

MINUTES

Zoning Board of Appeals
Regular Meeting
September 13, 1999

Present: Jerry Bierschbach, Ray Colville, George Colby, Ken Devergilio and Howard Slasor
Absent: None
Guests: Ed Spayd - Zoning Administrator

1. Meeting called to order at 4:00 P.M.
2. Minutes of the August 9, 1999 meeting were approved as distributed.
3. There were no public comments on non-agenda items.
4. There was no old business.
5. Under New Business we had five (5) public hearings. Details (i.e. applications, letters, and supporting materials may be found in the zoning files) The results were as follows:
 - a. **Variance request #99-3 submitted by Robert Jolet of 7215 Birdie Drive** to add a 12 x 20 deck on to the back of an existing home which would be 23 feet from the rear property line....a variance of 12 feet. Mr. Jolet was represented by his builder Larry Sommer and there were no public comments. A motion was made by Howard Slasor and seconded by Ken Devergilio to approve this variance request because: (1) It is an irregular shaped lot so the plight of the property owner is due to the unique circumstances of the property. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The rear lot line is the golf course and they did not disapprove. **Motion passed 5 - 0.**
 - b. **Variance request #99-4 submitted by Emery & Kimberly BeBow of 325 Sequoia Lane** to replace an existing mobile home with a new manufactured home which would be 10.5 feet from the rear lot line.....a variance of 24.5 feet. The BeBows' were represented by his father, Jerry BeBow and there were no public comments. A motion was made by George Colby and seconded by Howard Slasor to approve this variance request because: (1) It is an irregular shaped lot so the plight of the property owner is due to the unique circumstances of the property. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The variance is only for one corner of the house and the rear lot line is a LIPOA park. (5) This allows them to live in

the existing home while the new one is built. **Motion passed 5 - 0**

- c. **Variance request #99-5 submitted by Carl & Cheryl Vogel of 624 Barcelona Drive** to replace an existing mobile home with a new manufactured home which would be approximately 30 feet on one corner and 32.5 feet on the other corner from the rear lot line.....a variance of 5 feet and 2.5 feet respectively. The Vogels' represented themselves. Neighbors Carl Walter and Ed Miller both advised they had no objections to the variance and felt the new home would be an asset to the neighborhood. A motion was made by Ray Colville and seconded by Howard Slasor to approve this variance request because: (1) They are placing the home as close as they can to the septic tank and two large trees. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The rear lot line is all trees and the neighbors in back have a shed about 6 feet from the line. **Motion passed 5 - 0**
- d. **Variance request #99-6 submitted by George Olsen of 8327 Barcelona Drive** to place an attached garage to his home which would be 20 feet from the front property line.....a variance of 15 feet. George stated his wife is disabled and this location allows her best access to the garage. The Olsens' represented themselves. Neighbors, Steve Fron, Gil Schafer, Terri Ott, plus Don & Linda Cobraggen were present and all advised they had no objections to placing the garage 20 feet from the front lot line. In addition, eleven (11) other neighbors signed a statement stating they had no objections to this variance. Letters were presented from Doctors Szelag and O'Grady confirming Mrs. Olsen's disability. A letter was also presented from the Olsen's attorney, Annette Skinner, stating in part she felt this variance constituted a "reasonable accommodation" request under the American with Disabilities Act (ADA) and the Michigan Persons with Disabilities Civil Rights Act. A portion of ADA, Title II-3.3000 was read which states public entities may offer benefits to individuals with disabilities beyond those required by the ADA, without incurring additional obligations to any other persons. A motion was made by Ray Colville and seconded by George Colby to approve the variance because: (1) A variance would do substantial justice to the applicant in view of the disability of his wife. (2) We are allowed to grant such a variance under the disabilities' laws and regulations. (3) There was no opposition and in fact overwhelming approval from the neighbors. **Motion passed 5 - 0**
- e. **Variance request #99-7 submitted by George Dunn of 505 Queensway Drive** to place a 10 x 10 x 12 foot storage building 25 feet from the waters edge....a variance of 10 feet. George Dunn represented himself and a neighbor, Marilyn

Dewey voiced concerns about the location since she felt it would obstruct their view from the rear of their home, which is the road side. Ed Spayd reported that another neighbor, Jack Walker, was not opposed to the variance. Mr. Dunn stated he felt the location selected was ideal since it would be placed in a clump of trees; would be professionally built and not be any eyesore in any manner, plus his lot is

- f. irregular in shape and this is the only location suitable without spoiling his view from the front (lake side) of his home. He could place it closer to the road and meet the setback requirement, but then it would be entirely visible from the road. New information was introduced regarding pine trees and a berm to be placed on the road side. In view of this new information, a motion was made by Ken Devergilio and seconded by George Colby to **table this request** so the board members could once again review the property. Motion passed 5 - 0. Board members will meet at the site at 10:30 A.M on Wednesday September 15, 1999.

Meeting adjourned at 5:10 P.M.

6. Our next meeting will be held on November 8, 1999 at 4:00 P.M. unless otherwise notified. No meeting is scheduled for October since Ken & I will be out of town.

Respectfully, Jerry Bierschbach - Chairman

(Zbam913)