

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES OF AUGUST 7, 2014

Call to order at 7:00 p.m.

Roll Call: Benak, Halstead, Lake, Bowen, Lyons

Also in attendance: Recording Secretary MacLean and Zoning Administrator Habedank plus 3 in audience.

Open Public Hearing at 7:02 on Appeal #A-14-001, of applicant: Andrew & Jill Sill of 1756 St. Joseph St., Traverse City, Michigan, regarding parcel 28-13-390-008-00, 560 Island Lake Dr., Traverse City, Michigan, currently owned by Michael & Anne Gordon, 305 E. Duncan, Manchester, Michigan, 48158.

Requesting a Dimensional Variance of 15' from Article 12.11, specifically the front yard setback requirement of 30'.

Zoning Administrator Presentation: Habedank: Notices were sent out and posted July 22, 2014. This is Lot 8 in the Island Lake sub-division. Practical difficulties are due to the steepness of the lot. The road does not run in the center of the road right of way.

Petitioner Presentation: Andy Sill, 1756 St. Joseph St., in East Bay Township.

Island View Drive is not in the center of the right of way. The setback requirements in the zoning ordinance were intended for a larger lot. The pattern of development has been wells in the front yard and septic in the back. Building within the set-back area would require a much steeper drive-way with more run-off issues. This project is strictly in the discussion phase, no plans have been set and no one has been commissioned to do any work.

Six points

#1 The special conditions are particular to the property, steep slope, etc.

#2 15' variance, with possible wording indicating a set back from the center of road.

#3 Special conditions are because of the way the whole sub-division was platted in the first place.

#4 Compliance with set-backs are impractical since the lots are so small and the development pattern of the neighboring properties and the steep slopes of the parcels.

#5 Discussed with many, not a single potential detriment has been presented. Keeping home back from lake could be nicer for neighbors.

#6 The spirit of the front yard set-back was to keep it 30' from the road and that will be maintained even with the variance, however, because the road is not in the center of the road right-of-way it will not be the minimum from the road right-of-way. Additional piece of information received from the county health department, Dan Thorell, endorses.

Suggests building into the setback 10 feet or maybe more depending on the site plan.

Lake question: How close to the bulldozer cut? The bulldozer cut is all on this property.

Report on site visits:

Lyons: Marked well, it is a steep lot.

Benak: It is a very steep hill. It appears the same thing has happened on each side of this lot.

Bowen: Found a large paper wasp nest. Is the shed part on the property? It is on the side yard setback.

The bench is on the neighbor's property.

Lyons: Ravine is there. It was created in the 1970's, makes for a nice foot path to the water.

Lake: Question: Plan to have a basement? Yes, a walkout basement, will build up the bench.

Halstead: Very steep.

Correspondence: None

Public Comment in Favor of Appeal: John Mater, 302 Island View Dr., President of the Island Lake Association. Only concern deals with the septic system. Well on top, septic down below. Looks like the septic system will be 75' from lake. Lake level is up this year. There is some erosion happening at the water and he will want some sort of retaining wall. The setback from the road right-of-way will not cause any problems. No problems from the association. The easement has always been a

question, you can put things on the easement but the road will be staying the same width (at least for now).
Lyn DeLong, 722 Island View Dr., do not see any foreseeable problems. Do not have a problem.

Public Comment in Opposition of Appeal: None

Any Comment on this Appeal: Lyn DeLong, there has been a number of figures and measurements. The variance request is stated as 15' from setback, edge of the road right-of-way. The ordinance indicates it should be from the front lot line.

Petitioner's request is 45' from the center of the road.

ZA: Requested a 15' variance from the lot line.

Lyn DeLong: Road easement and lot lines are different and difficult.

Close Public Hearing on Appeal A-14-001

Discussion:

Bowen: This looks very much like other ZBA situations in the Island Lake area.

Lake: Setbacks from center of the road right-of-way? Road was plotted one way and laid another way. The road is not in the center of road right-of-way. Everyone has always been very understanding of the situations.

Standards of nonuse or dimensional variance:

1. Special or unique conditions, lay of the land/steepness: Consensus: Yes.
2. Interpretation of this ordinance: Consensus: Yes.
3. Special conditions not from the actions of the applicant: Consensus: Yes.
4. Granting of variance will meet the intent of the ordinance: Consensus: Yes.
5. Granting of variance will not cause harm to others: Consensus: Yes.
6. The spirit of the ordinance shall be observed, public safety secured and substantial justice would be done: Consensus: Yes.

Findings of Fact:

1. Special or unique conditions, lay of the land/steepness: Consensus: Yes.
2. Interpretation of this ordinance: Consensus: Yes.
3. Special conditions not from the actions of the applicant: Consensus: Yes.
4. Granting of variance will meet the intent of the ordinance: Consensus: Yes.
5. Granting of variance will not cause harm to others: Consensus: Yes.
6. The spirit of the ordinance shall be observed, public safety secured and substantial justice would be done: Consensus: Yes.

Conclusion: Looks appropriate based on the findings of fact, the customary use and health, safety and welfare are not in jeopardy.

Decision: Approve request.

Motion by Lake to grant the variance of 15' to the front yard setback from Article 12/11, second by Benak, based on the findings of fact.

Roll call: Halstead-yes; Lake-yes; Benak-yes; Lyons-yes; Bowen-yes. All in favor. Motion carried.

Adjournment at 7:50 p.m.

Respectfully Submitted by Recording Secretary MacLean