

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES

August 31, 1994

The Zoning Board of Appeals hearing was called to order by Chairman Simpson at 7:33 p.m..

Zoning Board of Appeals Members present were Robert Alexander, Craig Golovich, Douglas Kuebler, Steven Wilson, and Jerry Simpson. Others present were Zoning Administrator Parsons, Clerk/Secretary Knepp, Paul Hoadley, Erwin Ciske, Joe and Cindi, Joey, and Kate Left, Marcie and George DeGraeve, Kevin Pearsall, and Greg Whitley.

The purpose of the meeting was to hear a request for a thirty three foot (33') variance from the one hundred foot (100') setback requirement in Section 5.13 of the Zoning Ordinance. The property is owned by Erwin A. Ciske, 07603 Birdland Drive, Charlevoix, Michigan. The property tax number is 15-007-301-013-00 and 15-007-301-014-00. The Zone District is R-1. The applicant proposes to construct a 28' x 26' addition to an existing residence.

The Chair asked for a report from the Zoning Administrator. Parsons cited the letter from Charlevoix Soil and Water Conservation District and the Health Department.

The letter from the Soil and Water Conservation District stated, in part, that "site inspection revealed that the area to be disturbed by the excavation for Mr. Ciske's new addition is not presently designated wetland. This office has no objection whatsoever to Mr. Ciske's proposal for an addition. The location chosen for the addition is logical and poses the least environmental impact to the immediate area. I understand from Mr. Ciske that he will be utilizing both of his lots as a result of his proposed expansion. This will prevent further development adjacent to Mr. Ciske and will in effect protect and preserve the remaining wetland areas on Mr. Ciske's property."

The letter, and permit, from District Health Department No. 3 stated, in part, "Permit issuance based on the fact that this is an existing residence with an existing sewage disposal problem. Permit issuance based on the conditions of the letter, dated January 25, 1994, and listed special conditions to include, in part, pump chamber with a minimum capacity of 500 gallons, install an audio or visual alarm system on the pump, designated to be activated in the event of pump failure, sewage effluent is to be pumped to an elevated absorption field involving the installation of approximately 200 feet of force main sewer pipeline, and the existing septic tank is to be either excavated and removed or filled with soil and collapsed."

Parsons continued his report stating that the existing home was constructed when the setback from the lake was fifty feet (50'). The proposed addition will continue to be non-conforming, however, it makes the property more conforming than the existing residence because:

1. The proposed addition will be further from the lake than the existing home is.
2. A failed septic system is being replaced by a pump back system. This system will be behind the home instead of being on the lake side of the home.
3. Two lots are being combined in order to construct the addition on the lot lines.

Parsons presented photographs of the site, taken from the shoreline, to demonstrate that this residence is consistent with the neighboring residences.

Chairman Simpson asked for comments from Mr. Ciske and anyone in the audience who wished to comment.

Mr. Ciske stated that he has filed a letter of intent to combine both lots, however, it's his understanding that this can only be done so often. He also stated that he felt that by combining the two lots it would be beneficial to the lake, because it is eliminating one residence on the lake. Mr. Ciske continued that this home was originally built as a cottage which was used seasonally. He has his 97 year old father living with him now and they are modernizing the home to live in it year around.

A letter, received by the clerk, from Mr. & Mrs. Lee Benz, a neighbor of Mr. Ciske, was read into the record. The letter stated, in part: "we have no problem with an addition being put on the home, we would simply ask that he finish it off in a reasonable time, and that it look nice, in the past his renovating has taken an excessively long time, he is a good neighbor and we appreciate him."

Chairman Simpson closed the public portion of the meeting and asked for questions or comments from the ZBA members.

ROBERT ALEXANDER - Did you look at the feasibility of constructing the addition further back? Response: if it was further back it wouldn't be attached to the home. There's also a pump house and pole barn. The raised mound septic system is behind the addition also.

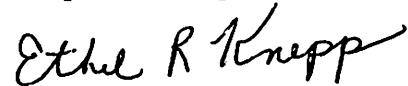
Steven Wilson made a motion, seconded by Robert Alexander, to grant the thirty three (33) foot variance from the one hundred (100) foot setback requirement of Section 5.13 of the Zoning Ordinance because:

1. By constructing the addition to the residence will require that a failed septic system is removed and a more efficient, and expensive, system is installed.
2. Granting the variance will be an improvement on the existing conditions on the property, and
3. It is found by the Zoning Board of Appeals that the variance granted:
 - a. Will not be contrary to the public interest or to the spirit and intent of the Zoning Ordinance.
 - b. Shall not permit the establishment within a zoning district any use which is not permitted by right.
 - c. Will not cause any adverse effect to property in the vicinity or in the zoning district or the township.
 - d. Relates only to property that is under control of applicant.
 - e. 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.

Roll call vote. Ayes: Robert Alexander, Craig Golovich, Douglas Kuebler, and Steven Wilson. Motion carried.

Meeting adjourned 7:49 p.m.

Respectfully Submitted,



Ethel R. Knepp
Clerk/Secretary