

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
HEARING
APRIL 3, 1996

The Zoning Board of Appeals Hearing was called to order at 7:45 P.M. by Vice Chair Robert Alexander at the Hayes Township Hall, 09195 Old 31, Charlevoix.

Zoning Board of Appeals Members present were Robert Alexander, Doug Kuebler, LeRoy Brooks, and Roger Stoppel.

Jerry Simpson was absent.

Also present were Zoning Administrator Ethel Knepp, Kevin Whitley, Paul Hoadley, Jody Ager, Richard McLennon, Ervin Barrett, and Melodie Barrett.

The purpose of this hearing is to hear a request for a variance from Section 5.13, elevation of structure to be 590 feet above sea level, International Great lakes Datum (IGLD) so the applicant can remodel an existing structure. Property owner is Grady Graham, Tax Number 15-007-301-012-00, known as Lot 12 in Birdland Estates in a R-1 zone district.

Jody Ager was present to represent the applicant. Jody explained the plan for the ZBA: The existing one bedroom cabin is 110 feet from the current shoreline. The addition will be more than 110 feet from the lake and there will be no additional bedrooms. The current septic system has not been mapped, but the approximate location is shown on the plan. Jody stated that the Health Department will allow the owners to continue to use the current septic systems with the building addition. Jody also stated that there is land nearby that could be purchased for a new septic system if the current system fails.

No member of the audience spoke regarding this proposal.

Robert Alexander stated that he visited the property and he noticed that a similar variance was granted to an adjacent neighbor. Robert also stated that the houses on each side of this property are setback from the lake a similar distance as the applicant's.

LeRoy Brooks asked about the purpose of requiring buildings above 590 feet elevation. One purpose is to protect the property owner from flood damage. LeRoy stated that the existing cabin may be worth moving to higher ground.

Doug Kuebler stated that his only concern is the possible failure of the existing septic system.

Roger Stoppel stated that the new addition will overwhelm the existing structure in size.

Paul Hoadley asked the ZBA to require the applicant to plant a greenbelt near the shore line to protect the water quality.

MOTION MADE BY ROGER STOPPEL TO GRANT A VARIANCE ALLOWING THE APPLICANT TO BUILD AN ADDITION TO A EXISTING STRUCTURE LOCATED CLOSER TO LAKE CHARLEVOIX THAN THE 590 FEET ELEVATION (IGLD).

MOTION DIES BECAUSE OF LACK OF SUPPORT.

Zoning Administrator Ethel Knepp prepared a written response to the five criteria required in section 7.05C: "1. Allowing this variance will not be contrary to the public interest or to the spirit and intent of the Ordinance providing the existing sewage disposal system in property used and maintained so that it is nuisance free. 2. Allowing this variance will not permit the establishment within a zoning district of any use which is not permitted by right within that district because the zoning district is R-1, single Family Residence and that is what is being proposed. 3. Will not cause any adverse effect to property in the vicinity or in the zoning district or the township providing there is no sewage system failure. 4. Relates only to property that in under control of the applicant. Does. 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. This cabin is preexisting and is in need of modernizing. The adjacent residences are located approximately the same distance from the lake and are below the required elevation."

MOTION MADE BY ROBERT ALEXANDER TO GRANT A VARIANCE ALLOWING GRADY GRAHAM TO BUILD AN ADDITION TO AN EXISTING STRUCTURE LOCATED CLOSER TO LAKE CHARLEVOIX THAT THE 590 FEET ELEVATION (IGLD) BASED ON THE ZONING ADMINISTRATORS RESPONSE TO THE FIVE CRITERIA REQUIRED IN SECTION 7.05C WITH THE CONDITION THAT A 25 FOOT GREENBELT IS ESTABLISHED NEAR THE SHORELINE AND APPROVED BY THE ZONING ADMINISTRATOR.

MOTION SECONDED BY DOUG KUEBLER.

ROLL CALL VOTE:

ROGER STOPPEL YES

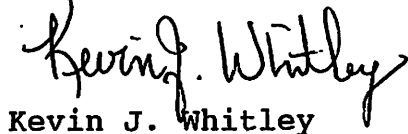
DOUG KUEBLER YES

LEROY BROOKS YES

THE MOTION WAS APPROVED UNANIMOUSLY.

HEARING ADJOURNED BY VICE-CHAIR ROBERT ALEXANDER.

Respectfully Submitted,


Kevin J. Whitley