

**ONEKAMA TOWNSHIP -ZONING BOARD OF APPEALS**

**SPECIAL MEETING AND PUBLIC HEARING**

8/12/ 20\_\_ > (Time) \_\_2 pm\_\_

**ONEKAMA TOWNSHIP HALL, 5435 MAIN ST., ONEKAMA, MI 49675**

**MINUTES of PUBLIC HEARING > DE LA CRUZ VARIANCE REQUEST**

**>> ID# 51-11-009-004-30 (parcel 7) <<**

The Special Meeting / Public Hearing to consider the request for variance to side setbacks by applicants Mr. / Ms. Ramiro De La Cruz was convened by Chair Jim Trout at 2 pm. ZBA members present : Beebe, Pomaranski, Trout. >> Alaina Trout served as recorder of the proceeding.

Z.A. Mike Szokola was present. Michael and Robin Hanes of Homes American Made represented the applicants. Applicants own TWO parcels and have applied for a 15' side setback variance on each parcel.

**Zoning Administrator:** Applicant De LaCruz requested variances to the side setback requirement of a 50' minimum AND A MINIMUM ROAD FRONTAGE OF 100 FEET in district SUR. This request is being made for two separate parcels owned by the applicant, thus the ZBA held two separate hearings on the separate requests for variance on the adjoining parcels owned by the applicant. Both subject parcels are roughly 100 ft. wide, presenting an obvious difficulty to construct a dwelling without a variance a 50 ft. side setback. Letters from the Onekama Township Clerk certifying the parcels are non-conforming lots of record are on file. These "lots" became non-conforming when the S.U.R. District was created in the mid-1990s. With the 50' side setback required in this new district, the 100' ft wide lots became unbuildable without a variance from the Zoning Board of Appeals.

APPLICANT (Mike / Robin Hanes > representatives: We ask for a 15 ft. setback to allow room to maneuver an accessory building to make better use of the site.

PUBLIC COMMENT: Letter received from M. Woods – no objection to variance.

Public Hearing adjourned 2:12 pm

ZBA business meeting convened 2:13 pm.

ZBA members first discussed the variance request of parcel 7 > ID#51-11-009-004-30.

TROUT noted that the foundation drawing of the proposed structure showed a 60 width. BEEBE inquired if the side porch counted. (Yes) BEEBE observed that neighboring parcels had variances of a 20 ft. side setback and suggested that this was proper for the district. BEEBE asked that a certified survey of the parcel be submitted prior to issuance of a L.U.P by the Z.A.

THE ZBA CONSIDERED THE STANDARDS FOR VARIANCE CONTAINED IN SECTION 9603 OF THE ONEKAMA ZONING ORDINANCE AND FOUND –


1. Special circumstances exist peculiar to the land..... > YES
2. Literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district..... > YES
3. That special conditions and circumstances do NOT result from actions of the applicant....YES
4. That granting the variance will NOT alter the essential character of the area ..... YES
5. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands structures or buildings in other districts are considered as ground for issuance of a variance.....YES

MOTION by BEEBE : **Grant a side setback variance requirement of 20 feet on the 100' wide parcel ID # 51-11-009-004-30 (lot 7), a variance on road frontage to the existing width of the parcel, AND require a survey of the parcel by a licensed surveyor prior to issuance of a Land Use Permit.**

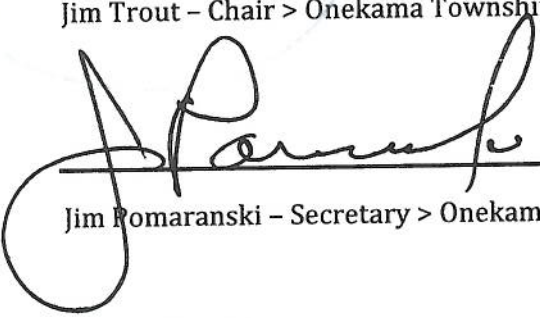
SECOND by POMARANSKI . Without further discussion, Roll call vote:

BEEBE > Yes; POMARANSKI > YES; TROUT > YES.      **MOTION CARRIED** 3-0 in Favor.

HEARING # 1 ADJOURNED > 2:20 pm

  
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Jim Trout – Chair > Onekama Township Zoning Board of Appeals

  
\_\_\_\_\_  
date

  
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Jim Pomaranski – Secretary > Onekama Township Zoning Board of Appeals

  
\_\_\_\_\_  
date