

HAYES TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
June 13, 2007

The Zoning Board of Appeals hearing was called to order by vice-chair Brad Kessler at 7:33 p.m.

Members present were Scott Parker, Jim Rudolph, and Brad Kessler. Also present were Jonathan Scheel, ZA and Marlene Golovich, secretary. Audience members were Ethel Knepp and Ed Bajos.

The purpose of this meeting was to continue a hearing from July 6, 2007 for a request from David & Claudia Haluska, 2063 Medina, Wixom, MI 48393 for a five (5) ft set back variance from section 4.13 B and a thirty five (35) ft set back variance from Section 5.13 A (1), (lakefront), of the Zoning Ordinance on lot #12 Michigan Shores Subdivision, property tax number 15-07-400-012-00.

Ed Bajos, representative for David & Claudia Haluska, stated Health Dept requires that the septic tank is five (5) ft from any building and that a 25' x 40' drain field was close to the standard required. The drain field could be moved back 15 ft.

The revised plan included a 22'x 26' garage with a 6'x 12' entry porch to allow for a 7' laundry room. The home proposed is 2200' sq. ft. with 290 sq ft of living space located above the garage. This proposed foot print would require a 32' variance set back from Section 5.13 A (1), (lakefront), of the Zoning Ordinance. The driveway will be 8' wide.

Mr Bajos spoke with Larry Levengood regarding a neighbors concern about the amount of water that lays on the applicants property. Mr Levengood indicated to Mr Bajos that it would not be a problem if the neighbors plug their drains.

Jim Rudolph stated that there could be 726 sq. ft. of living space over the garage and therefore reducing the overall foot print. Mr Bajos stated that he would have to build straight up to accomplish that and the applicants do not

want a square box look. Jim Rudolph stated that it is then a self created problem by house design.

Ed Bajos stated that he believed precedent had already been set in this subdivision by the number of other variances granted. He believes the variance request is very reasonable. The applicants are not asking to build a 4000 sq ft home but a 2200 sq ft home.

The ZBA was under the impression that Mr Bajos would be coming back to this meeting requesting a smaller variance by 10 ft and yet he has come asking for a variance reduced by only 3 ft and a larger home foot print. Mr Bajos was asked why. Mr Bajos responded that this is the size home the applicants want.

Jonathan Scheel said the applicant is now asking for a 32 'variance from the waterfront setback. The ZBA needs to ask themselves if this is the minimum variance necessary and they should consider why the waterfront setback is 100' and how that effects a variance on this particular property.

Scott Parker stated that because this is a very flat piece of property when the waters levels rise the water comes inland further. Would the Township incur any liability for flooding if they granted the variance?

Mr Parker also asked if the 10' porch would be covered and whether the porch would be on a foundation or piers.

Mr Parker wanted to clarify that the variance was for 22' of living space and 10' for the porch.

Ethel Knepp stated that the Township is required to make sure the property owner has reasonable use of their property.

Jonathan suggested that each ZBA member needed to set in his/her mind what is reasonable.

Ethel Knepp stated that reasonableness has already been established in this subdivision.

Jim Rudolph stated that a variance may have to be granted but not one this large. He said he would support a 25' variance of the waterfront setback with the closest part of the house being no closer than 75' from the all time

high water mark. Jim would like to protect as much of the waterfront setback as possible.

Scott Parker stated that he thought an eight (8) ft porch was reasonable and that a thirty (30)' variance would be more practical.

**The ZBA decided to resume review of Section 7.05 C from the previous meeting on June 6, 2007 beginning with C5**

5. The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zone district. **Yes**
- D. In addition to the foregoing conditions, the following rules shall be applied in the granting of variances.
  1. In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially, the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the variance granted. ***The living space shall not take up more than 22 ft of the variance. The front porch (waterside) may not be enclosed.***

Scott Parker made a motion, supported by Jim Rudolph to grant a thirty (30) ft variance from Section 5.13 A (1), (lakefront), of the Zoning Ordinance along the easterly property line for the total structure. The front of the structure (porch & house) is to be perpendicular to the easterly property line.

|              |     |
|--------------|-----|
| Scott Parker | Yes |
| Jim Rudolph  | Yes |
| Brad Kessler | Yes |

Without objection the meeting was adjourned at 9:28 pm

Respectfully submitted



Marlene Golovich, secretary

Minutes approved as corrected August 21, 2007

HAYES TOWNSHIP  
ZONING BOARD OF APPEALS  
DECISION AND ORDER

Applicant: David & Claudia Haluska  
Hearing Date: June 6, 2007 and June 13, 2007  
The property identified by the tax number 15-007-400-012-00, hereinafter referred to as the "property".

The Board having considered the application, a public hearing having been held on June 6, 2007 and June 13, 2007 after giving due notice as required by law, the Board having heard the statements of the applicants representative and the Board having considered the following exhibits:

1. A Zoning Application dated May 15, 2007
2. A Certificate of Survey;
3. Letter from Community Health dated August 22, 2002
4. Letter appointing Ed Bajos as their representative dated May 12, 2007
5. Letter from Dan Keys dated May 31, 2007
6. Letter from Doug Quada and Kathy Keljo dated June 5, 2007
3. A Notice of Hearing dated May 16, 2007;

GENERAL FINDINGS OF FACT

The Board finds there is an existing house.  
The Board finds the house was built before the Township had a Zoning Ordinance;  
The Board finds the difficulty was not created by an action of the applicant/owner.  
The Board finds the variance will not alter the character of the surrounding area.

The Board approves the findings from Section 7.05C of the Zoning Ordinance and the Board approves a five (5) foot set back variance from section 4.13 B and thirty (30) foot variance from Section 5.13 A (1), (lakefront), of the Hayes Township Zoning Ordinance for property tax number 15-07-400-012-00.

Without objection the June 6, 2007 hearing was adjourned at 10:15 p.m. and the June 13, 2007 hearing was adjourned at 9:28 p.m.

Respectively Submitted

A handwritten signature in cursive script, appearing to read "Marlene Golovich".

Marlene Golovich, secretary