

BAY TOWNSHIP ZONING BOARD OF APPEALS

Public Hearing

September 6, 2023

CALL TO ORDER

Chairperson Patrick Alguire called the meeting to order at 6:30 pm and led the Pledge of Allegiance

ATTENDANCE

Upon the completion of a roll call, the following Members of the Bay Township Zoning Board of Appeals were identified as being present: Chair Patrick Alguire Board of Trustees Representative Steve Ritter, Planning Commission Representative Nancy Blandford, and members Arnold Koteskey and Kathleen Donahue. Also present: Ron Van Zee (Zoning Administrator) and Kristin Baranski (Recording Secretary)

APPROVAL OF AGENDA

MOTION by Ritter, seconded by Nancy to approve September 6, 2023 agenda as amended, passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford
Nays: None

APPROVAL OF MINUTES

MOTION by Ritter, seconded by Blandford to correct and dispense with the reading of the February 21, 2023 Bay Township Zoning Board of Appeals meeting minutes, passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford
Nays: None

MOTION BY Ritter, seconded by Blandford, to approve the minutes of the September 6, 2023 Bay Township Zoning Board of Appeals meeting as amended passed upon unanimous affirmation vote of the Board Members.

A roll call was taken:

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford
Nays: None

BRUCE AND KORTHASE ZONING VARIANCE APPLICATION

Ron Van Zee presented the Korthase case:

MOTION BY Ritter, seconded by Blandford, that the parcel is legally non-conforming as it was built in 1972 prior to the adoption of Bay Township Zoning Ordinance passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford
Nays: None

MOTION BY Ritter, seconded by Blandford, that the parcel is legally non-conforming as it was built in 1972 prior to the adoption of Bay Township Zoning Ordinance passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford
Nays: None

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Bruce and Nancy Korthase presented the variance request and responded to questions from Planning Commission Members:

- Variance request fits within the character of neighborhood
- Variance does not impede on next door neighbors
- Variance is a request for a wrap around porch
- Request in in keeping with the 'summer vibe'
- Practical difficulty is that space is limited when visitors and this additional space would increase useability of home
- Porch is covered
- Porch does not meet the definition of 'living areas'
- Deck in backyard is difficult as the septic drain field is in the rear

Chair Alguire stated that the 3 correspondences received were all in support of project; all three are the closest neighbors.

Public Hearing is closed at 7:06 pm.

Planning Commission began deliberation.

- Need to establish a practical difficulty
- Larger porch will not impact parking (2 spots in front and 1 spot on side)
- 'ZBA may grant dimensional variance only for practical difficulty'
- Practical Difficulty: small legal nonconforming lot and odd placement of home and corner lot-2 front yards create even smaller building envelope
- Granting may create additional requests in Villa De Charlevoix
- Home was positioned on lot when purchased- applicants did not create
- Granting of this request would not harm immediate neighbors
- Home built prior to Ordinance (1972) was not created by Applicants

Finding of Fact:

Section 14.9- see notes

MOTION BY Ritter, seconded by Blandford, to deny the Korthase Variance request, supported by the Zoning Board of Appeals Finding Of Facts passed upon roll call vote of the Board Members.

Yeas: Ritter, Alguire, Donahue, Blandford

Nays: Koteskey

ELECTION OF VICE-CHAIR

MOTION BY Blandford, seconded by Ritter, to open nominations for Vice-Chair of Zoning Board of Appeals passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford

Nays: None

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MOTION BY Ritter, seconded by Koteskey, to nominate Nancy Blandford for Vice-Chair of Zoning Board of Appeals

MOTION BY Ritter, seconded by Koteskey, to close nominations for Vice-Chair of Zoning Board of Appeals passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford

Nays: None

MOTION BY Ritter, seconded by Koteskey, to nominate Nancy Blandford for Vice-Chair of Zoning Board of Appeals passed upon unanimous affirmation vote of the Board Members.

A roll call was taken.

Yeas: Ritter, Donahue, Koteskey, Alguire

Nays: None

Abstain: Blandford

PLANNING COMMISSION

REPORT

Blandford presented an oral report updating ZBA on Planning Commission activity.

BOARD OF TRUSTEES

REPORT

Ritter presented an oral report updating ZBA on Board of Trustees activity.

ZBA MEMBER COMMENT

MOTION BY Alguire, seconded by Blandford, to set the next ZBA meeting for January 15, 2024 at 6:00 pm passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford

Nays: None

ZBA acknowledged Kathleen Donahue for her time serving as Chair of ZBA.

PUBLIC COMMENT

Open and closed at 7:59 pm.

ADJOURN

MOTION BY Blandford, seconded by Ritter, to adjourn the ZBA meeting at 7:59 pm passed upon unanimous affirmation vote of the Board Members.

Yeas: Ritter, Alguire, Koteskey, Donahue, Blandford

Nays: None

Respectfully Submitted,

Kristin Baranski

Recording Secretary

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