

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
October 25, 1995

The meeting was called to order by Chairman Simpson at 8:45 p.m.

Zoning Board of Appeals members present were Jerry Simpson, Robert Alexander, Douglas Kuebler, Roger Stoppel, Steven Wilson, and Craig Golovich. Also present were Fred Parsons, Zoning Administrator, Letha Parsons, Jim Murray, Susan Schepperly, Mike Schepperly, George Case, Ethel Knepp, Kevin Whitley, and Paul Hoadley.

This hearing was called as a result of correspondence from Paul Hoadley, Hayes Township Supervisor, to Fred Parsons, Hayes Township Zoning Administrator dated October 9, 1995. This letter stated, in part, "I notified you by phone, on 10/01/95 to inspect the construction at Jerome Danhof's property (15-07-119-029-00) to decide if it conformed to the Zoning Board of Appeals variance. You inspected the property on 10/02/95 and called me to report that there were no discrepancies with the ZBA variance. I asked if expanding the perimeter of the building was part of the variance. You said that the owner was just providing for insulation. I disagree with your determination and request that you schedule a Zoning Board of Appeals hearing to decide if your interpretation of their variance for Mr. Danhof is correct (per Section 7.05 A of the Hayes Twp. Zoning Ordinance) I have observed that the buildings foundation has been expanded to allow for new support walls outside the existing log walls and that a second story has been added. The second story rests on the new foundation. This was not part of the motion from the ZBA minutes on this subject. I will provide photos at the time of the hearing".

Jim Murray, Attorney for Jerry Danhof, stated that Jerry Danhof will be on the telephone so he can hear what transpires during the meeting.

Ethel Knepp submitted copies of the permit that was issued 6/25/95 to the Danhof's as well as a letter from Fred Parsons to Jerry Danhof, dated October 15, 1995, which notified the Danhof's that construction on their cottage on Lake Charlevoix was to stop. The notice also stated, in part, "I have a video of your renovation project and my concern is with the 10 x 20 foot deck area that appears to be a closed in porch or room". Ethel also submitted copies of a letter from Jerry Danhof, letter from Construction Services In His Image, Inc, and elevation drawings of the structure. Ethel stated that Jerry Danhof had called her after receiving the notice of hearing. He stated that they had a permit to construct a 9-9 1/2 x 28 foot addition, raise roof for loft, and 10 x 20 foot screened deck/porch. He also stated that the elevation drawings were available for the ZBA members to review at the May 17, 1995 hearing.

It was the consensus of the ZBA members that the elevation drawings **WERE NOT** viewed, nor were they available to be viewed, at the May 17, 1995 meeting.

Paul Hoadley presented photographs of the expanded walls. He stated that a foundation has been constructed six (6) feet from the building with walls to support the upper floor. There is also 2 x

4's surrounding the cabin, which Mr. Danhof calls "furring strips" that will be used to add insulation and siding. This is an expansion of the building.

Jim Murray stated that he didn't agree with Hoadley's interpretation because the contractor needs strips to flush walls.

Robert Alexander, who didn't attend the May hearing, asked if the ZBA had allowed expansion of a nonconforming building? Reading from the Minutes of May 17, 1995 "application for a 75 foot and 25 foot variance from Section 5.13A of the Zoning Ordinance. Section 5.13A requires a 100 foot setback from the shoreline as well as requiring a 50 foot Shoreland Protection Strip. The existing home is situated approximately twenty five (25) feet from the Lake Charlevoix Shoreline". Jim Murray stated that the Danhof's didn't request a 75 foot variance. Jerry Simpson stated that at the hearing Mr. Danhof planned no expansion on the lake side of the cabin. . . . only in the back. . . . and the ZBA can only give dimensional variances, or interpretations, so the 75 foot variance is a result of the existing cabin being 25 feet from the lake and 25 feet into the Shoreland Protection Strip.

At the May 17, 1995 hearing a motion was passed "a variance be granted to construct a 9' x 28' addition to the rear of the cottage as well as a 10' x 20' deck on the north end of the cottage".

Roger Stoppel stated that the new construction is a violation and contradiction of what was approved by the ZBA. The upper floor and roof are setting on new 2 x 4 walls.

Fred Parsons stated that he considers the 2 x 4's to be furring strips to support the siding and insulation.

Steven Wilson stated that the May 17 Minutes include a phrase "will be required to use a floating slab as the roof can be raised over the loft area only" in the paragraph where Mr. Danhof is presenting his case. Steve added that he was under the impression that the roof line may be changed, but the ZBA did not agree to a 2nd story addition.

Jim Murray stated that if the ZBA does anything adverse to Danhof, please table the matter until he can be here or if they rule in favor of the Danhof's then go ahead.

Paul Hoadley stated that the ZBA needed to first determine if the Zoning Administrators interpretation of the ZBA variance for this property is correct and second determine what needs to be done to resolve the matter.

Ethel Knepp stated that she presented a copy of the permit that was issued to the Danhof's, which stated under type of improvement, "addition 9-9 1/2 x 28 foot, raise roof over loft, 10 x 20 foot screened deck/porch". This permit also included, next to Explanation, "addition & (can't read) & over roof line", and an asterisk *As per May ZBA. She asked the ZBA members to respond to

"should the Zoning Administrator assume that the Danhof's would even notice the asterisk, or would it be reasonable to think that because the type of improvement is described, without being crossed out, that that's what they were allowed to do"? In other words "is the permit valid"?

The ZBA members stated it would be reasonable for the Danhof's to assume, by the Explanation on the permit, that they were allowed to do what they had done, however, it was also their responsibility to read the Minutes of the May 17, 1995 hearing.

Fred Parsons stated that he got some legal advice which was that the asterisk was important, however, because he didn't cross out the items under Type Of Improvement it was a valid permit.

Fred Parsons presented a video of the cabin under construction.

Jim Murray stated the furring strips do not add to the structure of the building, the roof raising was discussed, and the applicant did not ask for a 75 foot variance.

Jerry Simpson stated it appears the deck has become a part of the house.

Robert Alexander stated that he did not agree that a "deck" was the same as an enclosed porch. He wants to make sure this porch is **screened only** and not an enclosed porch that could be used as an additional room.

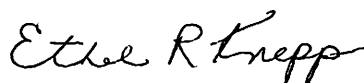
A motion by Robert Alexander, supported by Douglas Kuebler, to acknowledge the existing structure is in non-compliance with the May 17, 1995 Zoning Board of Appeals variance, the Zoning Board of Appeals will modify the variance to allow applicant to build a 9-9 1/2 x 28 foot addition to the rear of the cabin, raise roof over loft, 10 x 20 foot screened deck/porch, as indicated on permit issued 6/25/95, and to include an additional 6 inch wall on lakeside of cabin.

Roll call vote. Ayes: Robert Alexander, Douglas Kuebler, Roger Stoppel, Steven Wilson, Craig Golovich. Nays: None. Motion carried.

Meeting adjourned 10:30 p.m..

These Minutes were taken by Kevin Whitley and compiled by Ethel Knepp.

Respectfully,


Ethel R. Knepp, Clerk