

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
HEARING
MAY 22, 1996

The Zoning Board of Appeals Hearing 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 Craig Golovich, Doug Kuebler, LeRoy Brooks, Jerry Simpson, and Roger Stoppel.

Also present were Zoning Administrator Ethel Knepp, Kevin J. Whitley, Katheryn Garten, Gerry Gibbons, Edith Beck, Kathleen Kieren, and Aubrey Crickenberger.

The purpose of this hearing is to hear a request for a variance from Section 4.13 setbacks. Katheryn Garten is requesting a two foot side yard variance and a seven foot rear yard variance to construct a 24 foot by 34 foot garage. Property Tax numbers are 15-07-550-144-00 and 15-07-550-145-00 located on the Boyne City Road in the plat of Susan Shores.

Katheryn Garten was present to explain her need for the variances. Katheryn explained that she needs a garage of this size to store two cars plus other items that are now stored outside. Katheryn will build the garage 5 feet below grade so the driveway will be less steep. Katheryn also explained that there is no other place on the property to put the garage because of the location of the well and drain field.

Craig Golovich asked if the garage could be brought forward to eliminate the need for the rear yard variance.

Katheryn agreed that she could but prefers this location so cars can park and turn around in front of the garage so they don't back out onto Boyne City Road. Katherine also stated that she is avoiding covering windows on the South side of the house because of ventilation. The garage can't be attached to the house because the garage will be lower than the footings for the house.

Kathleen Kieren, a neighbor within 300 feet, was present to oppose the variance because she believes variances should be granted for hardships only. Kathleen also sent a letter to the ZBA which states: "...Whereever I have resided (50 yrs. in various locations downstate), it is my feeling that variances in zoning are granted only in cases of hardship. I am also concerned about precedence setting. On that basis I am opposed to granting of variances in this case."

Aubrey Crickenberger, another neighbor within 300 feet, was present to oppose the variances because he does not want the Township to set a precedent.

Craig Golovich stated that a garage could be built without variances by moving the garage forward and building a garage 2 feet smaller.

Doug Kuebler agreed that a smaller garage could be built without any variances.

Roger Stoppel stated the he had no problem with the 2 foot side variance and the garage could be moved forward to reduce the need for the rear yard variance. Roger also stated moving the garage forward would leave 78 feet between the garage and the road which is reasonable.

LeRoy Brooks stated that the 2 foot variance is reasonable because of the property layout. The 7 foot variance could be reduced by moving the garage forward. LeRoy suggested that the ZBA grant a 4 foot rear yard variance and the applicant can move the garage forward 3 feet. LeRoy stated that this will improve safety on entering Boyne City Road and the garage lower than grade should be agreeable with the neighbors because of the appearance.

Chair Jerry Simpson read the 5 criteria from the Zoning Ordinance 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.

Jerry Simpson stated that this request may not meet number 5 because the garage size requested self creates the need for the variances.

LeRoy Brooks stated that a smaller variance should not create harm.

Kathleen Kieren stated that she may support a compromise.

MOTION BY CRAIG GOLOVICH TO DENY THE VARIANCE REQUEST FOR KATHERYN GARTEN BECAUSE THE NEED IS SELF CREATED BECAUSE OF THE SIZE AND LOCATION OF THE PROPOSED GARAGE. MOTION SECONDED BY DOUG KUEBLER. MOTION APPROVED UNANIMOUSLY.

MOTION BY DOUG KUEBLER TO GRANT A TWO FOOT SIDE YARD VARIANCE AND A FOUR FOOT REAR YARD VARIANCE TO KATHERYN GARTEN BECAUSE THE GARAGE WILL NOT CREATE ANY ADVERSE EFFECTS ON THE PROPERTY IN THE VICINITY. MOTION SECONDED BY ROGER STOPPEL. ROLL CALL VOTE:

DOUG KUEBLER YES

ROGER STOPPEL YES

LEROY BROOKS YES

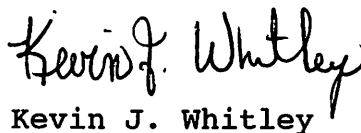
CRAIG GOLOVICH YES

MOTION APPROVED UNANIMOUSLY.

Jerry Simpson explained that the applicant needs to leave 21 feet from the garage to the rear property line and 13 feet from the garage to the side property line.

HEARING ADJOURNED BY CHAIR JERRY SIMPSON AT 8:30 P.M.

Respectfully Submitted,


Kevin J. Whitley