

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
HEARING
JULY 17, 1996

The Zoning Board of Appeals Hearing was called to order at 7:35 P.M. by Chair Jerry Simpson at the Hayes Township Hall, 09195 Old 31, Charlevoix.

Zoning Board of Appeals Members present were Craig Golovich, Doug Kuebler, Jerry Simpson, Roger Stoppel and LeRoy Brooks.

Robert Alexander was absent.

Also present were Zoning Administrator Ethel Knepp, Kevin J. Whitley, Josie Maglothin, Guy Maglothin, and Cheryl Downey.

The purpose of this hearing is to hear a request for a seven foot side yard and a five foot rear yard variance from Section 4.13 of the Zoning Ordinance. The applicant proposed to place a 26' by 36' home with basement and a 12' by 16' garage on a 66' by 122' lot at 10905 Hemlock. The property tax number is 15-007-255-003-00 in an R-3 Zone.

Guy Maglothin explained that he is trying to upgrade his property that he has lived on for 15 years by removing the existing single wide trailer and replacing it with a new modular home. Guy stated that he had the hole excavated before he knew about the permit process and the zoning law. Guy stated that he needs more than 15 feet for a driveway on the South side so he can drive back to the garage in the back. Guy is restricted on placement of the home and driveway by the location of the existing well and septic system. Guy explained that he wants to keep the home away from the South property line because there is a close neighbor.

The Board and the Maglothins discussed characteristics of the lot which restricts location of the house and the Board considered ways of moving the house to reduce the variance needed.

Cheryl Downey, a neighbor, was present to observe the variance process. Cheryl had no comments regarding this variance request.

Roger Stoppel stated that the applicant would have room for a driveway with a smaller side yard on the South which would reduce the variance needed on the North. Roger also stated that the Board should avoid setting a precedent for this area by allowing the home to be only eight feet from the property line.

Jerry Simpson read the five criteria required to grant a variance:

1. Will not be contrary to the public interest or to the spirit and intent of this Ordinance. 2. Shall not permit the establishment within a zoning district of any use which is not permitted by right within that district. 3. Will not cause any adverse effect to property in the vicinity or in the zoning district or the township. 4. Relates only to property that is under control of the applicant. 5. 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.

The Board discussed different ideas for moving the house to reduce the variances needed. The Health Department approved the plan as proposed.

ROGER STOPPEL MADE A MOTION TO GRANT A 5 FOOT SIDE YARD VARIANCE TO GUY AND JOSIE MAGLOTHIN (TAX NUMBER 15-007-255-003-00). THE HOME LOCATION SHOWN ON THE APPLICATION SITE PLAN MUST BE CHANGED TO MOVE THE HOUSE 5 FEET TO THE EAST AND 2 FEET TO THE SOUTH. THE GARAGE LOCATION SHOWN ON THE APPLICATION SITE PLAN MUST BE CHANGED TO ELIMINATE THE NEED FOR A REAR YARD VARIANCE. MOTION SECONDED BY DOUG KUEBLER.

ROLL CALL VOTE:

LEROY BROOKS YES

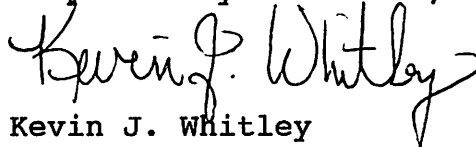
DOUG KUEBLER YES

GRAIG GOLOVICH YES

ROGER STOPPEL YES MOTION CARRIED BY UNANIMOUS VOTE.

HEARING ADJOURNED BY CHAIR JERRY SIMPSON.

Respectfully Submitted,



Kevin J. Whitley