

ONEKAMA TOWNSHIP
ZONING BOARD OF APPEALS
SPECIAL MEETING AND PUBLIC HEARING
WEDNESDAY, JUNE 7, 2017, 2 P.M.
ONEKAMA TOWNSHIP HALL

The hearing was called to order by Vice Chairman Dennis Beebe.

The Pledge of Allegiance was said.

Roll call: Chairman Tom Gerhardt was absent. Present were Vice Chairman Dennis Beebe, Secretary Jim Trout, Alternate Joann Hilliard, acting as a board member due to the absence of Chairman Tom Gerhardt, Recording Secretary Mary Lou Millard, Zoning Administrator Kris Philpot, Appellant John Bigler, Tim Morley, Bigler's builder.

MINUTES: Motion by Trout, second by Hilliard to approve the minutes of the Jan. 30, 2017 Organizational Meeting. Motion carried.

PURPOSE OF THE HEARING: Beebe explained the purpose of the hearing of Case No. 2017-01, Parcel No. 51-11-370-063-00 is to receive input on an amendment to a variance that was granted on Nov. 15, 2016. The Appeal, if granted, would permit an amendment to the original variance, granted on Nov. 15, 2016, to move an existing structure and place it within permitted setbacks. The amendment request is to tear down and rebuild the structure on the same footprint rather than move the existing structure. The variance was originally granted under Section 4202 (C) 2 of the Onekama Township Zoning ordinance of 1991 as amended.

PRESENTATION BY ZONING ADMINISTRATOR:

STAFF REPORT:

The application filed by Abonmarche for John & Barb Bigler, is essentially complete and the proper fee has been received. In accordance with the requirements of the Ordinance, the petitioner and the adjoining property owners have been duly notified by first class mail and the notice for this hearing posted.

STATEMENT OF REQUEST:

The Appeal, if granted, would permit an amendment to the existing variance to move a structure further off the road right of way, but still within the front setback area. The requested amendment would allow the existing structure to be razed and a new structure to be built on the same footprint that was previously granted under Section 4204 (C) 2 of the Onekama Township Zoning Ordinance of 1991 as amended.

HISTORY:

The property is an improved parcel located on an unpaved road, at 8804 Norwood Dr. John & Barb Bigler acquired interest in the property in January of 1989. It was placed in a revocable trust in 2005. On November 15, 2016 a variance was granted to move the existing structure further back off of the road but still within the setbacks.

FINDINGS OF FACT:

1. The subject parcel is located in Resort-Residential 3.
2. The subject parcel appears to be located within the Flood Plain Zone "C" designation.
3. MDEQ, Wetlands, Soil Erosion, and Health Department permits have not been issued and may be required before a land use permit could be issued.

CONFORMANCE TO STANDARDS :

The following statements are based on the standards imposed on the ZBA when reviewing an appeal for variance in accordance with Section 9603 of the Ordinance.

1. Do special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district?
2. Will literal interpretation of Sections 4204 (C) of the ordinance as related to a front yard setback deprive the owner of rights commonly enjoyed by other properties in the same district?
3. Are the special circumstances and conditions the result of actions by the applicant and considered self-created?
4. Will granting the variance alter the essential character of the area?
5. Does conforming to the zoning requirements create a practical hardship?

ADDITIONAL COMMENTS:

The applicant intends to present additional information during the public hearing.

Respectfully submitted,

Kris Philpot, Zoning Administrator

Copies To: ZBA members, J. Trout (P.C. Chairman)

PRESENTATION BY PETITIONER: Bigler said the original building was built with Transite, an asbestos product. When we began to remodel, we learned that 70 per cent of the building would have to be stripped. It was more environmentally responsible to take it down. We decided to use the same plan and the same footprint and get rid of the asbestos.

PUBLIC COMMENT IN SUPPORT: Joan Nicholson: I'm in favor of his project.

PUBLIC COMMENT IN OPPOSITION: None

CORRESPONDENCE: Letter was received from Richard Verplank in favor of the project. No correspondence in opposition was received.

Motion by Trout that based on previous approval of the variance, that this variance request be approved. Second by Hilliard. Motion carried.

PUBLIC COMMENT: None.

ADJOURN: 2:20 p.m.

Submitted by

Mary Lou Millard, Recording Secretary

Dennis Beebe, Vice Chairman

Jim Trout, Secretary