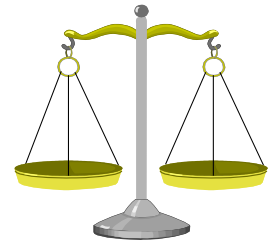


**MORTON TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES – NOVEMBER 17, 2009**



Meeting called to order at 6:55 P.M. by Chairman Dick Murphy
Pledge of Allegiance to the Flag by all
Members Present: Dick Murphy, Mark Kuzma, Bruce Fredrick
Members Absent: None
Others Present: Ordinance Control Manager, Tom Ruelle; Recording Secretary, Vicky Esch
Public Present: Ron Livingston, John & Madelon Abbott, Dee VanHorn

Motion by Mark Kuzma
To Approve the minutes of the August 18, 2009, meeting as presented.
2nd by: Bruce Fredrick
Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

CLOSE REGULAR MEETING – OPEN PUBLIC HEARING @ 6:57 PM

New Business

A. Application Requesting Hearing an Appeal of the Ordinance Control Manager's decision to deny a request to repair/rebuild an existing deck in violation of Section 5.14 of the Morton Township Zoning Ordinance. This application also requests a setback variance on the front and side of 0 feet in order to leave the existing structure as is.

Facts: Property Code: 54-11-162-134-000 Property Address: 11927 Wellington Drive
Property Owner/Applicant: John & Madelon Abbott Zoning: R-1
Notice in Big Rapids *Pioneer* on November 2, 2009
Letters sent to nineteen neighboring property owners on November 2, 2009

Tom Ruelle, Ordinance Control Manager addressed the Board that he could not approve the zoning permit for the repair/rebuild of the deck as the deck encroached into the road. He further commented that he did not see any problem with the Board approving the requested variance as it would allow the applicant to maintain what was already there.

Mr. Abbott addressed the Board that the house was built in 1976, before the Zoning Ordinance had been adopted. The deck has been there since it was built. He also presented the Board with a copy of a letter from the CLPOC which stated in part: "After a thorough and visual investigation (see enclosed photos) of the ROW encroachment created by a repair/rebuild of an existing deck, it is the decision of the BOD ACC to recommend a variance be granted by the Morton Twp. Zoning Board to the property owner."

Board member Bruce Fredrick questioned if the encroachment was only on CLPOC property. Tom Ruelle answered that yes it was.

CLOSE PUBLIC HEARING – OPEN REGULAR MEETING @ 7:25 PM

Further discussion by the Board Members included that if the variance were to be granted that a reference point be created from tonight's meeting for the future. A copy of the Mortgage Inspection Report dated 5/6/97 was submitted as Exhibit A, and pictures of the deck and property line were submitted as Exhibits B & C.

Motion by: Mark Kuzma
Motion that the Board grants the variance with the following conditions: the deck is to remain as constructed and depicted as shown in Exhibits A, B, & C.
2nd by: Bruce Fredrick
Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

INTERMISSION WHILE SECRETARY COMPLETES DECISION FORM

Old Business – None

Adjourn Meeting

Motion By: Mark Kuzma

To adjourn the meeting.

2nd By: Bruce Fredrick

Vote: 3 Ayes 0 Nays 0 Absent Motion Carried

Meeting adjourned at 7:30 P.M.

(The entire meeting was taped and is on file at the Township Hall.)

Respectfully Submitted,

Vicky Esch

Vicky Esch, Recording Secretary