

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
HEARING
FEBRUARY 26, 1997

The Zoning Board of Appeals Hearing was called to order at 7:34 P.M. by Chair Jerry Simpson at the Hayes Township Hall, 09195 Old 31, Charlevoix.

Zoning Board of Appeals Members present were Doug Kuebler, Jerry Simpson, Joe Rivard, and Robert Alexander.

Also present were Zoning Administrator Ethel Knepp, Kevin J. Whitley, and John Furgeson.

The purpose of this hearing is to hear a request for variances from Section 4.13. Louis Rauh is requesting variances to allow him to combine four non-conforming parcels and then divide the property into two new parcels. Property Tax numbers are 15-07-119-026-10, 15-07-119-026-15, 15-07-119-026-20, and 15-07-119-028-60 located near 08068 Burns Drive with Lake Charlevoix frontage. The property is in the R-1 Zone. New parcel "A" will require a variance from 4.13c (lot size) because it will be less than 2 acres and a variance from 4.13b (width) because it will be less than 200 feet wide. New parcel "B" will need a variance from 4.13b (width) because it will be less than 200 feet wide.

John Furgeson, Land Surveyor, was present to represent Louis Rauh. John stated that the owner proposes to combine four lots of record and then split the property into two parcels.

Ethel Knepp provided the ZBA with a written background which stated " On August 1, 1962 three individual 100' parcels were described as separate parcels and were therefore considered to be 'lots of record' at the time the zoning ordinance was enacted."

Robert Alexander expressed concerns about granted variances which will make the new southern parcel marketable for a new home site.

Ethel Knepp stated that this proposal will add land to the southern 100 foot lot which will create an alternative building site off of the lake frontage which will improve the situation.

Doug Kuebler stated that the property owner has the right to have three homes if the property is left as is so the variances will create a better situation because only two homes will be allowed.

Joe Rivard stated that the proposal will improve the situation.

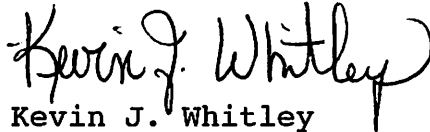
JOE RIVARD MADE A MOTION TO GRANT THE VARIANCES NECESSARY TO COMBINE THE FOUR PARCELS WITH TAX NUMBERS: 15-007-119-026-10, 15-007-119-026-15, 15-007-119-026-20, 15-007-119-028-60 AND THEN DIVIDE THE PROPERTY INTO TWO NEW PARCELS. NEW PARCEL "A" REQUIRES VARIANCES FROM SECTION 4.13B AND 4.13C AND NEW PARCEL "B" REQUIRES A VARIANCE FROM 413B. THE REQUEST WILL NOT BE CONTRARY TO THE PUBLIC INTEREST OR TO THE SPIRIT AND INTENT OF THIS ORDINANCE; THE REQUEST WILL NOT PERMIT THE ESTABLISHMENT WITHIN A ZONING DISTRICT OF ANY USE WHICH IS NOT PERMITTED BY RIGHT WITHIN THAT DISTRICT; THE REQUEST WILL NOT CAUSE ANY ADVERSE EFFECT TO PROPERTY IN THE VICINITY OR IN THE ZONING DISTRICT OR THE TOWNSHIP; THE REQUEST RELATES ONLY TO THE PROPERTY THAT IS UNDER CONTROL OF THE APPLICANT; THE REQUEST 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. MOTION SECONDED BY DOUG KUEBLER.

ROLL CALL VOTE:

DOUG KUEBLER YES
JOE RIVARD YES
ROBERT ALEXANDER YES
MOTION APPROVED UNANIMOUSLY.

HEARING ADJOURNED BY CHAIR JERRY SIMPSON AT 8:10 P.M.

Respectfully Submitted,


Kevin J. Whitley