

**HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
April 19, 1995**

The Zoning Board of Appeals meeting was called to order by Chairman Simpson at 7:31 p.m..

Board members present were Craig Golovich, Douglas Kuebler, Jim Rudolph, Jerry Simpson, and Roger Stoppel. Others present were Zoning Administrator Parsons, Secretary Ethel Knepp, Supervisor Hoadley, and Gary Schafer.

The purpose of the meeting was to hear Case Number V-02-95, application for a twenty five foot variance from Section 4.13C of the Zoning Ordinance. Property owners name is Donald and Kathlyn Tuckey. Property tax number 15-007-119-028-20, which is located in the R-1, Single Family Residential Zone District.

Zoning Administrator Parsons acted as selected agent on this matter.

Chairman Simpson read a letter into the record written by A. Paul Hoadley, Hayes Township Supervisor, to the Tuckey's, dated January 28, 1995. The letter stated, in part "It has been since 1991 at the Board of Review that I spoke to you about an incorrect split of your Oyster Bay lot. In review, you split the north 25 feet of your lot and sold it to the adjacent lot owner to the north of your property. This created two lots that were both below zoning requirements for lot width. I have since learned that the Gary & Vicky Schafer home is on the 25-foot parcel you sold in 1989. These sort of happenings seem to be allowed to languish without resolution. I propose that you contact our Lot Split Administrator, Mr. Fred Parsons, to officially correct this problem. I have spoken to Mr. Parsons about this matter and we believe it can be resolved by the Zoning Board of Appeals that has the authority to grant zoning ordinance variances".

Parsons stated that Hoadley, as Assessor, had found that this property had been reduced below the 200 feet width requirement in the R-1 Zone District. It was discovered that the prior owners of the adjacent property (Robertson) had added onto their home which encroached onto the Tuckey property. The Tuckey's determined the easiest way to resolve the matter was to sell them (Robertson) 25-feet of their property.

Gary Schafer, the current owner of the Robertson property, stated that there is a tree line on what is now their property. The event that led up to the encroachment onto the Tuckey property occurred when the Mowrey's Oyster Bay Club had advised the Robertson's the tree line was their property line.

Roger Stoppel stated unless your going to require the house, now owned by Schafer, to be "lopped off" the variance should be granted.

Secretary Knepp stated that Section 5.13 of the Zoning Ordinance requires 100-feet for each single family home on the lakeshore. Although the property has been reduced to approximately

175 feet it still has adequate frontage on the lakeshore.

Roger Stoppel read from Section 7.05C of the Zoning Ordinance to make the following motion, supported by Douglas Kuebler:

1. Granting this variance will not be contrary to the public interest or to the spirit and intent of this Ordinance as the adjacent properties are less than 200 feet and the property has not been reduced below the required 100 feet required in Section 5.13 of the Zoning Ordinance.
2. Granting this variance shall not permit the establishment within a zoning district of any use which is not permitted by right within that district as the use will remain single family residential.
3. Granting this variance will not cause any adverse effect to property in the vicinity or in the zoning district or the township.
4. This variance request relates only to property that is under control of the applicant.
5. Granting this variance affects only property subject to exceptional or extraordinary circumstances because (1) the prior owner of the adjacent property had been advised incorrectly in relation to their property line; (2) the current owner of the adjacent property did not create this problem; and (3) the Tuckey's tried to resolve the problem with the least amount of adverse affects to the Township and current property owner.

Roll call vote. Ayes: Craig Golovich, Douglas Kuebler, Jim Rudolph, and Roger Stoppel. Nays: None. Motion carried.

Meeting adjourned 7:50 p.m..

Respectfully Submitted,



Ethel R. Knepp, Clerk/Secretary