

**ZONING BOARD OF APPEALS**  
**Unapproved Minutes of September 19, 2012**  
**Variance Request by Dan McIlhargie of D&D Construction**  
**On behalf of Thomas Loch**  
**3855 Port Austin Road, Caseville, Michigan**  
**Property Code: 3213-014-066-00**

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

Also present were; Yvonne Bushey Supervisor, Mark Treder, zoning administrator, and 8 guests.

Pledge of Allegiance was recited.

Motion by Osborne, **to approve the minutes from Werkman hearing of August 27, 2012 meeting**, seconded by Krueger. All ayes. **Motion carried.**

Notice of hearing for a variance request by Dan McIlhargie of D&D Construction on behalf of Thomas Loch was read by Zadrzynski.

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

**Chapter 8, R-2 - Single Family Residential**  
Section 805.2 Minimum Yard Requirement

- C. Each lot shall have a minimum rear yard of ten (10') feet from the property line.

**Correspondence**

Letter received September 13, 2012 from Joseph and Donna Viel stating they believe there is no hardship that justifies granting this variance request.

**Public Comment**

Dan McIlhargie commented on the existing structure and the proposed plans for the 2<sup>nd</sup> story addition to the house. He stated he has spoken to the building inspector, Tory Geilhart whom has inspected the foundation.

Dick Green commented that he can see no hardship for the granting of this variance request. He stated that the property is plenty big enough to remove the house and reposition it so that it is not so close to the rear property line.

Joe Viel commented that he has concerns about the foundation of this dwelling.

Mark Treder answered that Lake Township's building inspector has looked at this foundation and deemed it safe for the weight of the new 2<sup>nd</sup> story.

McIlhargie commented that this construction is not changing the footprint of the house.

Green commented that it is very close to the rear property line and questions the equipment that will be used during construction and wants to know where the property will be accessed from for this equipment.

Treder stated that the only issue of the shortage on the setback from the rear property line was the southeast corner.

Green commented that there is also a road along the backside of the property and asks this Board to delay their decision until it can be determined who has rights or access to that road.

Osborne answered that there was no evidence of a road.

Larry Crews commented that this variance should be approved as it is not encroaching anymore than it already is due to the fact that the dwelling is being enlarged going straight up.

*No more public comment.*

Board members discussed the foundation and setbacks.

Osborne offered that the footprint is remaining the same and doesn't see that the new construction will present any issues.

Ehrlich offered that he feels this addition will improve the looks of the house.

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

Roll Call: Bushey, aye. Reason: # 1, Practical Difficulties.  
Przystup, aye. Reason: # 1, Practical Difficulties.  
Osborne, aye. Reason: # 1, Practical Difficulties.  
Ehrlich, aye. Reason: # 1, Practical Difficulties.  
Krueger, aye. Reason: # 1, Practical Difficulties.

Motion by Krueger, to **approve the variance request for reason No. 1**, Practical Difficulties, seconded by Osborne. All ayes. Motion carried.

Motion by Ehrlich, **to adjourn**, seconded by Krueger. All ayes. Motion carried.  
Meeting adjourned at 7:45 p.m.

Submitted by Lisa Zadrzynski, Recording Secretary