

MINUTES
HAYES TOWNSHIP
ZONING BOARD OF APPEALS
May 7, 1986

The meeting of the Hayes Township Zoning Board of Appeals was called to order at 7:30 P.M. by Chairman, Dan Berg. All Board members were present. The meeting was then turned over to Township Clerk, Ron Graybiel for the election of a new chairman.

Betty Straw nominated Dan Berg for chairman of the Zoning Board of Appeals. No other nominations were made. Voice vote: all ayes, no nays; Dan Berg was elected chairman effective until the first Wednesday of May 1987.

Dan Berg then took over chair of the meeting and called for nominations for Vice Chairman.

Bill Henne nominated Fred Parsons as Vice Chairman, Lloyd Kuebler supported the nomination. No other nominations were made. Voice vote: all ayes, no nays; Fred Parsons was elected Vice Chairman effective until the first Wednesday of May 1987.

The Hearing for an Appeal for a Variance from Section 5.13 by Rodney Shacket was then called to order by Chairman, Dan Berg at 7:35 P.M.

Board members Dan Berg, Betty Straw, Lloyd Kuebler, William Henne, and Fred Parsons were present, as well as Ethel Knepp, Zoning Administrator, and Ron Graybiel, Township Clerk.

Rodney Shacket was present with his representatives, Art Ranger of Ranger Engineering, and Vern Goodwin, Builder.

Mr. Ranger presented an engineering report and reviewed a site plan with the Board. (see attached) The new site plan required the placement of new footings for the building of a 6' addition to the home.

Dan Berg Commented that he thought it was basically the same appeal.

Bill Henne stated that he felt the applicant could build on the back of the house without building any closer to the lake.

Rodney Shacket said he felt he was making the situation better not worse, and that not allowing the variance would create an undue hardship on himself. He said that he was, in effect, asking to shorten the perimeter of the house by removing an 8' deck and building a 6' addition.

Dan Berg read a letter from the Township Attorney, Tim Arner, in which he stated that he felt that it would be an enlargement of a non-conforming use and therefore should be denied. (letter attached)

Dan Berg then reviewed Sections 5.19(E), and Section 7.05(C) paragraphs 1,3, and 5.

For the purpose of the Hearing, Fred Parsons asked that we clarify which is the front of the house, lakeside or roadside. It was agreed that the lakeside of the house shall be referred to as the "front".

Fred Parsons presented a document called "Great Lakes Water Levels, a Briefing of Senators and Representatives from the Great Lakes Basin", which stated that the levels of the Great Lakes are expected to go even higher. This could cause trouble for Mr. Shacket in the future.

Dan Berg pointed out that neighboring houses are also closer than they should be therefore the Shacket house would not set a setback precedent.

Bill Henne said he felt that it was in fact a non-conforming use now, because it does not conform to section 5.13(A), and allowing him to expand would be negligent.

Art Ranger stated that the house was not in danger from erosion problems, and this addition wouldn't increase problems for future owners. The change would in effect bring the building back from the lake 2'.

Mr. Shacket asked that if the Board could not approve his variance based on the Ranger report and footings that he would ask that they consider a cantilever support system and a 3' addition to the house.

Betty Straw pointed out that the application asks for just that.

Bill Henne moved that the Variance be denied, because the applicant had not shown that the house conforms to the ordinance section 5.13(A), it would therefore be an enlargement of a non-conforming use, 5.19(A,E). Variance denied pursuant to section 7.05(C) paragraphs 1,3, and 5.

Discussion of the motion followed.

Ethel Knepp said that she felt that Mr. Shacket has shown that he was willing to cooperate and is even planting trees that he removed in the protection strip. She also pointed out that the house would not have been in violation about one year ago when water levels were lower, and the shoreline was farther out. Therefore she would have no problem in granting the variance to Mr. Shacket.

Dan Berg also felt that the Board should consider the height from the lake as protection from the erosion problem.

Lloyd Kuebler stated that the shoreline does consist of a shale layer which also helps deter erosion.

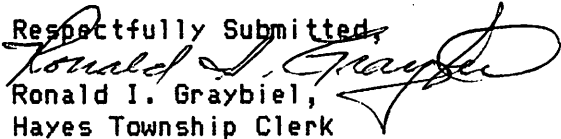
Bill Henne felt that the Board would set a bad precedent if they allowed the variance.

There was no support, therefore the motion died.

Fred Parsons moved that the Board approve the variance request, contingent upon a sketch from the applicant showing the plans for a cantilevered support system that would be presented to the Zoning Administrator for review. Motion supported by Lloyd Kuebler. Roll call vote: Ayes; Betty Straw, Lloyd Kuebler, Fred Parsons, Nays; Bill Henne. Motion carried.

Without any objections the meeting was adjourned at 8:50 P.M.

Respectfully Submitted,


Ronald I. Graybiel,
Hayes Township Clerk