

ZONING BOARD OF APPEALS
Unapproved Minutes of July 9, 2012
Variance Request by Gordon Pommerenke (Pommerenke Builders)
On behalf of Richard and Connie Gremel
5524 Port Austin Road, Caseville, Michigan
Property Code: 3213-019-051-00

The meeting was called to order at 6:30pm p.m. by Louis Bushey, Chairman. Present were; Gordon Krueger, Bill Osborne, Ric Geilhart, Rich Ehrlich and Lisa Zadrzynski, as recording secretary.

Also present were; Mark Treder, Lake Township Zoning Administrator, and 5 guests.

Pledge of Allegiance was recited.

A moment of silence was observed for the passing of Supervisor Robert T. Smith.

Motion by Osborne, **to approve the minutes from Mohritz hearing of April 18, 2011 meeting**, seconded by Krueger. All ayes. **Motion carried.**

Chairman Bushey presented a letter from Walt Salens, attorney regarding the public hearing notice that was published and mailed out to nearby residents of 5524 Port Austin Road which listed the incorrect address for this property as *5534 Port Austin Road*.

Zadrzynski read the letter dated July 3, 2012.

Bushey stated that he has spoken to Mr. Salens and also the Michigan Township Association (MTA) regarding the incorrect address and that if there are any objections this hearing can be rescheduled so that all affected properties near the correct address can be notified.

Osborne offered that the difference in the addresses, 5524 and 5534 are not that drastic and wonders if this will affect many residents.

Zadrzynski answered that in learning the process, from Valerie McCallum, Clerk, for determining who is to receive a mailed notice, as a rule, to go larger than the 300 foot radius of the property asking for the variance request.

Zadryznski reviewed the map in the file for the Gremel property at 5524 Port Austin Road and stated that extra footage was included in the mailings and that property owners would have received a notice whether the address was 5524 or 5534.

Motion by Osborne, **to proceed with hearing as published**, seconded by Krueger. All ayes. Motion carried.

Notice of hearing for a variance request by Gordon Pommerenke (Pommerenke Builders) on behalf of Richard and Connie Gremel was read by Zadrzynski.

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

Chapter 7, R-1 – Single Family Residential

- G. (2) Decks are to be constructed of wood or composite material and cannot exceed 300 square feet.

Correspondence

No correspondence.

Public Comment

Gordon Pommerenke stated that the original deck is within the original footprint of the home. He added that the original plans have changed from the sketch have changed and that one section of the original sketch is not going to be constructed now.

Richard Gremel noted that as the house is sited now, it's L-shaped and the existing deck is tied into that footprint.

Bushey asked about the steps.

Pommerenke answered that the steps for the new deck are tying into the existing deck.

Lori Baskin, neighbor, said her only concern is the railings on this new deck construction and if they would affect her view of the lake and beach.

Osborne asked about building code and railing height.

Geilhart answered that railing height was 36" inches.

Pommerenke stated that the new deck would not require railings, although the steps may.

Walt Kloc commented that he feels this variance request should be approved for reason number 3, Substantial Property Right. He added that there are many decks in the R-1 district that are larger and that it would be unfair to not approve this request from the Gremels.

No more public comment.

Board members discussed the size of the deck and the issue that needed to be addressed was the square footage due to the amendment of Lake Township Zoning Ordinance limiting the decks in the R-1 district. Also noted was that setbacks were not an issue.

Motion by Krueger, to **approve the variance request**, seconded by Osborne. All ayes.

Roll Call: Bushey, aye. Reason: # 3, Substantial Property Right.
Geilhart, aye. Reason: # 3, Substantial Property Right.
Osborne, aye. Reason: # 3, Substantial Property Right.
Ehrlich, aye. Reason: # 3, Substantial Property Right.
Krueger, aye. Reason: # 3, Substantial Property Right.

Motion by Krueger, to **approve the variance request for reason No. 3, substantial property right**, seconded by Osborne. All ayes. Motion carried.

Motion by Ehrlich, **to adjourn**, seconded by Geilhart. All ayes. Motion carried.
Meeting adjourned at 7:00 p.m.

Submitted by Lisa Zadrzynski, Recording Secretary