

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
HEARING
June 11, 1997

The hearing of the Zoning Board of Appeals was called to order at 7:33 P.M. by Chair Jerry Simpson at the Hayes Township Hall, 09195 Old 31, Charlevoix.

Zoning Board of Appeals members present were Joe Rivard, Fred Parsons, Roger Stoppel, and Jerry Simpson.

Robert Alexander called to say he could not make it to the meeting.

Also present were Kevin J. Whitley, Ethel Knepp, Glen Stolt, Betty Goldsmith, and Mr. Goldsmith.

The Purpose of this hearing was to hear a request for a side yard setback variance for Glen Stolt for 08184 Shrigley Road. The applicant proposes to construct a 14' by 34' addition to an existing garage 30 feet from the side lot line so he requires a 20 foot variance. The property tax number is 15-07-121-007-10 in the A-1 zone.

Glen Stolt explained that he needs this addition to store a large boat that he would like to remove from sight. Glen stated that this location is the best to avoid wet areas of the property. Glen will maintain the same roof line of the existing garage. Glen explained that the setbacks are hard to maintain with a narrow lot of 166 feet.

Fred Parsons asked Glen if it would be possible to build the garage behind the house.

Glen responded that it would require an longer driveway through wet areas and reduce the view of the wildlife from the house. Glen stated that his proposed location and design would be as aesthetically pleasing as possible. Glen stated that he did not want to use his existing garage because he needs that space to store other items.

Betty Goldsmith, the next door neighbor, stated that they have no problems with the proposal. Betty also stated that they would prefer to see this garage than to see the boat stored outside.

Roger Stoppel asked for an explanation of the roof line. Glen provided a sketch of what the finished garage would look like.

Jerry Simpson stated that there are other options for building a garage on this parcel and allowing the building closer to the line would make the situation worse.

Joe Rivard stated that changes to the setback requirement may be made by the Township that would eliminate the need for the variance. Joe also stated that he did not want to add to the problem of a non-conforming setback.

Glen stated that many parcels in this area are smaller and have smaller side yards.

Ethel Knepp reminded the Board that the smaller parcels are zoned differently.

FRED PARSONS MADE A MOTION TO DENY THE VARIANCE BECAUSE THE HARDSHIP IS SELF CREATED, THERE ARE OTHER ALTERNATIVES FOR BUILDING THE GARAGE ON THE PARCEL, AND BECAUSE THE TOWNSHIP HAS PENDING ACTION TO REDUCE THE SETBACK IN A-1 OR CHANGE THE ZONE. MOTION SECONDED BY ROGER STOPPEL.

Jerry Simpson read the criteria for variances from the Zoning Ordinance Section 7.05c: Will not be contrary to the public interest or the spirit and intent of this ordinance? Shall not permit the establishment within a zoning district of any use which is not permitted by right within that district. Will not cause any adverse effect to property in the vicinity or in the zoning district or the Township. Relates only to property that is under control of the applicant. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.

ROLL CALL VOTE ON THE ABOVE MOTION TO DENY THE VARIANCE:

ROGER STOPPEL YES

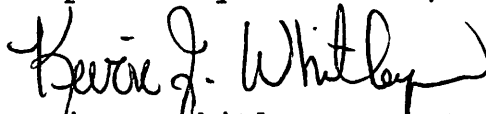
JOE RIVARD YES

FRED PARSONS YES MOTION APPROVED AND VARIANCE DENIED.

Chair Jerry Simpson resigned as a member and chairman of the Hayes Township Zoning Board of Appeals because of personal time issues. Jerry will attend the next ZBA meeting and his resignation will be effective after that date.

Hearing adjourned.

Respectfully Submitted,



Kevin J. Whitley, Secretary