

A legally advertised meeting was called to order in the Denton Township Hall by Chairman Lloyd Bonzo at 9:30 a.m.

Board Members Present: Chairman Lloyd Bonzo, Gail Kukuk, Lynn Baese, Kent Straub and Morry McLain.

Board Members Absent: None.

Others Present: Bob Riedel, builder representing Dennis & Lydia Ging, Tom & Kathy Schmaltz, Mike & Brenda McKenna, Zoning Administrator Aleisha Hepfer and Secretary Theresa Wagner.

The minutes of the last Zoning Board of Appeals meeting held December 9, 2016 were approved as submitted.

Chairman Bonzo read the following guidelines to be followed:

The Zoning Administrator will give the staff presentation.

The applicant or his agent will state his case fully and furnish the Zoning Board of Appeals with pertinent information concerning this request.

Following the presentation by the applicant, comments from the audience will be accepted under the following guidelines:

1. All statements or questions from the floor must be directed through the Chairperson.
2. Presentations from the floor will be limited to 5 minutes or less.
3. Each person making a statement will be asked to state their name and address.
4. The Zoning Board reserves the right to question any speaker.
5. Be as brief and factual as possible.
6. Please refrain from repeating what has been said before and please do not involve personalities.
7. Those in favor of the request will be heard first.
8. Those opposing the request will be heard last.

At the conclusion of the floor presentations, the chairperson will close the meeting to the public, and the Zoning Board will deliberate the matter and arrive at a decision at today's meeting. (Copies of these rules are available on the table).

Case #2017-001ZBA.

Bob Riedel, representing Dennis and Lydia Ging, requested a 3 ft. side lot line variance for a 17'x 26' addition to the home and to attach the existing garage, located at 680 Lake James Drive, Prudenville, (72-003-479-367-0000).

Zoning Administrator Hepfer informed the Board that the existing garage is grandfathered in and only 4'9" from the lot line. Hepfer stated she visited the site with Dick Pederson as well as Mr. Riedel and neighbor Mr. Schmaltz to verify measurements. It was discovered the lot line is closer than originally thought by the builder. There was no survey done in advance. The new addition footings have already been poured at the 4'9" from the lot line, in line with the original garage, and are not where they were originally told they could put them per required setback.

Mr. Riedel, builder for the Ging's, stated the seawall/barrier was at 4'6". Mr. and Mrs. Schmaltz stated there is not a seawall or barrier there at all. Discussion followed.

Chairman Bonzo asked for comments from the floor for the request. There were none.

Chairman Bonzo asked for comments from the floor against the request.

Thomas Schmaltz, 692 Lake James Dr., stated he lives right next door to the proposed addition, and he is not in favor of the variance because the garage is already too close to the lot line (grandfathered in), and putting on this addition would only increase the nonconformance. He also stated the builder has built up the ground approximately 1 ft. around the new addition and he is worried about water running onto his property. He also stated that he was never asked permission to go onto his property to work on this project.

Kathy Schmaltz, 692 Lake James Dr., concurred, adding the Ging's knew where the lot lines were because they had discussed it with them before. The contractor piled decking, etc. on their property without permission.

Brenda McKenna, 104 Seawood Ct., asked why they were not notified before the walls were poured. Zoning Administrator Hepfer stated the permit was written within the ordinance setbacks, but after she went to check on the permit, she re-measured and found the walls were not where they were approved to go. Mr. Riedel stated he

underestimated where the property line was. Mr. McKenna also agreed that the property owners knew where the lot line was. Discussion followed.

One letter was received in favor of the request. (On file in Zoning Administrator's office).

The meeting closed to the floor at 9:55 a.m.

Chairman Bonzo asked for comments from the Board.

Baese stated the lots around Lake James are tight and 7'6" is not a lot of room. He felt that required setback must be adhered to very closely. As far as a drainage issue, it would not be a problem as he has gutters, etc. McLain concurred.

Straub concurred with Baese, stating it appears that it could be an intentional misrepresentation.

Kukuk stated the foundation would not be as high as it appears when it is finished, and with the underground tile, there would be no water problem. She felt over all it would look nice for the neighborhood.

Chairman Bonzo stated the original drawing of where the wall would be is not where it has been placed. As far as any water runoff, he did not feel that would be a problem. He was not in favor of the variance.

After discussion,

Motion by Baese supported by Straub to deny the request of Dennis and Lydia Ging for a 3 ft. side lot line variance for a 17' x 26' addition to the home and attach to the existing garage, located at 680 Lake James Drive, Prudenville, (72-003-479-367-0000) as requested. The 7'6" side setback requirement must be adhered to.

Ayes 4 Nays 1 Motion Carried.

Mr. Riedel was advised that Mr. and Mrs. Ging have 21 days from the date of this meeting to appeal to circuit court if they wish to do so.

There being no further business,
The meeting adjourned at 10:09 a.m.

Respectfully submitted,

Theresa M. Wagner, Secretary