

ONEKAMA TOWNSHIP ZONING BOARD OF APPEALS

PUBLIC HEARING AND SPECIAL MEETING

WEDNESDAY, OCTOBER 26, 2016, 2 P.M.

The hearing and special meeting was called to order at 2 p.m. by Chairman Tom Gerhardt.

The Pledge of Allegiance was said.

Members present: Gerhardt, Vice Chairman Dennis Beebe, Secretary Jim Trout. Also present: Recording Secretary Mary Lou Millard, Zoning Administrator Kris Philpot. Applicant John Adams was absent; the board agreed to wait five minutes. Applicant Adams arrived at 2:04 p.m.

MINUTES: Motion by Trout, second by Beebe to approve the minutes of the January 27, 2015 Organizational Meeting. Motion carried.

PURPOSE OF HEARING: Gerhardt explained the purpose of the hearing is to receive input on a variance request from John Adams, Case No. 2016-01, Property No. 51-11-290-377 & 51-11-290-162-00 on an unimproved parcel located on an unpaved road, Juniper Way. The appeal, if granted, would permit construction of a new house within the front setback area, which is not allowed under Section 4202 (C) 2 of the Onekama Township Zoning Ordinance of 1991 as amended.

PRESENTATION BY ZONING ADMINISTRATOR: Philpot said the property is an unimproved parcel on an unpaved road, Juniper Way. Adams acquired interest in the property in July of 2013. There was a house on parcel 51-11-290-162-00 until 1986 when it was destroyed by fire. Adams is asking for a 15 foot variance on the front setback which would leave 10 feet on the front. The front is the waterside and the roadside.

Beebe: Are the two lots combined as of today?

Philpot. No.

FINDINGS OF FACT: (1.) The parcel is located in Resort-Residential #3. (2.) The parcel appears to be located within the Flood Plain Zone "A 3" designation. (3.) MDEQ, Wetlands, Soil Erosion, and Health Department permits have not been issued and may be required before a land use permit could be issued.

Beebe: These are two independent lots. They are not combined. This is not allowed. We can't do anything.

Philpot: This application would then be null and void.

Trout: In any event he would have to comply with the zoning ordinance.

PRESENTATION BY APPLICANT: The house on Lot 12 burned down in 1986. The goal is to replace that. I would combine the lots.

Trout: The house was on Lot 12; the house would be half on that parcel. 25 feet? No. The house is not on Parcel # 51-11-290-377-10.

COMMENTS IN FAVOR: There were no letters or comments in favor.

COMMENTS OPPOSED: Comments opposed received at the hearing from Atty. George Saylor, representing Debbie Wade. He asked the board: The lots are not combined; shouldn't that happen before this issue is addressed?

Trout: If the person didn't understand something, they should inquire. The ordinance is on the website. Parcel # 12 is not big enough to build on- it is not 15,000 square feet. I thought the site plan was inadequate; but if the zoning administrator felt it was adequate, it is the zoning administrator's call, not mine.

There were six letters in opposition. Trout said letters were received from Doug Olson, James O'Connor, Elizabeth Cozzie, Eva Simutis, Robert and R. Carol Hansen, Barbara and Gary Hansen. Trout summarized the comments opposed, listing close proximity of septic systems to Portage Lake, physical closeness to the road, obstruction of access/views, area is subject to high waters and could be under water when the lake is high, house could be built on two contiguous lots owned by the applicant.

The hearing was adjourned at 2:28 p.m. The regular meeting opened at 2:28 p.m.

Beebe: I have a problem with two parcels not being joined, this opens a can of worms. Block 12 is one of three lots, there are other places where the applicant could build. I'm inclined to say no.

Trout: Adams has lots 10, 11, 12 and 13 on Parcel # 377-10 and 162-00. He could put the house in another way. The applicant has the option which would not require a variance. What are the dimensions of Lots 10 and 11?

Adams: they are 50 feet by 100 feet.

Trout: Lots 12 and 13 would be an intrusion on Juniper Way. I'm opposed to this action.

Gerhardt? Did the board look at the property?

Beebe. Yes, I was there.

Trout: I was out there three times.

Gerhardt: I also looked at it. Gerhardt showed a photo of the house that burned down, referred to by Adams.

CONFORMANCE TO STANDARDS:

1. Do special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district? Answer: No.
2. Will literal interpretation of Sections 4204 (C) of the ordinance as related to a front yard setback deprive the owner of rights commonly enjoyed by other properties in the same district? Answer: No.
3. Are the special circumstances and conditions the result of actions by the applicant and considered self-created? Answer: Yes.
4. Will granting the variance alter the essential character of the area? Answer: Yes.
5. Does conforming to the zoning requirements create a practical hardship? No.

Trout: Options do exist. He can combine the lots in a different manner; it appears there are other options.

Motion by Trout, second by Beebe that the variance application be denied as options exist to combine the property in a different manner. Motion carried.

ADJOURN: 2:42 p.m.

Submitted by

Mary Lou Millard

Recording Secretary

Tom Gerhardt, Chairman

Jim Trout, Secretary