

**ZONING BOARD OF APPEALS
JUNE 1, 2009**

MEMBERS PRESENT: John Lowe, Dan Lowe, Larry Fillinger, Dan Rossbach, and Linda Manson-Dempsey

MEMBERS ABSENT: None

CALL TO ORDER

John Lowe called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

November 10, 2008 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Fillinger seconded. **Motion carried 5-0.**

NEW BUSINESS

ZBA Case #01-09—George Alder, 5493 W. Coon Lake Rd., Tax ID #4710-19-300-029

Mr. Alder presented his case to the ZBA members. He is asking for a variance to Section 6.07 #3—Accessory Structure in Front Yard. The parcel is approximately 2.5 acres and the house is built on the back of the lot. There is no room for a pole barn behind the house. Larry Fillinger asked if the parcel could be split in the future. Annette McNamara said the parcel isn't large enough to be divided. John Lowe said it's difficult to tell exactly where the lot lines are and suggested Mr. Alder get a boundary survey to ensure the pole barn meets the setbacks. Ms. McNamara said she could provide Mr. Alder with names of three or four surveyors.

Call to the Public

None.

Motion

Linda Manson-Dempsey motioned for ZBA Case #01-09, George Alder, Tax ID #4710-19-300-029, to grant a variance to Section 6.07 #3—Accessory Structure in Front Yard, considering the following criteria:

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *The pole barn cannot be put behind the house due to the location of the house on the property.*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The original owners put the house at the back of the lot without enough room for an accessory structure.*
3. The conditions and circumstances unique to the property were not self created. *The circumstances were not self-created.*
4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *Other properties similarly situated would be allowed to put an accessory structure on the property. Due to the terrain, water table and location of the house, Mr. Alder is unable to put it behind the house.*

5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Accessory structures are allowed.*

6. The difficulty shall not be deemed solely economic. *The difficulty is not economic.*

Larry Fillinger seconded. Roll call vote: Fillinger, Manson-Dempsey, Rossbach, J. Lowe, D. Lowe—all yes. **Motion carried 5-0.**

CALL TO THE PUBLIC

Brent Walker, Fisk Road, said he wants to put on a new front porch and was red-tagged by the Livingston County Building Department. His application for a Land Use Permit was denied by the township because it doesn't meet the front-yard setback requirement. His entire project will only cost about \$500 and he feels the \$400 fee for the variance request is too high. John Lowe said the Zoning Board of Appeals doesn't set the fees and Mr. Walker will have to go the Board of Trustees. The next Board meeting is June 11, and the deadline for the July ZBA meeting is Monday, June 15. The ZBA members asked the zoning administrator to request the date for the July ZBA meeting be changed to July 13. Ms. McNamara said the MSU Extension has a presentation on making motions for the ZBA members if they're interested. John Lowe said he would like to have something scheduled for the next meeting.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn the meeting at 8:05 p.m. Larry Fillinger seconded. **Motion carried 5-0.**

ZONING BOARD OF APPEALS - DECEMBER 7, 2009

MEMBERS PRESENT: John Lowe, Dan Lowe, Larry Fillinger, Dan Rossbach, and Linda Manson-Dempsey

MEMBERS ABSENT: None

CALL TO ORDER

John Lowe called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

June 1, 2009 Regular Meeting: Larry Fillinger motioned to approve the minutes as presented. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

NEW BUSINESS

ZBA Case #02-09—Daniel Strong, 771 Hurley Dr., Tax ID #4710-35-301-029

The applicant, Daniel Strong, was present on behalf of this case. He is seeking a variance for a roof to cover his hot tub and for a shed. The encroachment is on a portion of Ridge Road that has been closed. In 1949, the property owners signed an agreement closing the road and filed it with the county Register of Deeds. However, the plat was never changed. Dan Lowe said he feels that the applicant and the other property owners should apply for adverse possession of the property. Dave Hamann, 870 Hurley Drive, said there are only two ways to replat. One is the property would be dedicated to all owners of the plat and the other is for the local governing body to pass a resolution notifying property owners. Dan Lowe said he talked with

the township's attorney who felt the best way to pursue this would be to table the variance request until the property owners can pursue adverse possession.

Gary Brakoniecki, 833 Hurley, said he is the former president of the lake association and that Mr. Hamann told him the road was officially closed.

Janet Ladzinski, 741 Hurley, asked for clarification on whether all owners would need to agree.

Frank Ladzinski, 761 & 741 Hurley, said the difference between Hurley and Ridge is that Hurley has been and is still used as a road, and there's no comparison between the two roads.

The ZBA members told Mr. Strong that they cannot grant a variance on property that doesn't belong to him. Mr. Ladzinski said that he owns the adjacent parcel and he doesn't oppose the variance request. Linda Manson-Dempsey motioned to table ZBA Case #02-09 (Part A) for six months to allow the applicant to pursue adverse possession and documentation of ownership of the unused 25' right-of-way formerly known as Ridge Road that crosses between lots 19 and 37, and to follow-up at the June 2010 ZBA meeting, if not sooner. Larry Fillinger seconded.

Motion carried 5-0.

Dan Rossbach motioned to table ZBA Case #02-09 (Part B) for up to six months for a shed on the north side of the property, pursuant to Section 8.04 E 3 a #2 and #3, and applicant will provide detailed drawings. Larry Fillinger seconded. **Motion carried 5-0.**

ELECTION OF OFFICERS

Larry Fillinger motioned to nominate John Lowe as chairman. Linda Manson-Dempsey seconded. Roll call vote: Fillinger, Manson-Dempsey, Rossbach, D. Lowe—all yes. **Motion carried 4-0** (J. Lowe abstained.)

Larry Fillinger motioned to nominate Linda Manson-Dempsey as vice chairman. Dan Rossbach seconded. Roll call vote: Fillinger, Rossbach, J. Lowe, D. Lowe—all yes. **Motion carried 4-0** (Manson-Dempsey abstained.)

Larry Fillinger motioned to nominate Dan Lowe as secretary. Dan Rossbach seconded. Roll call vote: Fillinger, Manson-Dempsey, Rossbach, J. Lowe—all yes. **Motion carried 4-0** (D. Lowe abstained.)

CALL TO THE PUBLIC

None.

ADJOURNMENT

Larry Fillinger motioned to adjourn the meeting at 9:20 p.m. Linda Manson-Dempsey seconded. **Motion carried 5-0.**