

APPROVED
MEETING
GLEN ARBOR TOWNSHIP BOARD OF APPEALS
Thursday, August 23, 2018 at 1 pm
GLEN ARBOR TOWNSHIP HALL

PRESENT: Don Lewis, Harvey Warburton, Denny Becker, Bill Freeman, Pam Lysaght, Zoning Administrator Tim Cypher, Recording Secretary Dana Boomer

ABSENT: None

GUESTS: 4

CALL TO ORDER: Chairman Bill Freeman called the meeting to order at 1:00 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Lewis moved, Becker seconded to approve the agenda as presented. All in favor, motion carried.

CONFLICT OF INTEREST: None

APPROVAL OF MINUTES: Lysaght moved, Becker seconded to approve the minutes of July 12, 2018 as presented. All in favor, motion carried.

PUBLIC COMMENT: None

The public hearing was opened at 1:02 pm.

1. **ZBA Case #2018-02** - Cynthia Dougal requests a variance from Zoning Ordinance Sections IV.5, IV.6 and V.2, for a 6.5 foot reduction in the 40 foot highway right of way setback and a 3 foot reduction in the 40 foot waterfront setback. The property is zoned Residential 2; tax ID 45-006-134-009-00. The parcel is located at 7213 S. Glen Lake Road, Glen Arbor, Section 34, T29N, R14W, Leelanau County, Michigan.
 - a. Presentation by Applicant – Peter Fisher, realtor, presented on behalf of the applicants. This is an old cottage, which needs to be altered to bring it into the 21st century, especially with regards to bedroom/bathroom sizes and accessibility issues. It is up for sale, but several prospective buyers have had concerns about the possibility of making changes to the building and the difficulty of doing this within the existing setbacks. Ms. Dougal and a prospective buyer have put together this proposal, requesting variances to the required setbacks from the highway and waterfront.
 - b. ZBA Questions/Discussion with Applicant – The board reviewed the existing and proposed site plans, and asked several questions of the applicants. It is already a non-conforming structure, and a variance was previously approved to allow the erection of a garage. The board and Cypher discussed how this being a non-conforming structure effects the request for a variance. It would be possible to add an ADA-conforming bedroom and bathroom to the structure within the setbacks by adding a “shotgun” type addition, but the applicants feel that this would be aesthetically displeasing and ruin the historic and visual appeal of the structure. A square addition would be more in keeping with the nature of both the

existing cabin and the existing neighborhood, and in the view of the applicant would be more historically accurate.

c. Public Comment (limited to two minutes per person unless extended by ZBA) – Andy Dotterweich stated that he feels the proposal is quite reasonable. The alternate proposal for a “shotgun” addition would look like a singlewide and not blend with the character of the neighborhood – it would not be fair to either the applicant or the neighbors.

d. Applicant’s Response to Public Comment – None

e. ZBA Discussion with Staff (if required) – None

f. ZBA Deliberation/Findings of Fact

IV.4.a: There are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

Lewis: Met

Warburton: Met – The shape of the lot and the bifurcation by the highway *fact that it is bisected by the road* create practical difficulties.

Becker: Met

Freeman: Met

Lysaght: Met

IV.4.b: A genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.

Lewis: Met

Warburton: Met

Becker: Met

Freeman: Met – The narrowness and bifurcation of the property create genuine practical difficulties.

Lysaght: Met

IV.4.c: The hardship or special conditions or circumstances do not result from actions of the applicant.

Lewis: Met

Warburton: Met – The applicants have not created the *size shape* of the lot or the bifurcation.

Becker: Met

Freeman: Met

Lysaght: Met

IV.4.d: The variance will relate only to property under control of the applicant.

Lewis: Met

Warburton: Met

Becker: Met

Freeman: Met

Lysaght: Met

IV.4.e: The variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

Lewis: Met – From a historic point of view, there have been numerous variances of this sort requested and approved in this neighborhood. That makes the approval of this request consistent with the existing neighborhood.

Warburton: Met

Becker: Met

Freeman: Met – The proposed addition will blend with the neighborhood, and not impose on the neighbors.

Lysaght: Met

IV.4.f: Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Lewis: Met

Warburton: Met

Becker: Met

Freeman: Met

Lysaght: Met

IV.4.g: The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

Lewis: Met

Warburton: Met

Becker: Met

Freeman: Met

Lysaght: Met – While there is an alternative that would fit within the setbacks, it would not fit with the historic nature of the cottage or neighborhood.

IV.4.h: The variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district.

Lewis: Met

Warburton: Met

Becker: Met

Freeman: Met

Lysaght: Met

Motion on the Request – Board Discussion –

Harvey Warburton moved to approve the Dougal dimensional variance request #2018-02 as presented in the application, which includes the setbacks from the highway and waterfront, due to the findings of fact as discussed during this Public Hearing. Don Lewis seconded. There was no discussion.

Call the Question – A roll call vote was taken. **In favor: Pam Lysaght, Bill Freeman, Don Lewis, Harvey Warburton, Denny Becker. Opposed: None. All in favor, motion carried.**

The public hearing was closed at 1:21 pm.

OTHER BUSINESS:

Bylaws –

Section 3, on page 1 & 2, there is a conflict in the wording between whether a Township Board member may be an alternate. The sentence, “No alternate member may be either a member of the Township Board or the Planning Commission.” Was removed.

Section 10, “Call or cancel special meetings as required” was changed to “call or cancel meetings as required”.

Section 13, “a majority of regular members of the ZBA is present” was changed to “a majority of the members of the ZBA are present”.

Dennis Becker moved to approve the bylaws as modified; Harvey Warburton seconded. All in favor, motion carried.

After a meeting is held to approve the minutes from this meeting, a notice will be run in the paper to notify the public of the new bylaws. After this notice is run, the bylaws will go into effect.

PUBLIC COMMENT: None.

ZBA COMMENT: One of the Board of Review members recently passed away. Andy Dotterweich has been named as the new member.

Cypher notified the ZBA that there may be an upcoming case, and reminded them to refrain from ex parte communication on issues that may come before the ZBA. The ZBA briefly discussed this and past cases.

ADJOURNMENT: Lewis moved to adjourn the meeting, Freeman seconded. All in favor, motion carried. With no further business, Bill Freeman declared the meeting was adjourned at 1:36 p.m.

Respectfully submitted,

Dana Boomer

Recording Secretary