

HAYES TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
March 6, 2013

The Zoning Board of Appeals hearing was called to order by Chair Joni Hosler at 7:30 p.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix.

Members present were Joni Hosler, Rich Burnett, Jim Rudolph, Bill Henne and Scott Parker. Also present were Jonathan Scheel, ZA and Marlene Golovich, Secretary. Audience members were John Ferguson and C.T. Martin.

Chair Joni Hosler asked to be joined in the Pledge of Allegiance.

The purpose of the meeting is to hear a request by Claire T. and Francis D. Martin for a parcel division variance, from Section 6 (d) Standards for Approval of Parcel Divisions or Property Transfers. Each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten (10) acres, shall have a depth of not more than four (4) times its width as measured under the requirements of the Hayes Township Zoning Ordinance. The property is located at 08211 See Road, Charlevoix, property tax number 15-007-119-013-00. This property is zoned R1- Residential and requires a two acre minimum.

John Ferguson, representative for the applicant, stated the correct property tax number is 15-007-130-001-00.

Zoning Administrator Jonathan Scheel stated the application was complete with the following exhibits;

1. Application and all corresponding notification documents
2. Site Plan
3. Surveyor Documents
4. Aerial map

Jonathan stated that the criterion for a land division variance was similar to a zoning ordinance variance. The ZBA should take into consideration the Township Master Plan.

C.T. Martin, applicant, stated that the property split was part of the families estate planning. The property has been owned by the family since 1914 and they want their children to be able to keep the property. He stated that each new parcel would be ten + acres each. The family is trying to limit the number of new parcels to avoid creating affidavit of off-site septic systems. He also stated this is not an attempt to funnel the back lots to the lake.

Bill Henne asked if the lots could be split again in the future or if the family's intent was to maintain the 10 acre lots. C.T. answered that he would like it if they could. Jonathan Scheel stated that the R1 zone district is a two acre minimum, each lot could potentially be split five times.

Scott Parker asked what a standard 10 acre parcel is. John Ferguson stated it was 660x660 or ¼ of 40 acres. He also stated a long narrow 10 acre lot would be 330x1320 and would meet the 4:1 width ratio.

Jim Rudolph stated he could see the logic of the request but could not see the hardship needed to justify granting a variance.

Jonathan Scheel stated that future splits are not the issue and should not be part of the discussions

John Ferguson asked how important the 4:1 ratio is to this board. Jim Rudolph stated it is the law and we are being asked to make an exception to that law. We need justification to do that.

Jim Rudolph stated that if the back portion of the lots were being put into land conservancy that would show a benefit to the Township and would give the ZBA justification for the variance.

Scott Parker asked what the meaning of the answer on the application to "Effect on Applicant if Variance is Denied". Mr Ferguson stated that any new owners of the created parcels would want control all the way back to See Road and the current property owners would see a tax benefit if they sold one parcel.

Bill Henne asked if a PUD could be created and 2 single family homes could be put on each parcel. Jonathan Scheel stated there are lots of options.

Jonathan Scheel stated that if the parcels were split into four lots the applicant would not need a variance because they would meet the 4:1 ratio.

Four lots vs. two lots would not affect the assessed value, the cap would not be lifted and it could be marketed to buy two lots if the new owner wants control of the back lot.

The Zoning Board of Appeals reviewed Section 7.(c) of the Parcel Division Ordinance;

(c). The Zoning Board of Appeals may grant a variance under this Ordinance from the depth to width requirement of Section 6(d) of this Ordinance, if all of the following exist:

(1). Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions that do not generally apply to other lots, parcels, or tracts of land in the township.
None exists.

Jim Rudolph made a motion, supported by Scott Parker to deny the requested variances based on Section 7 (c)(1) of the Land Division Ordinance. Roll Call

Rich Burnett	Yes
Jim Rudolph	Yes
Scott Parker	Yes
Bill Henne	Yes

Motion carried unanimously.

Jim Rudolph made a motion, supported by Rich Burnett to approve the minutes from January 29, 2013 as corrected. Motion carried unanimously.

Rich Burnett made a motion, supported by Scott Parker to adjourn this meeting at 8:17 p.m. Motion carried unanimously.

Respectfully submitted

Marlene Golovich, Clerk
Hayes Township

Minutes approved as corrected April 8, 2013

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
DECISION AND ORDER

Applicant: Claire T. and Francis D. Martin
Hearing Date: March 6, 2013

The property identified by property tax number, 15-007-130-001-00 located at 08211 See Road, Charlevoix, hereinafter referred to as the property

The Board having considered the application, a public hearing having been held on March 6, 2013 and after giving due notice as required by law, the Board having heard the statements of the applicants representative, public comments and the Board having considered the following exhibits:

1. Application and all corresponding notification documents
2. Site Plan
3. Surveyor Documents
3. Aerial Map

GENERAL FINDINGS OF FACT

- The Board finds the parcel is approximately 20.6 acres
- The Board finds the parcel is zoned R-1 Residential
- The Board finds there are other options for dividing this parcel
- The Board finds there is no existing hardship justifying a variance

The Zoning Board of Appeals approves the findings from Section 7 of the Parcel Division Ordinance and denies a 5.88:1 variance on proposed parcel "A" and a 5.81:1 variance on proposed parcel "B" from Section 6 (d) the 4:1 depth requirement of the Parcel Division Ordinance, requested by Claire T. and Francis D. Martin at 08211 See Road, Charlevoix, property tax number, 15-007-130-001-00.

Respectively Submitted

Marlene Golovich
Hayes Township Clerk
Minutes approved as corrected April 8, 2013