

ONEKAMA TOWNSHIP  
ZONING BOARD OF APPEALS – DECEMBER 4, 2019  
MINUTES OF SPECIAL MEETING / PUBLIC HEARING-  
SUBJECT: VARIANCE REQUEST – PHIL CRULL –  
7989 FIRST STREET – ONEKAMA, MI. 49675  
PARCEL : 51-11-690-016-00

**The special meeting of the Onekama Township Zoning Board of Appeals was called to order at 2:30 pm by Z.B.A. Chair Jim Trout.**

The Pledge of Allegiance was said.

ROLL CALL of members present : Trout (Chair), Pomaranski (Secretary); Hilliard (alternate member).

Other: Mike Szokola – Z.A.; Recording Secretary - Alaina Trout

**No unapproved minutes of previous meetings are outstanding.**

**PURPOSE OF HEARING:** Trout stated that the purpose of the hearing was to receive input for consideration of a request for variance of 14’10” from the rear setback requirement of 25 ft. in district RR-2. Applicant states that variance is necessary to allow construction of a porch and a small storage structure attached to the dwelling.

Parcel is located at 7089 First Street – Onekama, Mi. 49675

Parcel # > 51-11-690-016-00.

**ZONING ADMINISTRATOR:** Mike Szokola presented the history of the property and request. At some time in the past decade, a Land Use Permit was approved for a garage reconstruction / addition that violated the rear setback requirement by approximately seventeen (17) feet. House is over 100 years old and was rotated 90 degrees on the foundation by a previous owner about a decade ago.

Also, there is a “paper road,” platted but never utilized, that is at the east property line of the parcel – now the rear due to the rotation of the house, -giving the impression that the actual boundary line of the parcel at the ‘rear’ of the dwelling is many feet beyond the actual east parcel line border.

**STATEMENT OF PETITIONER -PHIL CRULL :** Porch addition required due to continuing storm, ice, and water damage to the interior of the dwelling. Small building needed for storage of snow fence and other materials.

**PUBLIC COMMENT IN SUPPORT –** One letter from a neighbor – supporting. the request for variance by petitioner Crull.

**PUBLIC COMMENT IN OPPOSITION – NONE**

**PUBLIC HEARING ADJOURNED –**

**ZBA - DISCUSSION / CONSIDERATION OF REQUEST FOR VARIANCE FROM 25' REAR SETBACK required in RR-2 District - PHIL CRULL**

TROUT: Unfortunate that previous zoning authorities did not do due diligence before granting Land Use Permit allowing construction of garage intruding into required rear setback.

POMARANSKI: Noted that garage intrusion is more than the variance requested from the ZBA.

HILLIARD: I agree.

**REVIEW OF “FINDINGS OF FACT” BEARING ON THE VARIANCE REQUEST:**

As to the variances requested above, the Zoning Board of Appeals considered the standards for variance contained in Section 9603 of the Township Zoning Ordinance and found:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. YES. HOUSE IS OVER 100 YEARS OLD AND WAS ROTATED ON FOUNDATION BY PREVIOUS OWNER— MAKING THE ORIGINAL FRONT THE SIDE. “PAPER ROAD” IS PLATTED AT THE REAR (EAST) SIDE OF THE PARCEL..

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. YES
  
3. That the special conditions and circumstances do not result from the actions of the applicant. YES. EXISTING AND EARLIER BUILT GARAGE ON PARCEL WERE PREVIOUSLY APPROVED EVEN THOUGH WELL IN VIOLATION OF SETBACK . PROPOSED CONSTRUCTION IS LESS IN VIOLATION THAN EXISTING GARAGE.
  
4. That granting the variance will not alter the essential character of the area. YES – WILL NOT ALTER CHARACTER OF THE NEIGHBORHOOD.
  
5. That no nonconforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. YES, THERE IS NONE.

**DECISION OF THE ZBA:** MOTION by Pomaranski to approve variance request subject to the following conditions,: **A)** The small storage shed is required to be attached to the primary dwelling structure in a manner making it an integral part of the dwelling in appearance, design, and seamless construction.

**B)** No further construction whatsoever shall proceed until the applicant is issued a Land Use Permit for the approved additions. to the dwelling.

SECOND > Hilliard . **Motion to approve carried 3-0**

ZBA panel members voted as follows:

|                           |     |
|---------------------------|-----|
| J. Pomaranski - Secretary | YES |
| J. Trout - Chair          | YES |
| J. Hilliard (alternate)   | YES |


Conditions, if any: A) The small storage shed is required to be attached to the primary structure in a manner making it an integral part of the dwelling in appearance, design, and seamless construction.

B) No further construction whatsoever shall proceed until the applicant is issued a land use permit for the approved addition.

**THE REQUEST FOR VARIANCE IS APPROVED SUBJECT TO THE CONDITIONS "A" AND "B" - ABOVE.**

**NEW BUSINESS**- Following discussion, MOTION by Hilliard to hold the annual organizational meeting of the ZBA in late April or early May 2020., as called by the Chair. SECOND > Pomaranski. Motion carried > 3-0.

**MEETING ADJOURNED AT 3:45 PM**

  
\_\_\_\_\_

date

12/5/19

  
\_\_\_\_\_

date

12/5/19

Minutes taken and prepared by A.A.T.

Minutes approved December 5, 2019 at a special meeting of the Onekama Township Zoning Board of Appeals ><> JRT