

CLARK TOWNSHIP ZONING BOARD OF APPEALS

Meeting Minutes of May 26, 2020

Tuesday 7 PM

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Mr. Pearson at 7:05 pm

ROLL CALL: Members present: Pearson (telephone), Pieri, Schuster, Eberts. Harrison absent.

Others present: Scott Meyers, Paula Meyers, Mike Davis, June Davis, Thomas Ostendorf, John Ostendorf, Mark Clymer, Supervisor; Dave Murray, *deputy supervisor*.

APPROVAL OF AGENDA

Motion: Moved by Mr. Eberts, seconded by Mr. Pieri to approve the agenda. All ayes. Motion passed.

APPROVAL OF MINUTES: May 12, 2020

Motion: Moved by Mr. Pieri, seconded by Mr. Schuster to approve the minutes of May 12, 2020 All Ayes. Motion carried.

Three letters of correspondence were received: two from Mike and Julie Davis, one from Scott and Paula Meyers.

NEW BUSINESS: Case #297 Thomas Ostendorf TLO NO 1 LLC is appealing for a variance to construct a 76-foot by 48-foot boat house 12 feet from a side setback. The Zoning Ordinance requires a minimum side setback on shorefront lots of 201 feet or longer; Mr. Ostendorf's parcel has shorefront of 316 feet.

Mr. Ostendorf said his project started a couple of years ago (2015) when he acquired permits from the US Army Corps of Engineers and DEQ allowing for construction of a boat house on the waterfront. He said he was told by Bob Dunn and Rob Robley that he only needed a 10-foot side setback to meet zoning requirements. He said letters were sent from the DEQ and US Army Corps to his neighbors and they did not object. He said he did not realize he was in violation of Township ordinances when he started construction. Mr. Ostendorf said he made a mistake. He said he thought the process only involved the State.

Mr. Ostendorf said the front corner of the proposed boat house is 12 feet from the next parcel, while the rear corner is 120 feet; that he owns 28 acres of land and intends to keep the site natural and wooded. Progress slowed down on construction, he said, and he decided to move the boat house off the waterfront because of ice buildup and movement in the winter. He received permission to dredge a portion of the land to help provide a wet-well, move the boat house behind the wet-well and use it for storage of his boats and trailers. He said he is not running a business or operating a commercial venture, which he said he believed was the concern of some of his neighbors. He said he does not intend to sell the property.

Mr. Pearson asked if the size of the boat house had changed since 2015, and Mr. Ostendorf said no.

Mr. Pieri said the setback is closer to 10 feet than 12, and there seems to be a misunderstanding of the ordinance. He said he was concerned if the neighbor to the southeast wanted to sell his property if a buyer would want a lower price seeing the boat house. He said the DEQ authorized a boat house and dock, but Mr. Ostendorf said he is not constructing a dock. Mr. Pieri suggested to approach a neighbor

and purchase 10 feet. Mr. Pearson suggested Mr. Ostendorf split the lot and reduce the lake frontage to 200 feet which would allow for a 10-foot setback.

Ms. Meyers asked if the boat house is more a storage building as it is off the water. Mr. Ostendorf said it is a boat house as he will store his boats there and as access through a wet-well in front.

Mr. Davis said everything Mr. Ostendorf has done before is quality work, and after hearing Mr. Ostendorf's explanation he has no objections.

Mr. Pearson said if the lake frontage was less the appeal would not be necessary.

Motion: Mr. Eberts moved to grant the variance based on it does not infringe on the integrity of the ordinance, if the owner subdivided the lot he would be in compliance with the ordinance, and no neighbors objected. Mr. Schuster seconded.

Roll call: Mr. Pearson, yes; Mr. Schuster, yes; Mr. Eberts, yes; Mr. Pieri yes. Aye 4, Nay 0.

Motion carried.

Old Business: none

ADJOURNMENT: Mr. Eberts moved to adjourn meeting at 7:47 pm, Mr. Pieri seconded. Vote: all ayes.