

GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS
GOLDEN FELLOWSHIP HALL
9700 RILEY ROAD, INTERLOCHEN, MI
WEDNESDAY, MAY 10, 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 and C. Wilson. Marek was absent. Also present were Alycia Reiten, Planning and Zoning Director and Mary Jo Barck, Recording Secretary.
4. ELECTION OF OFFICERS: Motion by Chair, supported by Wilson to retain the current slate of elected officers.
Chairman: Calvin Wilson
Vice Chairman: Ed Wilson
Secretary: Chris Haight
Roll Call Vote: Chair-yes, Wilson-yes, Dowlan-yes, Haight-yes. Motion carries.
5. APPROVAL OF AGENDA: Motion by Chair, supported by Wilson to approve the agenda as presented. Motion Carried.
6. APPROVAL OF MINUTES: Motion by Chair, supported by Wilson to approve the minutes of the April 12, 2023 meeting as approved. Motion Carried.
7. CORRESPONDENCE: Haggard's Plumbing and Heating letters of support for all items.
8. CONFLICT OF INTEREST STATEMENT: None on this date.
9. POSTPONED BUSINESS:

a. Public Hearing ZBA 23-004 – A request for the granting of a variance to Article 4 General Provisions, 4.34 Specific Requirements and Standards, E. Bed and Breakfast, 1. Minimum lot size one (1) acre, located at 10280 Harmony Drive, Interlochen, MI and owned by Christopher and Ruth Selby. The applicants are requesting a variance of .359 acres to the minimum lot size for a bed and breakfast.

Chris and Ruth Selby

10280 Harmony Drive

Mr. Selby stated he and his wife have operated a Bed & Breakfast for five years at their home. They have had no issues with neighbors. When he submitted their 2023 Short Term Rental application, they were notified their property is only .641 acres and Bed &

Breakfast rentals require one acre. They only rent one bedroom, typically two guests. Mr. Selby continued stating they are requesting the variance because there is no room to expand the property to one acre to make it one acre. He also stated that he understands the approval, if granted, still needs Planning Commission approval for a Special Use Permit.

Haight asked how long have they have rented the property, Mr. Selby said five years. He added that they could move out and rent the entire house but they do not want to do that.

Continue Public Hearing: Opened on April 12, 2023 which was opened at 6:13 p.m.

Lindsey Benedict

10314 Harmony

Ms. Benedict said the Selby's are good neighbors but what if they sell, does the variance go with the parcel. They wouldn't know who would move in. There are new people coming in all the time. The lake is currently maintained but she is concerned about it being used by people who don't live there.

George Bovin

10306 Harmony

Mr. Bovin would like to see enforcement of restrictions. Sees no presence of any type of government official in the neighborhood.

Branden Bearinger

9622 Innwood W.

Mr. Bearinger said the license transfers if owner occupied. It is extra income and kept inside the home.

Close Public Hearing: 6:18 p.m.

Discussion:

Mr. Selby said the well and septic only allows for two guests. Mrs. Selby said there is no guarantee who comes and moves into the house. She has never had a concern with neighbors or the lake. She is on-site to monitor more properly and Mr. Selby added no power sports equipment is included.

Chairman called for a review of Article 15.4 Variances. Each item will be reviewed separately.

1. Strict Compliance...

Chair stated most lots less than one acre in the township. Wilson said already has been a rental for five years prior, it was our ordinance that changed. Haight doesn't see a reason why it wouldn't be allowed. Dowlan had no comment.

2. Substantial Justice...

Chair said this would be justice for the applicant. Wilson asked staff about complaints on properties rented. She responded there is a procedure to determine validity of the complaints. Wilson continued this is not justice to other properties, the neighbors could change too.

3. Lesser Relaxation...

Chair said there is no lesser relaxation, they need an acre.

4. Unique Circumstances...

Chair stated size of parcel regulations changed. Haight added when bought there were different rules.

5. Compliance...

Chair said the ordinance did change but he asked staff when it changed. Staff responded in 2006.

Chair asked members if they had other comments. Wilson asked about any associations in the neighborhood. Chair said those are not under the ZBA and the board has no ruling on it. Wilson asked how B&Bs were regulated before. Staff said they applied for a STR and it could not be granted. They need a license to rent.

Chair asked for a motion.

Motion by Wilson, supported by Chair to approve ZBA 23-004 as presented. Roll Call Vote: Chair-yes, Wilson-yes, Dowlan-yes, Haight-no. Motion carries. Chair wished to add that staff do look out for the township.

10. NEW BUSINESS

a. Public Hearing ZBA 23-005 – A request for the granting of a variance to Article 4 General Provisions, 4.34 Specific Requirements and Standards, GG. Place of Lodging, 1. Parking shall be located to the side or rear of the building located at 10131 US Hwy 31, Interlochen and owned by Traverse Co, LLC. The applicant is requesting a variance to allow for parking in the front of the building.

Bob Roxburgh

10131 US Hwy 31

Mr. Roxburgh presented information to the members by distributing a site plan and aerial map. He noted the current front parking and explained it is needed for elderly and disabled guests – quite a steep grade, and they do not have an elevator. The property has been a hotel for years, once called the Lost Lake Motel. They have put a lot of time and money into upgrades on the building and the landscaping. Moving all the parking to the back of the building would be burdensome and restrict accessibility for older guests. They want to continue with improvements and use at the property. The current planting will mask cars.

Open Public Hearing: 6:50 p.m.

Ruth Selby

10280 Harmony Drive

Ms. Selby asked about the sculpture and how improve and beautiful the place looks.

Close Public Hearing: 6:50 p.m.

Discussion:

Wilson asked how many units are impacted by this parking change. Mr. Roxburgh said 12. Haight wanted to know if paving was planned, Mr. Roxburgh said they have contacted Elmer's. Chair asked how long has parking in front of the building not been allowed. Staff answered 2006. Chair said he would like to see the Planning Commission set a specific distance from road. He paced this project and it is about 81 feet, Blue Vase Books is 12. Could staff mention at the next meeting.

Chair asked for review of 15.4 Variances:

1. Strict Compliance...

Chair said they do need to have access for ADA units. When paved would like marked handicapped.

2. Substantial Justice...

Chair stated no one spoke out against the request.

3. Lesser Relaxation...

Chair commented there is no lesser relaxation, that would be denial. Wilson said they own all the surrounding property, only neighbor is across the road.

4. Unique Circumstances...

Chair said the building has been there forever.

5. Compliance ...

Chair said they are being compliant, that is why they are here.

Motion by Chair, supported by Dowlan to approve ZBA 23-005 as presented, approving parking at the front of building (10131 US Hwy 31). Roll Call Vote: Chair-yes, Wilson-yes, Dowlan-yes, Haight-yes. Motion Carried.

b. Public Hearing – ZBA 23-006 – A request for the granting of a 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 9622 Innwood W. Interlochen, MI and owned by Branden Bearinger. The applicant is requesting a variance of ten (10) feet to the side yard setback for a shed.

Branden Bearinger

9622 Innwood W.

Mr. Bearinger gave out information to the members including letters from the township. Thanks the members for meeting. He continued stating his research shows variances stay with the property, he requested information but it was not received. In June 2022 he started receiving letters about the portable structure observed on his neighbor's property line, he said it is grandfathered in. Thought situation handled, called zoning administrator to discuss possible zoning violations, no neighbor complained she lied. He invited the members to drive down. Friends and family will fund litigation against the township.

Open Public Hearing at 7:10 p.m.

Mary Jo Barck

2946 Gonder Road

Clarification of email request, township received a reply from Mr. Bearinger to hold sending information until they heard back from him.

Alycia Reiten

Cinder Road

Clarification of Land Use Permit issued in 2018 stated, "12x20 shed, 20 feet from property line."

Close Public Hearing at 7:13 p.m.

Discussion:

Chair said this was only for a storage unit, shed and packet is complete. Haight said staff are just doing their job. Chair said township is zoned for a reason. Over the years It has come into effect. The only item the board is focusing on is the shed. Haight asked when the property was purchased. Bearinger answered 2014. Did you have a land survey. Bearinger said no, it was a private loan from his mother. Bearinger said it is the letter, the process that he is angry about. Chair said all requests are required to come in. Bearinger said he was insulted by comment that he cannot understand the letter. He did due diligence when he bought the container. Chair reminded applicant again that they are only here to decide on the variance request, other concerns need to go to the township board. Chair asked Bearinger what was the permit for. Bearinger said when he applied, he wasn't sure what he was going to get.

Chair asked if Bearinger could move the container. Bearinger said he thought fence was property line. Chair asked if he had any pictures from before so they can see the pad in front of the shed.

Haight again asked why he bought property without knowing the property lines. Wilson asked if there were property markers at the fence. Bearinger said it is hard to see, he is just going off fence sections. Wilson asked where is your drainfield and could it be moved the 10' feet. Bearinger said drainfield is behind the garage. Chair, could you move it back? Bearinger said he cannot, there are trees, it's easy to move with flatbed, it rolled right off flatbed. Haight asked if there were trees on his drainfield, answered no. Chair asked if it could be moved to other side of house, answered no.

Haight said you bought this as a temporary shed because it could be moved.

Chair asked for review of Section 15.4 Variances:

1. Strict Compliance...

Wilson said he is not prevented from using property. Chair asked what is kept inside, Bearinger answered his dad's personal belongings.

2. Substantial Justice...

Chair asked if Bearinger had looked into moving it back, there is a clearing in the trees. Could you cut a few trees? Bearinger, it would still be too close, there is no need for him to get a variance, it is grandfathered.

3. Lesser Relaxation...

Wilson said to be consistent, this board has had them (sheds) moved in the past. The other side of the property is open. Haight said when you buy a shed you should know your property line. Chair said when the land use permit was pulled there should have been an inspection. Bearinger said it doesn't matter where the septic is, doesn't help me.

4. Unique Circumstances...

Chair said lot is narrow, with a lot of trees, some would have to be cut down. Is this justice to neighbors.

5. Compliance.

Chair said land use permit pulled for a 240 square foot shed, an 8x40 isn't the same size – it is bigger. Wilson added due diligence of property owner is to know where your property line is. Bearinger, didn't know that wasn't his property line. Chair asked staff how reliable overhead, staff replied deemed reliable.

Chair asked for comments.

Motion by Chair, supported by Haight to approve original Land Use Permit, 12x20 foot shed, 20 feet from property line. Otherwise put shed within the setback. Haight added ensuring it is off drainfield. Chair added to have the property surveyed, not on neighbor's property and review the drainfield permit so not to putting it on drainfield. Haight asked for time limit to move structure. Chair said all of these requests are part of the zoning regulations.

Motion by Chair, supported by Haight to approve original Land Use Permit, 12'x20' shed, set 20 feet from property line, otherwise put this new shed within the setback. Ensure it is not on drainfield and have property surveyed so it is not on neighbor's property; changes required to be complete in one year. Roll Call Vote: Chair-yes, Wilson-yes, Dowlan-yes, Haight-yes. Motion Carried.

11. OTHER BUSINESS: None

12. PUBLIC COMMENT:

Chris Selby

10280 Harmony

His experience with Alycia has been positive and wonderful to work with.

13. BOARD COMMENTS:

Haight asked if there would be a June meeting. Staff replied no applicants at this time.

Chair told Bearinger that he is sorry he feels violated. This is a zoned community. If he has other concerns, he should address them with the township board. Bearinger said this isn't him, not his personality – he just wants to be left alone.

14. ADJOURNMENT: Motion by Chair at 7:51 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.