

MINUTES
HAYES TOWNSHIP
ZONING BOARD OF APPEALS
August 2, 1989

The meeting of the Hayes Township Zoning Board of Appeals was called to order at 7:34 p.m. by Chairman, Fred Parsons.

Board members present were James Waier, Betty Straw, Lloyd Kuebler, Fred Parsons. William Henne was absent. Also present was Monte Hunt, Zoning Administrator, David and Elizabeth Strawbridge, and Al Ranger.

The purpose of the hearing was to hear a request for a 30 foot variance (lakefront setback) and 3 foot variance (elevation) from Section 5.13A of the Hayes Township Zoning Ordinance. The request is from David and Elizabeth Strawbridge for property located in Section 30, tax code number 007-119-029-10.

David Strawbridge advised the Board that the original house was built fifteen (15) years ago, fifty (50) feet from the lakeshore, on four (4) acres of land and is in need of improvement and enlargement. The original house will be torn down if the variance is granted, because it would be less of an impact on the lake. The applicant proposes to construct a 60' x 60' house, with a 12' deck attached to the front, and an attached garage. The site plan presented had the deck located 58' from the ordinary high water mark. David Strawbridge indicated that he was not aware the deck had to meet the setback requirements as part of the structure.

The Department of Natural Resources and Corp of Engineers have issued wetland permits indicating all wetlands are behind proposed construction site.

James Waier read Section 7.05C of the Hayes Township Zoning Ordinance to determine if the request met the criteria required. There was a lengthy discussion on whether to request an alternate plan. Monte Hunt, Zoning Administrator suggested that the proposed plan will be more in conformance with the Zoning Ordinance than the existing dwelling is.

Lloyd Kuebler moved to grant the 30' lakefront variance with the condition that the deck and garage would be constructed no closer than 70' from the ordinary high water mark, and the present dwelling would be torn down, because the request will not be contrary to the public interest or spirit and intent of the zoning ordinance, will not permit the establishment within a zoning district any use which is not permitted in that district, will not cause any adverse

effect to property in the vicinity or in the zoning district or the township, relates only to property that is under control of the applicant, and wetlands location makes property subject to exceptional circumstances; not a result of act of the applicant. Motion Seconded by Betty Straw. Roll call Vote: Ayes, Lloyd Kuebler, Betty Straw, Fred Parsons. Nays, James Waier. Motion carried.

Lloyd Kuebler moved to grant the 3' elevation variance. Motion seconded by Betty Straw. Roll call vote: Ayes, Lloyd Kuebler, Betty Straw, James Waier. Nays, none. Motion carried.

James Waier moved to adjourn the meeting at 9:23 p.m. Motion seconded by Lloyd Kuebler. All ayes.

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Clerk