

**ZONING BOARD OF APPEALS**  
**Unapproved Minutes of August 15, 2012**  
**Variance Request by Greg Franklin**  
**4620 Port Austin Road, Caseville, Michigan**  
**Property Code: 3213-016-078-00**

The meeting was called to order at 7:00 p.m. by Louis Bushey, Chairman. Present were; Bill Osborne, Rich Ehrlich, Ric Geilhart and alternate, Conrad Przystup, and Lisa Zadrzynski, as recording secretary.

Also present was Yvonne Bushey, Supervisor, and Mark Treder, Zoning Administrator, along with 3 guests.

Pledge of Allegiance was recited.

Motion by Osborne, **to approve the minutes from Faber hearing of July 26, 2012 meeting**, seconded by Przystup. All ayes. **Motion carried.**

Notice of hearing for a variance request by Greg Franklin 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**

**Section 705.5 Accessory Structures** which states in part:

"B. An accessory or garage building in the rear yard, whether attached or unattached, shall not exceed six hundred seventy two (672) square feet in area.

The variance requested is to allow construction of 26' x 30' detached garage consisting of 780 square feet.

**Correspondence**

Zadrzynski noted that one (1) item of returned mail was received.

Memo from Mark Treder, Lake Township Zoning Administrator, explaining township error in the approval of the site permit application.

Letter received from Jan Yaman, neighboring property owner in favor of granting variance request.

Memo from Valerie McCallum, Clerk, with email correspondence from the Michigan Township Association, regarding the steps that should be taken when an error is made in the approval of a site permit. This email correspondence was originally received December 16, 2011 regarding the Faber/Konke construction project.

**Public Comment**

Greg Franklin commented that human error lead to the application of this variance appeal to allow for the 780 square foot garage. He stated that he was under the impression that all was acceptable because the site plan was approved and a building permit issued.

Osborne questioned the lean-to portion of the site permit application and that this area would add to the square footage asked for.

Franklin answered that the lean-to was not going to be constructed at this time. He added that if in the future, he may submit an application to add this lean-to area.

Ehrich noted that the lean-to would add an additional 288 square foot to the area of the garage.

Brian Majeski commented that there were to be no sides on the lean-to only the roof portion was to be covered.

Geilhart added that if the lean-to was considered later it would add to the square footage total only and not be considered a separate or additional structure.

Majeski commented that at the time the site permit application was submitted, the lean-to portion was considered. But after talking with Mr. Franklin, it was decided to not construct it.

*No more public comment.*

Board members discussed how this variance request occurred. Discussion about the excess square footage of 108' square foot that was overlooked during the site permit approval by the zoning department and that at the time the building permit was issued, the overage was not noticed either.

Przystup offered that he would like to see Mr. Franklin's variance application fee of \$375.00 refunded by Lake Township.

Geilhart agreed.

Motion by Osborne, to **approve the variance request to allow construction of 26' x 30' detached garage consisting of 780' square feet**, seconded by Geilhart.

Roll Call: Bushey, aye. Reason: Practical Difficulty.  
Geilhart, aye. Reason: Practical difficulty.  
Przystup, aye. Reason: Practical difficulty.  
Ehrlich, aye. Reason: Practical Difficulty.  
Krueger, aye. Reason: Practical Difficulty.

Motion Carried.

Motion by Bushey, to **approve the variance request for reason No. 1, practical difficulty**, seconded by Ehrlich. All ayes. Motion carried.  
**Motion Carried. Variance approved.**

Motion by Przystup, **to send a memo from the Lake Township Zoning Board of Appeals, asking that Lake Township refund Greg Franklin's variance application fee of \$375.00**, seconded by Geilhart. All ayes. Motion carried.

Motion by Ehrlich, **to adjourn**, seconded by Osborne. All ayes. Motion carried.

Meeting adjourned at 7:25 p.m.

Submitted by Lisa Zadrzynski, Recording Secretary

