

MEETING  
GLEN ARBOR TOWNSHIP BOARD OF APPEALS  
Wednesday, June 12, 2019 at 1 pm  
GLEN ARBOR TOWNSHIP HALL

**PRESENT:** Don Lewis, Denny Becker, Bill Freeman, Zoning Administrator Tim Cypher, Recording Secretary Dana Boomer

**ABSENT:** Harvey Warburton, Pam Lysaght, Alternate Andy Dotterweich

**GUESTS:** 5

**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:** Lewis moved, Becker seconded to approve the minutes of December 11, 2018 as presented. All in favor, motion carried.

**PUBLIC COMMENT:** None

**ELECTION OF OFFICERS:** Becker moved, Lewis seconded to table the election of officers until more members are present. All in favor, motion carried.

The public hearing was opened at 1:02 pm.

1. **ZBA Case #2019-01** - Kurt Siegfried requests a variance from Zoning Ordinance Sections IV.5, IV.6, IV.23.1 and V.2, for a 28 foot reduction in the 40 foot road right-of-way setback. The property is zoned Residential 2; tax ID 45-006-720-014-00. The parcel is located at Lot 14, Hill Creek Drive, Maple City, Section 25, T29N, R14W, Leelanau County, Michigan.
  - a. Presentation by Applicant – Peter Fisher, realtor for an interested buyer in the parcel, and John Peppler, realtor for Siegfried, were present for the applicant. Fisher presented, summarizing the variance request, site plan and surrounding area. This parcel is currently vacant. The variance being requested would allow construction in the one location available for building on the property, due to the prevalence of wetlands on the property. Even this location will require a minor amount of additional fill to be brought in and pilings to be used. The DEQ will not allow additional fill to be used on other areas of the property to create a building envelope, due to the wetlands.
  - b. ZBA Questions/Discussion with Applicant – The board reviewed the application and proposed site plans, and asked several questions of the applicant. Freeman asked where cars would be parked. There is a one-car garage as part of the structure, one car could be parked behind that garage, and there would be a turnaround area in front of the front door. Freeman asked if the road to access the parcel and other nearby parcels will be expanded – it is currently a two-track. Fisher replied there are no

current plans to expand, but if it was, it would need to stay within the current 33' easement. The proposed house is approximately 1,200 sq. ft. The DEQ permit only allows building in the proposed location, and in no other locations on the property, due to the wetlands. The septic system will be a pump-back system to a location near Hill Creek Road, which is on file with the Health Department.

c. Public Comment (limited to two minutes per person unless extended by ZBA) –

Sue Forgione - She's not sure why he needs a variance. The existing homes built within the requirements of the Zoning Ordinance. It's hard to envision how the spacing of this will work, and still allow emergency vehicles. They like the wetlands and built to avoid needing variances. She is concerned about where the water diverted from the building envelope will go, as it is currently very wet. She is concerned that it will be diverted onto neighboring properties.

Julie Lattimore – 30 years ago it was not any easier to get permits from the DNR, and the existing homes are built within the ordinance requirements. There is another area by the main road that would be acceptable for building. It's not fair for the surrounding property owners to allow this variance. She disagrees with the DEQ and Chris Grobbel, who state that the proposed location is the only available building envelope on the property.

The board discussed with the public regarding the process for this application. The applicants have gone through the appropriate process for proposing to build on this property. The applicants have received a permit from the DEQ for the proposed location, and have had Chris Grobbel study the property with the same aims. The applicant has taken the information received from the DEQ and Grobbel and is requesting a variance in the setback. Becker stated that while they empathize with the public on not being aware of the DEQ process, that is not the focus of the hearing today.

John Hoagland – He thinks that the DEQ needs to improve their contact process for neighbors during their permitting process. He received his first notice of this proposal from Glen Arbor in the lead up to this meeting. He wants to make sure that the neighbors and emergency personnel have access to all of the necessary roads and driveways during the construction process, due to all of the trucks and construction personnel.

The public and board discussed the proposed location for the building.

A letter was received from Daniel Pierce and Pamela Zarkowski. They feel that this case, if approved, will set precedent for other vacant lots in this neighborhood. He empathizes with the application and feels that it is the only place to build on the lot. But they do feel they cannot necessarily fully endorse the application. A copy of the letter will be kept on file.

The public asked for the application to be tabled until they have the time to talk to the DEQ. The board stated that the DEQ permit has already been approved, or else this board would not be here today.

d. Applicant's Response to Public Comment – Fisher covered the site plans and maps, detailing the proposed building and small amount of fill. Pepler stated that there was an evaluation of the property conducted by Chris Grobbel, who studied the property to make certain that this is the smallest variance needed and will use the smallest amount of fill necessary. Pepler stated that this is a request to be able

to build within the setback from the road easement. It is not a request to encroach on the easement or to request the fill, as the fill has already been approved by the DEQ.

e. ZBA Discussion with Staff (if required) – Cypher summarized his staff report to the board. It will be up to him to determine adequate parking according to the Zoning Ordinance.

The public is concerned about the state of the road, and the effect that construction will have. Fisher stated that this is a private road with no maintenance agreement, but that the homeowners of the new property will be driving on it too, and so will be willing to work on the maintenance of the road. The board stated that it is a private road and so the requirement for the maintenance of the road is up to those who own the easement.

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

Becker: Met

Freeman: Met – The restrictions by the DEQ pose a practical difficulty and hardship.

**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

Becker: Met

Freeman: Met – The unique circumstances of the physical characteristics of the land make this a genuine practical difficulty.

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

Lewis: Met

Becker: Met – The hardship is due to the physical characteristics of the property, which the applicant did not create.

Freeman: Met

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

Lewis: Met

Becker: Met

Freeman: 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 -

Becker: Met

Freeman: Met – This will not detract from property values.

**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 – There are no other choices for a building envelope on the property, according to the DEQ.

Becker: Met

Freeman: 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 – The applicant’s plan is focused on the least amount of disturbance to the wetlands, in a small building envelope. This is not a huge house being planned. The proposal is more than reasonable.

Becker: Met – The house being proposed is only 1200 sq ft – the application is not trying to build a huge house.

Freeman: Met – This building envelope is set by the DEQ.

**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

Becker: Met

Freeman: Met

Motion on the Request – Board Discussion –

**Becker moved to approve the Siegfried dimensional variance request #2019-01 as presented in the application due to the findings of fact as discussed during this Public Hearing. Lewis seconded.** There was no discussion.

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

The public hearing was closed at 1:58 pm.

**OTHER BUSINESS:** Another ZBA meeting with public hearing has been set for June 27 at 1 pm. The minutes from this meeting will be approved then.

**PUBLIC COMMENT:** None.

**ZBA COMMENT:** None.

**ADJOURNMENT:** Lewis moved to adjourn the meeting, Becker seconded. All in favor, motion carried. With no further business, Bill Freeman declared the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Dana Boomer

Recording Secretary

DRAFT