

MINUTES
HAYES TOWNSHIP
ZONING BOARD OF APPEALS
January 7, 1987

The meeting of the Hayes Township Zoning Board of Appeals was called to order at 7:48 P.M. by Chairman Dan Berg. Board members present were Dan Berg, Betty Straw, William Henne, Fred Parsons, and Lloyd Kuebler. Ron Graybiel Township Clerk took the minutes. Others present included, Mr. & Mrs. Louis Rauh, Carl Price their builder, Ethel Knepp Hayes Township Zoning Administrator, and Paul Hoadley Township Supervisor.

The purpose of the Hearing was for an appeal for a variance to section 4.13 'Rear yard setback'.

Mr. Rauh presented the reasons for the request and a brief explanation of the events and procedures they had followed prior to this variance request. He stated that because of the rising water level of Lake Charlevoix his cottage was in danger of being flooded. Therefore, it was his intention to dismantle the cottage and rebuild it on higher ground. Because of the wetland nature of the property there was only one site on the property which would accomodate the cottage. The cottage would be dismantled to avoid damage to the property caused by heavy moving equipment. The Michigan Department of Natural Resources had denied their original request to move the cottage because it would necessitate filling wetland areas. A subsequent application, with the cottage placed closer to Burns drive, requiring less fill was approved by the DNR but this placement would require a variance to the Rear yard setback. (see attached documents 'A')

Mr. Rauh noted that while Burns Drive was in fact an access easment accross his property, that it had been blocked off beyond his property and the properties beyond him were serviced by another road now. The Road effectively ends at his property line, and he intends to approach those property owners to discontinue the easement.

Mr. Rauh presented photos of the property taken in the Summer of 1986, and also presented a list of answers to the criteria that the Zoning Board of Appeals uses to consider a variance. (see attached document 'B')

Ethel Knepp advised the Board that the Rauh's would need a variance of five (5) feet from the new requirement in section 5.13 that all buildings shall be constructed no lower than 590' above sea level.

After much discussion the Board concluded that the approach to the problem was the most reasonable.

Fred Parsons, therefore moved that the Zoning Board of Appeals grant the variance request for a fifteen (15) foot variance to the rearyard setback and a variance of five (5) feet from the 590' sealevel requirement to 585'. Reasons for the granting of the request are; there

are no alternate sites on the property to move the cottage to, the property owner's building is in jeopardy of being flooded through no fault of his own, and extreme care is being taken to protect the natural environment. Motion seconded by Bill Henne. Roll call vote: Ayes; Lloyd Kuebler, Betty Straw, Fred Parsons, Bill Henne. Nays; None.

The Board then conducted a business meeting for the purpose of electing officers. Ron Graybiel was asked to chair the meeting for the election of Chairman.

Ron Graybiel called for nominations for the position of Chairman of the Zoning Board of Appeals. Fred Parsons nominated Dan Berg for chairman, seconded by Betty Straw. There were no other nominations, and therefore a voice vote was called, All ayes, no nays, Dan was elected.

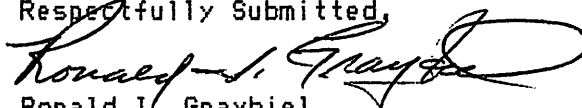
Meeting was turned over to Dan Berg for the remainder.

Betty Straw nominated Fred Parsons for Vice Chairman. Since there were no other nominations Lloyd Kuebler moved that the record show a unanimous vote for Fred Parsons for Vice Chairman with no objections. It was agreed.

Ron Graybiel asked that the Zoning Board of Appeals meet at times other than the first Wednesday of the month so that people would not have to wait unnecessarily long for an Appeal date. It was generally agreed that this was a good idea.

Meeting was adjourned at 8:30 P.M.

Respectfully Submitted,



Ronald I. Graybiel,
Hayes Township Clerk