

Hayes Township
Zoning Board of Appeals
July 22, 2020
Zoom Meeting

The July 22, 2020 meeting of the Hayes Township Zoning Board of Appeals was called to order by Chairman Thomas Darnton at 6:00 pm.

BOARD MEMBERS PRESENT: Jim Rudolph, Thomas Darnton (Chair), Bob Jess (Board Representative), Frank Shepherd and Roy Griffiths (Planning Commission Representative/Co-Chair)

ALSO PRESENT: Kristin Baranski (Recording Secretary/ Clerk), Ron VanZee (Supervisor/Zoning Administrator), Ruth Augustine, Mike Mulroy

INTRODUCTIONS: Mr. Darnton (Chair) opened the meeting at 6:00 PM and had all present introduce themselves.

CONFLICT OF INTEREST: All members declared NO conflict of interest regarding Engen case; Charlevoix County Property Tax Identification Number 15-007-002-013-20, located at 07232 Boyne City Road, Charlevoix, Michigan 49720.

PRESENTATION OF CASE: Ron VanZee presented Engen case. Applicants are seeking a variance of 4578 square feet from the 3600 square foot maximum for parcels 5 acres or greater in order to allow construction of a 3200 square foot structure in the R-1 district. The above parcel total acreage is 142 acres with a building Envelope of 5.684 acres. A granted variance would allow a total of 8179 total square feet for all accessory buildings on the parcel. The applicant would like to place a new 40 x 80 pole barn in the same exact location an old, decrepit greenhouse was removed. VanZee shared that all property owners within 330 feet of said property were notified via US mail and a public notice was posted in the Petoskey News Review on July 3rd, 2020. The parcel is legal non-conforming as buildings were in place prior to the current zoning ordinances. Mr. Rudolph suggests a possibility may be to remove the small boat house in exchange for approval of additional square footage. Such compromises support the shoreline protection strip. Mr. Rudolph acknowledges that by right the applicant can keep the small boathouse.

PUBLIC COMMENT- PUBLIC HEARING: None

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REVIEW OF APPLICATION BY ZONING BOARD OF APPEALS: The Zoning Board of Appeals consider Article VIII of the Hayes Township Zoning Ordinance, Section 8.07 of the Zoning Ordinance.

- 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area and/or zoning district, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic hardship.
Discussion included: unique circumstances of the parcel (Building envelope surrounded by possibly largest parcel of conservancy land in Township)
- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
Discussion included: all agreed not self-created
- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for any permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
Discussion included: N/A
- 4) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
Discussion included: granting variance would provide favorable justice to the property owner; owner provides good stewardship to land and surrounding area; favorable response from ZBA members
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.
Discussion included: no adverse effect on neighbors

Mr. Griffiths made a motion, supported by Mr. Jess, to table the variance application until August 5, 2020.

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Mr. Griffiths withdrew his motion, supported by Mr. Jess due to mandatory public notice regulations.

Mr. Rudolph made a motion, with no support, for the Hayes Township Zoning Board of Appeals to deny the variance request.

Mr. Griffiths made a motion, with support from Mr. Jess, for the Hayes Township Zoning Board of Appeals to grant the requested variance. A roll call was taken.

Yeas: Frank Shepherd, Bob Jess, Roy Griffiths

Nays: Jim Rudolph, Thomas Darnton

Motion Carried

ADJOURNMENT: Mr. Shepherd made a motion, supported by Mr. Rudolph, to adjourn at 7:37 p.m.

Yeas: Jim Rudolph, Thomas Darnton, Frank Shepherd, Bob Jess, Roy Griffiths

Nays: None

Motion Carried

Respectfully Submitted,

Kristin Baranski

Hayes Township Clerk/Recording Secretary