

HAYES TOWNSHIP BOARD OF APPEALS  
MINUTES  
December 13, 1989

The Hayes Township Board of Appeals meeting was called to order by Vice Chairman James Waier at 7:33 p.m.

Board members present were Betty Straw, William Henne, and James Waier. Also present were Zoning Administrator, John Hess, Clerk, Ethel Knepp, and audience participants, Mel Naseman, Don MacGregor, John & Mary Montgomery, Craig Sawka, and applicants, Catherine & Patrick Scott. Fred Parsons was absent.

V + Lloyd  
Kuebler

The purpose of the meeting was to hear a request from Patrick and Catherine Scott, Lot 48, Michigan Shores Subdivision, for two 5' sideyard variances from Section 4.13B of the Hayes Township Zoning Ordinance.

Mr. Scott presented a site plan and suggested some points of interest he felt the Board of Appeals should be aware of, such as:

Michigan Shores Sub-Division was platted prior to the adoption of Township Zoning.

They purchased property in February 1969, in accordance with the Michigan Shores Building and use restrictions, which did not require a 15' side yard setback.

Lot 48 is 65' wide and less than 1/3 of an acre which is typical of property in Michigan Shores Sub-division, and less than is required in the R-2 zone district by the Zoning Ordinance.

The request for a 5' variance on each side of the lot line would agree with many of the homes that have already been built in Michigan Shores.

The home that is to be constructed is not a summer cottage and will enhance the value of the property in Michigan Shores.

Granting the variance will help fulfill a lifetime dream.

A copy of the above points of interest is on file with the Clerk.

James Waier asked about the height of the home. It was explained it would be a bi-level approximately 16' high.

Don MacGregor asked about the rules of pre-existing construction. It was explained that any homes built prior to Township zoning would have been under County Zoning, however, any new construction must meet the regulations of the existing Zoning Ordinance unless a variance is granted.

Paul Hoadley asked about the history of the homes in the sub-division. James Waier explained that Urdan, Katterman,

and Patterson, property owners in Michigan Shores, had requested variances and they were denied.

James Waier read correspondence received from William Rimmelin, Dr. Raymond Kuzara, Rich Pakizer, neighboring property owners, and a note written and received by the Clerk, from Rodney Shackett.

William Rimmelin - A modular home would not be to the betterment of the sub-division. Ten foot sideyards would not be fair to adjacent home owners. Variances were turned down in the past.

Dr. Raymond Kuzara - In favor of granting variance. When property purchased there was a 10' sideyard setback. A good share of the existing homes were put up under this provision. A 35' maximum width of home is a burden, and a reasonable size, 10' closer than smaller homes would be more attractive. Feels restrictions in entire plat should be changed to allow 10' sideyard setbacks.

Rich Pakizer - Opposed to variance request. The house should fit the property rather than forcing the property to accomodate an oversized house. They can build up rather than out to accomodate more living space.

Rodney Shackett - Prefers denial of variance although they may reconsider if they saw a plan.

All above letters are on file with the Clerk.

Don Macgregor stated he would prefer keeping the 15' side yard setback, because once variances are granted others will request one and the lots are wide enough to build a reasonable size home on them and still meet the setbacks.

John Montgomery feels there is nothing wrong with existing setback requirement, and they could turn the home and have a side entrance and meet the setback requirements.

Craig Sawka feels granting the variance would be presedent setting.

Mr. Scott explained that the house is a Wausau home and they are trying to build a home economically for retirement. The plans submitted are what they can afford as well as what they want. They do not want a side entrance.

William Henne read the criteria of Section 7.05C, in the Zoning Ordinance, which is necessary for all applicants to meet prior to granting a variance. He didn't feel the applicants met numbers 1, 3, and 5.

John Hess stated that zoning gives the applicant reasonable use of the land.

Mrs. Scott suggested their house plan will increase the value of neighboring homes, but felt the neighboring homes would not increase the value of their property.

William Henne made a motion to deny the request for two 5' sideyard variances because it would be contrary to the public interest and spirit and intent of the Zoning Ordinance, will cause adverse effects to the property in the vicinity, it has not been shown that the property is subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property in the vicinity, and the property can be reasonably used as zoned. Betty Straw seconded the motion.

Roll Call Vote:

Ayes

Nays

Betty Straw  
William Henne

None

Motion Carried.

Meeting Adjourned 8:10 p.m.

Respectfully Submitted,

*Ethel R Knepp*

Ethel R. Knepp, Clerk