

GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS
GOLDEN FELLOWSHIP HALL
9700 RILEY ROAD, INTERLOCHEN, MI
WEDNESDAY, SEPTEMBER 23, 2023

MINUTES

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE: Was recited by all.
3. ROLL CALL: Board members present were: E. Wilson, Dowlan, Haight, Marek and C. Wilson. Also present were Alycia Reiten, Planning and Zoning Director and Mary Jo Barck, Recording Secretary.
4. APPROVAL OF AGENDA: Motion by Marek, supported by Chair to approve the agenda as presented. Motion Carried.
5. APPROVAL OF MINUTES: Motion by Marek, supported by Chair to approve the minutes of the May 10, 2023 meeting as presented. Motion Carried.
6. CORRESPONDENCE: Haggard's Plumbing and Heating letter of support ZBA 23-007. Letter received from M. Bundra providing written comment on ZBA 23-007.
7. CONFLICT OF INTEREST STATEMENT: None on this date.
8. NEW BUSINESS:

ZBA 22-007 – A request for the granting of an extension to a previously approved variance to Article 8 Zoning Districts, 8.6 Table of Dimensional Regulations, Side yard setback, Note N: Minimum Side Setback Requirement in the Residential Districts shall be fifteen (15) feet or ten percent (10%) of the lot width, whichever is less, provided that no side yard shall be less than seven (7) feet, located at 4275 East Shore Drive, Grawn, MI and owned by Richard and Kathleen Bradley. The applicants are requesting an extension of a previously approved variance of 1.63 feet to the side yard setback for the addition of a bathroom.

Richard Bradley

4275 E. Shore Drive

The project is taking longer than expected. Contractors will not commit to addition, too small. They (Bradley's) are hoping to find a contractor within their budget. He is requesting a one-year extension.

Chair asked if Mr. Bradley feels it could be done in one year. Mr. Bradley answered that is his hope.

Marek commented the construction market is still tough.

Motion by Marek, supported by Chair to approve a one-year extension for ZBA 22-007. Marek stated for the record that the extension must still meet all requirements of original variance approval. Roll Call Vote: E. Wilson – yes, Dowlan – yes, Haight – yes, Marek – yes, C. Wilson – yes. Motion Carried Unanimously.

Public Hearing – ZBA 23-007 – A request for the granting of a variance to Article 4 General Provisions, 4.11 Accessory buildings and structures, 5. In the R-1, Village Residential, or the Lake Residential zoning districts, an accessory structure may be established without a primary structure provided that the accessory structure does not exceed 300 square feet in area and a variance to Article 8 Zoning Districts, 8.6 Table of Dimensional Regulations, Front yard setback 35 feet, located at 4407 Lake Avenue, Interlochen, MI and owned by Michael and Dawn Garn. The applicants are requesting a variance of 525 square feet to the maximum accessory structure size and a variance of 15 feet to the front yard setback to build a garage.

Dawn Garn (Michael Garn via telephone) 4407 Lake Avenue

Ms. Garn said the request to build a garage is mainly due to the winter weather. This size will have enough space for their vehicles (two). Only 16% of the lot will be covered by the garage. The setbacks requested can be met, 35 feet from Lake Avenue and 20 feet from Pine St. Mr. Garn added he is still waiting for Grand Traverse Environmental Health to determine required setback distance from septic field.

OPEN PUBLIC HEARING: 6:11 p.m.

David Fitzpatrick 4398 Lake Avenue

Mr. Fitzpatrick said he was surprised by the size of the garage. Most homes in the neighborhood are 720 square feet. This building would be 8 feet from his carport, with a 10-foot eve he will have no south exposure any longer, especially if setback is granted on Lake Avenue. Mr. Fitzpatrick would like to keep the character of the neighborhood and 300 square feet would keep that. He added the Garns are good neighbors, great people and he hopes to maintain that friendship, he doesn't like saying how to use a lot. There is already a storage shed and drainfield on the property in question.

CLOSE PUBLIC HEARING: 6:16 p.m.

DISCUSSION:

Mr. Garn added other structures on the road have similar buildings. Don't understand how this will change the character.

Chair asked how close drainfield is to proposed garage, staff drawing shows five feet – would like confirmation.

Chair asked if a one car garage would work. Mrs. Garn said it wouldn't work; they have two vehicles.

Chair feels 5 feet is too close to drainfield and already outside of setback.

Marek said between building codes and health department, he cannot see a variance working.

Review of Article 15, Section 15.4 Variances.

Strict Compliance:

Marek stated practical difficulties exist with strict use. The ordinance is in place to protect other property owners. Three hundred square feet is the maximum size for accessory structure, without a residence. Chair asked when the property was purchased. Ms. Garn said six years ago, they purchased home lot first and the property (under consideration tonight) was bought six-seven months later. They have spent three years remodeling, wanted to retire here.

Substantial Justice:

Marek said the first part of the statement is true – will do substantial justice to the applicant, but in this case not the neighborhood.

Lesser Relaxation:

Marek spoke with several experts regarding the road between the lots and if any relief could be granted, if lots could be joined. However, they are two separate lots and will remain two separate lots – road between. He feels #3 is met. Marek complimented staff on a great job before bringing this to us.

Unique Circumstances:

Chair said this is a small lot, but there are no large lots in the neighborhood.

Marek said without a residence on the property, and Garn's would need to meet the 500 foot minimum – is not the fault of the parcel. Both Marek and Chair agreed that #4 is not met.

Strict Compliance:

Marek said the applicants chose two parcels, separated by the road – which was established in 1924. Zoning allows residential structures to have a large accessory building. The ordinance was in place when the property was purchased and communications show it was purchased with the intent to add a drainfield.

Chair asked if there was room on the lot with the house to put a garage. Mrs. Garn said no, too close to neighbors.

E. Wilson commented a lesser size garage would be a real challenge, only one car and not much room to store anything.

DECISION:

Motion by Marek, supported by E. Wilson to deny the request of the applicant based on Article 15, Section 15.4 and not meeting those necessary conditions. Roll Call Vote: E. Wilson – yes, Dowlan – yes, Haight – no, Marek – yes, C. Wilson – yes. Motion Carried 4-1.

9. OTHER BUSINESS:

Staff stated there will be a meeting in October – one item.

10. PUBLIC COMMENT:

David Fitzpatrick

4398 Lake Avenue

Hopes to maintain peace and talk to the Garn's about a different type of building. Staff replied 15.4 still applies. Chair said the denial is not Mr. Fitzpatrick's fault, the Board has to stay within the ordinance. Marek said he tried to get to yes but could not find a way.

Susan Biznick

Wanted to thank the Board for their professionalism.

11. BOARD COMMENTS:

Marek thanked the members for covering while he was in fire school.

12. ADJOURNMENT: Motion by Chair to adjourn that meeting at 6:41 p.m., supported by Wilson. Motion Carried unanimously on voice vote.

CHRIS HAIGHT, SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

MARY JO BARCK, RECORDING SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ACCEPTANCE.