

**ZONING BOARD OF APPEALS**  
**Unapproved Minutes of November 6, 2013**  
**Variance request for Ric and Marsh Hogerheide**  
**5367 Port Austin Rd. #3213-018-086-00**

The meeting was called to order by Chairman Jeanne Henry at 7:45.

The Pledge of allegiance was recited.

Roll Call: Mike Manenti, Rich Ehrlich, Jeanne Henry, Jerry Pobanz and Lou Colletta present. Kim Simpson recording secretary. Approximately four guests.

Notice of hearing and four correspondence letters read. Email from Mark Shuttleworth for the variance, letter from George and Sharon Long for the variance. A fax from Mary Jill Smith stating she doesn't want Hogerheide's building on or above his front porch, and an email stating the same from Josh and Mary Smith.

**Public comments:**

Ric Hogerheide addressed the ZBA. He stated that he did not plan on increasing the footprint of his existing house, just building straight up-not above the porch. He stated when he moved here twenty-five years ago he put in new septic and well system. He said he is trying to do everything in compliance with the township. He just wants to add a second story straight up on his existing foundation.

Mark Treder stated that he has had a previous variance for his porch in 1996, which was approved as long as it was not covered. The biggest issue for the current variance was the septic review; which was approved by the county. There were questions about lot coverage being 36.9% when only allowed 25%. The comment was made that Hogerheide has been over in lot coverage since the beginning. Colletta asked when he went over. Treder made the statement that it must have been with the porch addition in 1996.

Mike Manenti questioned the six ft. measurement on the second story in master bedroom, wanted to know if it was going to be a window or sliding glass door. Hogerheide replied all windows, no sliding doors. Manenti then stated all you want to add is 912 square foot over 912 square foot? Nothing over the porch? Hogerheide replied yes to the 912 sq. ft. and no to building on or over the porch.

Henry made the comment that the porch encroaches into the front yard setback by 12 ft. Then asked if expanding a second story on a nonconformity makes it more nonconforming?

There was discussion between Kelterborn and the members about the road right-of-way and where the porch is now. Jerry Pobanz then read section 1310 Extensions of Nonconforming Building and Structures aloud to the public. Pobanz, Ehrlich and Manenti all agreed that they did not think adding a second story on a nonconformity makes it more nonconforming. Building was already there, just going straight up with second story. Colletta then questioned about the number of bedrooms in the existing home and how many bedrooms after additions? Hogerheide replied three now and three when done with addition, replacing small bedroom in existing home with stairs to the

new addition. The upstairs will have one master bedroom, bathroom and closets. Colletta then made a comment about the septic review, how he didn't think the health department was right. Stating the septic review states that it was installed for two bedroom home four people maximum. Hogerheide replied the Health Department said it was fine.

The meeting was closed to public comment. After a brief discussion between ZBA members; **Jerry Pobanz made a motion to allow the second story addition, it doesn't increase the non-conformity. Hogerheide is making the existing building taller. Seconded by Mike Manenti.**

**Roll call vote:**

Manenti: Aye 1310- doesn't increase nonconformity

Ehrlich: Aye 1310- doesn't increase nonconformity

Henry: Aye 1310- doesn't increase nonconformity

Pobanz: Aye 1310- doesn't increase nonconformity

Colletta: Nay 1310- Altered means altered and the health factor

**Motion carried four ayes and one nay, to allow second story addition.**

**ZBA members all sited 1310 Extension of Nonconforming Buildings and Structures.**

**Next meeting TBA**

**Motion to adjourn by Henry, seconded by Manenti.**

**Motion carried all ayes.**

**Meeting adjourned 8:58 p.m.**

Submitted by Kim Simpson Recording Secretary