

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
February 19, 1992

The meeting of the Hayes Township Zoning Board Of Appeals was called to order by Chairman Parsons at 7:32 p.m.

Board members present were Fred Parsons, Bob Alexander, Bill Henne, and Robyn Clink. Also present were Zoning Administrator Hess, Secretary Knepp, and Kay Harper and daughter.

The purpose of the meeting was to hear a request for a variance from Section 4.13B, Lot Area Regulations, of the Zoning Ordinance. Property owner names are Scott and Kay Harper, 08484 Quarterline Road, Charlevoix, Michigan. Property numbers 15-007-127-011-10 (11.29 Acres), 15-007-127-011-20 (2.50 Acres), and 15-007-127-011-30 (6.21 Acres).

The Harpers purchased three (3) parcels approximately six years ago. It has come to the attention of the township, via the Harpers, that the property had been split and recorded at the Register of Deeds on July 17, 1979. The A-1 Zone District lot size regulation had changed from 2 1/2 acre minimum lot size to 10 acre minimum lot size on July 11, 1979. The Harpers are requesting the parcels be given legal lot of record status because: (1) They purchased the property not knowing they were not legal lots of record; (2) The township was notified twelve (12) years ago by the County Equalization Department that there was a split on the property; (3) The Township and the County have been sending tax bills on the separate parcels for twelve (12) years; (4) The Township, County, and School District have collected taxes on the separate parcels for twelve (12) years; and (5) The Harpers have relied upon the fact that since they have been receiving tax bills and have been paying taxes on said parcels they must be legal.

Chairman Parsons recommended that the Board Of Appeals grant the request as a lot of record because he believes the request meets the criteria in Section 7.05C of the Zoning Ordinance.

Robyn Clink made a motion to grant property numbers 15-007-127-011-20 and 15-007-127-011-30 lot of record status because:

It would not be contrary to the public interest or to the spirit and intent of this Ordinance because they have been separate lots for the past 12 years, and

It will not permit the establishment of any use which is not permitted by right within the zoning district, and

It will not cause any adverse effect to property in the vicinity or in the zoning district or the township, and

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It relates only to property that is under control of the applicant, and

It affects only property that was split more than 12 years ago, which was not resulted from any act of the applicant.

Bob Alexander seconded the motion.

Voice Vote: Ayes; All. Nays; None. Motion carried.

Meeting adjourned 7:40 p.m.

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Secretary