

**ZONING BOARD OF APPEALS**  
**Unapproved Minutes of November 17, 2010**  
**Variance Request by Michael Brake/Greg Doherty**  
**5368 Port Austin Road, Caseville, Michigan**  
**Property Code: 3213-018-064-00**

The meeting was called to order at 7:30pm p.m. by Louis Bushey, Chairman.  
Present were; Gordon Krueger, Ric Geilhart, Conrad Przystup, Willard Creuger and Lisa Konke as recording secretary.

Also present were; Arnie Russell, Lake Township Zoning Administrator, Michael Brake, Greg Doherty, and Chris Fanfalone.

Pledge of Allegiance was recited.

Bushey stated of the members present tonight, only Geilhart, Krueger, and himself attended the last hearing of which they were about to approve the minutes. He asked that Przystup and Creuger abstain.

Motion by Krueger, **to accept the minutes from Lojek hearing of September 1, 2010 meeting**, seconded by Geilhart. All ayes. Przystup and Crueger abstained.  
Motion carried.

Notice of hearing for a variance request by Michael Brake, Northstar Construction on behalf of Greg Doherty was read by Konke.

Said applicants are requesting a variance from the following section of the Lake Township Zoning Ordinance of 2007:

Chapter 7, Single Family Waterfront Residential

***705.2 MINIMUM YARD REQUIREMENT.***

- A. Each front yard shall be a minimum of twenty-five (25') feet from road right-of-way.
- B. Each side yard shall be a minimum of at least six (6') feet, with total minimum side yards of sixteen (16') feet from the property line.

**Correspondence**

Letter received from DTE via fax on November 12, 2010 indicating that a field inspection took place on November 10, 2010 between Arnold Russell and Robert Hornby, DTE Planning and Design. The letter further stated that the second story addition for this residence "will be in violation of the clearance guidelines of DTE Energy and the National Electric Code." Also, in order to achieve the minimum required clearance, the utility pole on the west side of the house will need to be relocated three (3) feet to the south which

would place said utility pole in the Michigan Department of Transportations (MDOT) road right of way.

Oral correspondence, received by telephone on November 8, 2010, in favor of construction from Susan Hummon, Ed Herrick and Grace Herrick was read by Konke.

Letter received November 10, 2010, in favor of construction from George Long was read by Konke.

Konke noted that returned mail had been received from the notices mailed to nearby properties. These being: Betty Pudney and Jere Baldwin. Both pieces of mail were returned and unable to be forwarded.

*No more correspondence.*

Greg Doherty addressed the Board and stated that he wishes to construct a 2<sup>nd</sup> story addition above his existing residence and relocate one of the existing bedrooms to the new upper story.

Bushey referred to the letter from DTE and that relocating this pole will need approval from MDOT as the new location of the utility pole will be in MDOT's right of way.

Doherty commented that he has checked on and is willing to relocate the utility pole which will cost him approximately \$1800.00. He is willing to apply to MDOT for permission to move the pole.

Michael Brake commented that they have also discussed altering the construct plans to allow for the required clearance. He stated that they have spoke of possibly recessing that area of the 2<sup>nd</sup> story addition.

Bushey asked whether the neighbor was opposed to having the trees on their property cut down or moved for relocation of the pole.

Doherty stated that the utility pole is on the neighbor's property, and he would assume all costs. He noted that Mrs. Grace Herrick was in favor of this and would allow him to have DTE move the pole.

Bushey asked about the wall size or whether there would be knee-walls.

Geilhart stated that according to the building specs provided, they were 8' (eight foot).

Brake agreed.

Chris Falfalone commented that he lives at 6627 Foster Drive and is in favor of construction.

Bushey offered that in order to grant this variance request and being that Mr. Doherty is open to moving the utility pole; he would like to see conditions set in place before construction can take place.

Krueger, Creuger, Geilhart and Przystup stated that they do not have a problem with granting this variance with stipulations.

Motion by Creuger, seconded by Geilhart, **to approve variance request to allow construction of a 2<sup>nd</sup> story addition provided that one of the 2 (two) conditions are met:**

1. Written permission from MDOT, for DTE to relocate the utility pole in question to the road right of way to allow for proper clearance from the new construction, and a new revised site permit application.
2. Alter construction to allow for proper clearance of DTE utilities, and a new revised site permit application.

Roll Call: Bushey, aye. Reason: Circumstances.  
Geilhart, aye. Reason: Circumstances.  
Przystup, aye. Reason: Circumstances.  
Ehrlich, aye. Reason: Circumstances.  
Krueger, aye. Reason: Circumstances.

Motion Carried.

Motion by Creuger, to **approve the variance request for reason No. 2, circumstances**, seconded by Geilhart. All ayes. Motion carried.

Motion by Creuger, **to adjourn**, seconded by Krueger. All ayes. Motion carried.  
Meeting adjourned at 8:00 p.m.

Submitted by Lisa Konke, Recording Secretary