

MINUTES  
HAYES TOWNSHIP  
BOARD of APPEALS  
April 2, 1986

The meeting of the Hayes Township Board of Appeals was called to order by the acting chairman Betty Straw at 7:35 P.M.

Members present: Betty Straw, Lloyd Kuebler, Fred Parsons, William Henne, Richard Rathke.

Others Present: Ron Graybiel- Clerk, Ethel Knepp- Zoning Administrator, Vern Goodwin- Builder representing Mr. Shacket.

Purpose of the Hearing: An appeal for a variance from Section 5.13, Shoreline Protection Strip, as it pertains to setback from normal high water level. The property is Lot #49 of Michigan Shores Subdivision, owned by Rodney Shacket, 2001 W. Eight Mile, Detroit, MI. 48203. Property Tax Code #1507-400-049-00. Present Zoning District Classification: R-2.

Present Ordinance reads as follows:

**A. Shoreland Protection Strip**

No building or structure, except docks or launch ramps shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream or creek within the Township. In addition, a strip of land thirty-five (35) feet wide from the normal high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water.

Vern Goodwin was asked to explain the reasons for the variance request. He explained that to add to the house on the south side would be cost prohibitive and would impose a hardship on his client, and that enclosing the existing deck on the north side or lake side would not create any danger of increasing erosion. Also, he felt that since many of the adjacent homes were also that close to the lake, that his client should be allowed to build closer to the lake.

It was noted that according to the Zoning Administrator's Report (attached) the porch was 37'-6" from the lake, and 5'-1" from the edge of a steep bank. Board member Fred Parsons felt that the house was closer than that according his measurements.

It was noted that most of the homes in the Michigan Shores Subdivision, including Mr. Shacket's, were built before Zoning in Hayes Township went into effect.

Fred Parsons commented that he thought it would be more appropriate to build off the back of the house regardless of cost rather than make a bad situation worse.

Ron Graybiel said that given the latest developments in the lake levels and shore erosion problems, (Lake levels are at record high levels, and expected to rise even more) it would be irresponsible to allow someone to build even closer than was already considered too close. It would place the house in even greater danger of falling into the lake. To loose a deck to the elements would be a shame, but to loose the home would be a disaster.

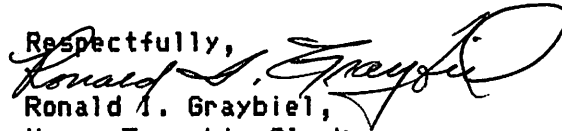
It was noted that many small trees had already been cut within the 35' Protection Strip, creating more danger of erosion. Both, Mr. Goodwin and Ethel Knepp said that Mr. Shacket had already agreed to replant the area.

Fred Parsons moved that the Hayes Township Board of Appeals deny the request for a variance from Section 5.13 because it already is non conforming to the fifty (50) foot setback requirement, and that it would only make a bad situation worse. (allowing expansion on a non-conforming use)

William Henne supported the motion.

Roll call vote: Ayes; Lloyd Kuebler, Betty Straw, Fred Parsons, William Henne, Richard Rathke. Nays; None. Motion carried. Variance denied.

The meeting was adjourned at 8:05 P.M.

Respectfully,  
  
Ronald L. Graybiel,  
Hayes Township Clerk