

ZONING BOARD OF APPEALS
Minutes of May 1, 2013
Variance Request of Leonard Schafer
4190 Port Austin Road – 3213-015-008-00

The meeting was called to order at 7:31 P.M. by Chairman Louis Bushey with the pledge of the allegiance. Also present were Louis Colletta, Jeanne Henry, Gerald Pobanz and Karen Sienkiewicz, acting as recording secretary, Zoning Administrator Mark Treder along with 3 guests.

Approval of minutes of February 28, 2013 with one correction.
The minutes from the meeting of January 10, 2013 should read as follows: Pobanz did not vote on the approval of the minutes.

A motion by Bushey to accept the minutes of April 2, 2013, seconded by Colletta with the following changes:

1. Second paragraph page 2 - Chairman Bushey said that two years prior they would **not** be able...
2. Fourth paragraph page 2 - Geilhart thought the measurement **of the setback** could change depending....
3. Second paragraph page 3 – “**applicants**” rather than “appellants”

Colletta asked that the February 28, 2013 minutes be corrected on something that was overlooked when they were approved on April 2, 2013. In the February 28th minutes there is reference that the roof structure was to connect the pavilion to the house in four different areas of the minutes and stated that was not correct, that the covered pavilion was to connect two accessory structures. Henry was in agreement that this was missed when the minutes were approved.

Motion by Colletta to note these corrections for the record, that in each case where it says “house” it should be replaced by “accessory structure,” seconded by Henry. Motion carried – all ayes.

Notice of hearing for variance request by Leonard Schafer was read. Letter from Sidney and Rosemarie Houghton was read. All members had a copy of the letter received from Leonard Schafer.

Colletta asked Treder if the site plan was denied because of the 300 square foot limitation for decks in the R-1 district. Treder affirmed.

Pobanz commented that as long as the deck meets the lot coverage and setbacks there should not be any problem.

Treder had asked if the ZBA members had looked at the site. All members affirmed.

Colletta commented that this has been a recurring thing with decks and all variances have been approved and the township needs to change the current limits.

The ZBA members agreed that the house was in compliance as far as setbacks and lot coverage. The 300 sq. ft. limit is pending.

Motion by Colletta that the variance be granted, seconded by Pobanz.

Henry stated that the board needs to reference its findings of fact and stated that the facts are as follows: the size of the lot is adequate to allow for required setbacks and lot coverage; the design and size of the house calls for a larger deck than 300 square feet; and the 300 square foot limitation is being challenged and

changed so for those reason it seems appropriate to approve the request.

Roll call vote:

Colletta: Approve since 300 square foot restrictions are in the process of being changed.

Henry: Approve since the restriction will be eliminated in weeks.

Pobanz: Approve since the restriction will be eliminated in weeks.

Bushey: Approve since the way it looks the size limits are going to be changed.

Discussion on appointing a secretary. Motion by Bushey to appoint Colletta as secretary, seconded by Pobanz. Motion carried – all ayes.

McCallum submitted memo to board requesting an interpretation of the ordinance relating to accessory buildings on vacant lots, specifically a lot owned by a homeowner on the north side of M-25 who combines a vacant lot located on the south side of M-25. Bushey commented that he was always told you could never build on a vacant lot. Pobanz questioned whether people would want someone building a 30 x 40 garage next to their house. Colletta questioned the fact that if you have a house on the lake and a lot across the street and they are considered one lot, what is the front yard for purposes of building a garage since waterfront lots in the R-1 district have two front yards. Bushey commented that in Caseville Township they can build on both sides. Treder commented that he would be concerned that it would become a safety issue having an accessory building on the opposite side of

M-25 from the residence and if the township starts allowing this, it will create safety problems. Henry felt it could create aesthetic problems referring to Pobanz's earlier comment. Bushey questioned that if the lots on either side of M-25 were combined, what zoning district would they be in? McCallum indicated that the zoning would still be R-1 on the north side and R-2 on the south side since zoning and taxation are two different matters. Colletta commented that in the R-2 district no accessory structures are allowed in the front yard. Treder mentioned a project when he first was hired where the property owner wanted to build an accessory garage in his front yard and it was a great location but he told him he couldn't build there without a variance and the property owner moved it to another location.

Treder also mentioned another situation where a carport is being enclosed and the person will have to apply for a variance and also mentioned an upcoming variance request that required locating the accessory structure in the front yard due to the topography of the property.

Motion by Bushey to adjourn, seconded by Henry. Meeting adjourned at 8:25 PM.

Respectfully submitted,

Karen Sienkiewicz
Recording Secretary