18, 2012
Variance Request by Dennis Mohritz
On behalf of Kelly and Patricia Mohritz
6649 Van Road, Caseville, Michigan
Property Code: 3213-016-098-00

The meeting was called to order at 7:30pm p.m. by Louis Bushey, Chairman. Present were; Gordon Krueger, Bill Osborne, Conrad Przystup, Rich Ehrlich and Lisa Konke as recording secretary.

Also present were; Robert T. Smith, Supervisor, Mark Treder, Lake Township Zoning Administrator, and 5 guests.

Pledge of Allegiance was recited.

Motion by Osborne, **to approve the minutes from Murdoch hearing of August 17, 2011 meeting**, seconded by Krueger. All ayes. **Motion carried.**

Notice of hearing for a variance request by Dennis Mohritz on behalf of Kelly and Patricia Mohritz was read by Konke.

Said applicants are requesting a variance from the following section of the Lake Township Zoning Ordinance of 2007:

Chapter 8, Single Family Residential - Section 805.2 Minimum Yard Requirement.

A. "Each front yard shall be a minimum of twenty-five (25') feet from the road right-of-way."

Chapter 13, Non-Conformities - Section 1303. Nonconforming Lots of Record

"Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure meets at least eighty percent (80%) of the applicable required setbacks for that district."

Chapter 13, Non-Conformities Section 1310. Extensions of Nonconforming Buildings and Structures

"No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except where the nonconforming setback of a building or structure is not less than one-half (1/2) of the distance required by this Ordinance. In such case, the nonconforming setback may be extended along the same plane up to fifteen (15') feet in length. In no case shall the setback be further reduced. Only one nonconforming extension of up to fifteen (15') feet is permitted."

Correspondence

Letter from David Vandenberghe, received April 18, 2012, in favor of approving variance request.

Letter from John and Suzan Rehbine, received April 17, 2012, in favor of approving variance request.

Letter from Larry Robertson, received April 16, 2012, in favor of approving variance request.

Letter from Ann Pytlowany, received April 16, 2012, in favor of approving variance request.

Letter from Bob and Kathy Annarino, received April 16, 2012, in favor of approving variance request.

Letter from Evelyn and Bill Dietlin, received April 15, 2012, in favor of approving variance request.

Letter from Alynn Lee, received April 16, 2012, in favor of approving variance request.

Letter from Frank and Kaye Pytlowany, received April 9, 2012, in **opposed** to approving variance request.

No more correspondence.

Public Comment

Pat Mohritz commented that Frank Pytlowany is misunderstood in the fact that they are not going to enclose the new deck area, it will only be a covered deck.

Dennis Mohritz commented and explained that Mr. Pytlowany's deck extends further into the road right of way than this new construction will.

Lou Bushey asked about the poor condition of the foundation of the existing residence.

Mr. Mohritz answered that currently the foundation is what is known as "post and beam" construction. He added that, yes, the foundation will be repaired and brought up to code. He has already discussed this issue with Tory Geilhart, Building Inspector.

Przystup drew a diagram of the existing house and pointed out the areas of deterioration on the foundation. He asked Mr. Mohritz what steps would be taken to prepare the site for supporting this second story.

Mr. Mohritz answered that excavation would take place and blocks would be added to bring it up to code, and then backfilling would occur.

Mr. Mohritz added that this variance request is asking for 3 different areas of approval. He pointed out that the deck is not only for pleasure use, it will also benefit the property aesthetically.

Osborne stated that with the angle of the road and the way the house sits on the property, one side of the deck is not as far from the road right of way as the other corner of the proposed deck.

Przystup noted that the neighboring deck is 9 feet closer than the proposed Mohritz deck.

Ehrlich questioned the number of bedrooms there will be when construction is complete. Also, the condition of septic tanks and field.

Mohritz answered that a new septic system will be installed with the design being a dry septic system.

Krueger asked about the number of bedrooms.

Mohritz answered 3 (three).

Motion by Przystup, to **approve the variance request with the condition that the foundation is brought up to code and will pass inspection to support the load of the second story per building plans submitted by property owners to building inspector, Tory Geilhart**, seconded by Krueger. All ayes. Motion carried.

Roll Call: Bushey, aye.
Osborne, aye.
Przystup, aye.
Ehrlich, aye.
Krueger, aye.

Motion by Przystup, to **approve the variance request for reason No. 3, substantial property right with conditions**, seconded by Krueger. All ayes. Motion carried.

Motion by Bushey, **to adjourn**, seconded by Krueger. All ayes. Motion carried.
Meeting adjourned at 8:15 p.m.

Submitted by Lisa Zadrzynski, Recording Secretary