

ZONING BOARD OF APPEALS
Unapproved Minutes of May 24, 2011
Variance Request by D&D Construction/Shuttleworth
5342 Port Austin Road, Caseville, Michigan
Property Code: 3213-018-071-00

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

Also present were; Robert T. Smith, Supervisor, Arnie Russell, Lake Township Zoning Administrator, Dan McIlhargie, Mark Shuttleworth, and 6 guests.

Pledge of Allegiance was recited.

Motion by Krueger, **to approve the minutes from Doherty hearing of November 17, 2010 meeting**, seconded by Bushey. All ayes. **Motion carried.**

Notice of hearing for a variance request by Dan McIlhargie, D&D Construction, on behalf of Mark Shuttleworth 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.

705.5 ACCESSORY STRUCTURES.

- B. An accessory or garage building, whether attached or unattached, shall not exceed six hundred seventy-two (672) square feet.

Correspondence

Email received May 16, 2011, from Linda Hoffman on behalf of Janet Piana of 5340 Port Austin Road, has no problem with variance request by Mr. Shuttleworth.

Email received May 17, 2011, from Brian Sangeorzan, a neighbor of the property requesting the variance. His concern is that the new construction will obstruct visibility to the adjacent driveways when backing out onto M-25.

No more correspondence.

Dan McIlhargie addressed the Board and commented on obstructions, and stated that the new garage will not interfere as the neighboring structures are just as close if not closer than the new construction will be and that the new garage is actually off the road farther than the one that exists.

Krueger pointed out that there are trees a couple doors down that are more obstructing than the new garage will be.

Przystup asked about the size of the overhangs.

Ehrlich asked about the doors in the new structure.

McIlhargie stated that the overhangs will be 12" (1 foot) overhangs and that 1 (one) entry door will be on the southwest corner of the structure, one entry door on the northwest corner, and the overhead garage door will be on the south wall as well.

Shuttleworth stated that the intent is to have the overhang and new structure line up with the existing house on the east side.

Przystup commented on the square footage of the new construction which is 896 sq. ft. and that Lake Townships ordinance only allows for 672 sq. ft. He wanted to know if Mr. Shuttleworth had considered the allowable size of 24' x 28'.

Osborne asked if connecting the current garage to the house with a saddle type roof was considered, which would give the owner more square footage.

McIlhargie stated that the current garage is only 20' x 20' and the owner wants more footage than what connecting the current garage to the house would allow.

Shuttleworth stated that the current garage is considered a one and one-half (1 ½) car garage. He has 2 vehicles which are small and he can barely open the doors on the cars when they in this building.

Przystup stated that at the allowable size, and by connecting the existing garage to the house he is still gaining square footage. By widening it by 8 feet and extending it 4 feet, he would be in conformance.

McIlhargie answered that Mr. Shuttleworth would like more area than this would allow for. The owner wants area for his 2 cars and be able to have a work area without fear of damaging his vehicles.

Shuttleworth stated that he has accumulated a lot of possessions over the years and he would like more space to store his "stuff". He doesn't feel this request is unreasonable.

McIlhargie noted that by allowing this it would make the appearance of this property much neater and less cluttered.

Przystup stated that his garage is in R-2, and is 28' x 24' with a work bench on 2 walls and he has plenty of room to maneuver around. The request being asked for would be a larger building on a much smaller lot, in R-1.

Osborne stated he is favor of a person being able to secure and protect his possessions and that he feels Lake Townships Ordinance needs to be amended regarding this matter.

Osborne stated further that he would like to allow Mr. Shuttleworth to have a larger garage, though he is unsure the Board can allow the size he is asking for. He mentioned 24' x 30' and if moved closer to the house he would be in compliance with DTE.

Bushey feels that Mr. Shuttleworth is being penalized for being in R-1. And that just across the road in R-2, he would be able to go larger. The previous administration adopted these requirements and he himself has to park one of his vehicles outside because his garage is smaller also.

Krueger feels that this request should be granted without making the structure smaller.

Larry Crews commented that just recently, an ordinance was adopted by Lake Township allowing for canvas structures. Personally, he would rather have a permanently built structure next to his home rather than a structure that is going to deteriorate and need a lot of upkeep and maintenance. He is in favor of granting this variance request.

Shuttleworth added that he has an aluminum shed on his property which is small and leaks. He uses this shed for storage. He also looks forward to removing this shed should he be able to build a new garage.

Osborne is in favor of approving this variance but with a smaller scale building.

Lou Colletta answered Bushey's question regarding size requirement in the R-1 district and that this is due largely to the smaller lot sizes on the lakeshore. Also, at that time the lot coverage at that time was 25%. He cited variance denials in the past. He did agree with Mr. Crews in that he would rather see a building and not a canvass structure.

Szumliński commented that each variance request should be viewed and decided upon by its own merit.

Colletta commented that it does not seem right that a larger than allowed garage should be allowed and yet R-1 property owners are only allowed a 300sq. ft. deck.

Motion by Krueger, to grant variance requests. No support. Motion failed.

Bushey stated there are 2 different requests that have to be voted on. He added that he feels Mr. Shuttleworth should be able to build an 864 sq. ft. garage, the same as in the R-2 district, and not be punished for being in R-1.

Osborne is concerned about setbacks. He would like to see the size reduced to 32' x 26' = 832 sq. ft.

Mr. Shuttleworth stated he would be very happy with a garage that size.

Board members discussed possible sizes so the property owner can get the same square footage as the R-2 district.

Motion by Osborne, seconded by Krueger, **to allow for construction of the garage with a size of 27' x 32' = 864 sq. ft.**

Roll Call: Bushey, aye. Reason: Property Right.
Osborne, aye. Reason: Property Right.
Przystup, aye. Reason: Property Right.
Ehrlich, aye. Reason: Property Right.
Krueger, aye. Reason: Property Right.

Motion Carried.

Motion by Osborne, seconded by Przystup, **to approve the construction of new garage with a setback of eleven (11') feet from road right of way.**

Roll Call: Bushey, aye. Reason: Property Right.
Osborne, aye. Reason: Property Right.
Przystup, aye. Reason: Property Right.
Ehrlich, aye. Reason: Property Right.
Krueger, aye. Reason: Property Right.

Motion Carried.

Motion by Bushey, to **approve the variance requests for reason No. 3, Substantial Property Right**, seconded by Osborne. All ayes. Motion carried.

Motion by Krueger, **to adjourn**, seconded by Ehrlich. All ayes. Motion carried.
Meeting adjourned at 8:20 p.m.

Submitted by Lisa Konke, Recording Secretary