

ZONING BOARD OF APPEALS
Approved Minutes of September 9, 2009
Variance Request by David and Mary Floore
5512 Port Austin Road, Caseville, Michigan
Property Code: 3213-019-037-00

The meeting was called to order by Chairman Louis Bushey by 7:30 P.M. Present were; Bob Hyzer, Paul Golsch, Tim Lalley, Jeanne Henry and Mary Johnson as Recording Secretary. Also present were R.T. Smith, Lake Township Supervisor, David and Mary Floore and Louis Colletta.

The Pledge of Allegiance was said.

Minutes, as changed upon the Chairman's request from August 25, 2009 ZBA meeting were read and reviewed.

Motion by Hyzer to accept the minutes as read, seconded by Golsch, all ayes.
Motion carried.

Mary and David Floore are applicants requesting a variance from the following sections of the Lake Township Zoning Ordinance of 2007:

Chapter 7, Single Family Residential

Section 705.3 Maximum Lot Coverage

Twenty-Five (25%) percent of the property may be covered by buildings and structures.

At a meeting of the Lake Township Board, Township of Lake, Huron County, Michigan, held on the 17th day of August, 2009, Resolution 2009-28 Zoning Ordinance Amendment was adopted which states:

NOW HEREBY BE IT RESOLVED that the Township of Lake Zoning Ordinance Sections **605.3** and **705.3** and **805.4** will be amended to read as follows:

Thirty-five (35%) percent of the property may be covered by buildings and structures.

Published date of Amendment; August 31, 2009; effective date; September 4, 2009.

There was no correspondence to be read.

Louis Bushey opened the meeting to the floor;

David and Mary Floore presented the ZBA with a Deed for an additional 8.92 feet of property along the shore.

Bushey asked if this was turned in and included in the regular packet. Floore replied "No, it was never added".

Golsch stated that this would lower the lot coverage.

Henry stated this was a 'metes and bound's' lot and goes to the shoreline, but the survey appeared to be from 1963.

Floore presented a 1999 survey but the survey appeared to be the same one as the one in the packet.

Bushey stated that with extra footage the lot coverage would come down to about 40.2%.

Lalley asked if the board was using the 35% lot coverage now. Hyzer asked Smith and lot coverage of 35% was confirmed.

Floore originally wanted to put trex down on the deck but was advised by a professional that the additional weight of the trex would make the deck unstable. That was why the decision was made to tear down the existing deck and replace and expand it.

Hyzer said that the most important consideration would be one of the special considerations.

Lalley stated that as long as the deck was being replaced, trex would be used.

Golsch stated that when the deck is hanging over more than 8', it is considered an overhang, but it is not our jurisdiction.

Bushey asked if the part of the deck that is being put on will go out any further, or would they just be filling in?

Floore replied that there is just a pocket being filled in to the East 9'.

Lalley asked if there was any concern of coming closer to the well.

Floore replied that the well is on the water side and septic is to the west.

Henry asked Bushey what percent lot coverage he came up with. Bushey replied that it is a fraction over 40%, the Floore's are asking for an additional 5% over what he has now.

Hyzer motioned for a 5% variance, seconded by Golsch.
Henry-Aye, Lalley-Aye, Golsch-Aye, Hyzer-Aye, Bushey-Aye.
Motion Carried.

Both Lalley and Bushey stated they wanted to note in the minutes that the only reason they were granting the variance was because the lot coverage already existed at 40%. That this ZBA decision was not to set a precedent for residents to go over the recent 35% lot coverage increase.

Henry motioned to use Variance No. 2 as a special consideration, seconded by Lalley. All ayes, motion carried.

Hyzer motioned to adjourn, Henry seconded, all aye.
Meeting adjourned at 8:16 P.M.

Respectfully submitted by Mary Johnson, Recording Secretary