

**FRANKENLUST TOWNSHIP ZONING BOARD OF APPEALS MINUTES -  
WEDNESDAY OCTOBER 18, 2023 6:03 P.M. - DAVID AND LINDA CONGER, APPLICANTS**

General Information - Zoning Board of Appeals variance application was received 9-15-2023 from Applicants David and Linda Conger of 2899 Evergreen Dr., parcel #09-030-040-200-215-03, on the recommendation of David DeGrow, Zoning Administrator.

Applicants indicate that there is a hardship due to the fact that they own property behind their home, but the property is in the municipal jurisdiction of the City of Bay City, and the lots may not be combined. Therefore, they were allowed to build a house on the lot that appears to be too small and in order to enclose the back deck into a three-season porch and to continue to utilize the front of the house, it is necessary they have a variance to enable them to rebuild the house or finish off the addition as appropriate.

The sign in sheet was presented at the podium upon entering the conference room. A notice of the hearing was sent to the surrounding property owners, one was present in the audience. The Applicants were not present.

Meeting was called to order by Dave Helmreich.

ROLL CALL - Present was Daniel Meyer, Edward Zuraw, Dave Helmreich, and Randy Appold. Zoning Administrator Dave DeGrow, Attorney Rich Sheppard, and Acting as Secretary Alivia Obermiller were also present. Excused absence, Secretary Gayle Ortner.

APPOINTMENT OF OFFICERS - Motion was made and seconded (Zuraw/Appold) to nominate D. Helmreich to remain Chairman. 3 ayes. 0 nays. Motion carried. A. Obermiller was appointed temporary secretary in the absence of Gayle Ortner.

PUBLIC HEARING – Motion was made and seconded (Helmreich/Zuraw) to open the Public Hearing. Motion carried. Attorney Rich Sheppard begins discussion reviewing the application received from David and Linda Conger, for parcel #09-030-040-200-215-03, located on 2899 Evergreen Dr. The Congers own two lots on Evergreen Dr., one being in Frankenlust where their home is built, the other in the City of Bay City as the back yard to their home. On their Frankenlust property they wish to enclose their back porch into a three-season porch. This results in the need of a variance due to how close the porch is to the lot line between the Township and the City.

Zoning Administrator Dave DeGrow suggested a variance for the front yard as well as the back to make the house legally conforming. The parcels history was discussed indicating no previous variance was granted. If the home is destroyed, due to natural causes, rebuilding is discussed as to what variances would be needed to rebuild.

Public Comment - A neighbor, 3302 Evergreen Dr., who had received the notice mailed to surrounding properties was in attendance and wished to make a comment. He was in favor of the Congers getting the variances because he wants the neighborhood to continue to grow and improve. Motion made and seconded (Helmreich/Meyer) to adjourn Public Hearing at 6:24 P.M. All members okayed. Motion carried.

## NEW BUSINESS -

Motion made and seconded (Helmreich/Appold) to approve the Application for Variance filed by Linda S. and David Conger of 2899 Evergreen Drive, be granted to modify the rear yard setback on this particular piece of property from 35 feet to 19 feet and the front yard setback be modified from 25 feet to 19 feet resulting in a 6-foot variance. This variance is granted upon the specific condition that in the event that the home is destroyed either by storm, flood, fire, etc., the applicants should attempt to rebuild the home with the front yard setback being in line with the neighboring homes and the rear yard setback could be modified to a zero lot line setback inasmuch as the applicants own property immediately east of this lot and so long as that property is owned by the owner of this house, the applicants should be capable of building within Frankenlust Township to the line demarking the termination of the Township jurisdiction and the beginning of the City of Bay City jurisdiction. Since the lots cannot be combined into a single building lot, since they are governed by different municipalities, the Township could conceivably in the future utilize the entirety of the City of Bay City property as a setback between the Saginaw River and the rear of any newly constructed home.

This variance is granted based upon the following findings as required by Section 2.08 of the Township Zoning Ordinance being that:

1. There is a practical difficulty inasmuch as the parcel owned by the Congers is divided into different municipalities, the west portion being in Frankenlust Township, and the easterly portion being in the City of Bay City and since they cannot be combined into a single building lot (requiring different permits from different jurisdictions), there is an unnecessary burden to have the setback as required by the ordinance.
2. That this variance will promote substantial justice allowing this property to have the same use and benefit as surrounding properties that are all within one municipality.
3. There are unique circumstances as mentioned in 1 above that there are only several lots that have split jurisdiction between the Township and City and is not generally prevalent throughout the Township.
4. This is not a self-created hardship inasmuch as the home has been in existence for many years and the Congers are only wishing to make a 3 or 4 season porch out of an existing porch and deck on the easterly side which abuts the larger city portion of the lot.
5. It is not simply to correct a mere inconvenience inasmuch as this is not to obtain a higher financial return but to legitimize the home that was allowed to be constructed as it is in the Frankenlust Township portion of the property.
6. This preserves the existing property rights for the home as it has been allowed to be constructed and exist.
7. This promotes public safety and welfare by maintaining the existing home allowing for an addition and making it in a condition that would put the home in full compliance with the Township Ordinance with the exception of the demarcation between the city and the township.
8. This is the minimum action necessary to allow the home to be fully utilized and allows for an amendment of the site plan by the addition of the enclosed porch, which would allow this property to enjoy all the property rights of the surrounding parcels.

Roll call vote:

Appold	yes
Zuraw	yes
Meyer	yes
Helmreich	yes

Motion carried.

Motion to adjourn (Helmreich/Appold)  
Meeting adjourned at 6:31 P.M.

Alivia Obermiller, Temporary Secretary