

GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS
GOLDEN FELLOWSHIP HALL
9700 RILEY ROAD, INTERLOCHEN, MI
WEDNESDAY, OCTOBER 12, 2022

MINUTES

1. CALL TO ORDER: By Acting Chair Ed Wilson at 6:00 pm.
2. PLEDGE OF ALLEGIANCE: Was recited by all.
3. ROLL CALL: Board members present were: E. Wilson, Marek, K. Dowlan. Haight and C. Wilson were absent and excused. Also present were Alycia Reiten, Planning and Zoning Director and Mary Jo Barck, Recording Secretary. E. Wilson took a moment to welcome Dowlan to the Board. Wilson also notified the audience that due to attendance, the three members seated must all vote in favor of each request in order to pass.
4. APPROVAL OF AGENDA: Moved by Marek and supported by E. Wilson to approve the agenda as presented. Carried.
5. APPROVAL OF MINUTES: Moved by Marek and supported by E. Wilson to approve the Minutes of September 14, 2022, as written. Carried.
6. CORRESPONDENCE:
E. Wilson stated a letter of support for each agenda item was received from Haggard's Plumbing and Heating of Charlevoix.
7. CONFLICT OF INTEREST STATEMENT: None on this date
8. NEW BUSINESS
 - A. **Public Hearing** ZBA 22-009 – A request for the granting of a variance to Article 8, 8.6 Table of Dimensional Regulations, Note N, side yard setback seven feet, located at 4083 Euclid Ave., Interlochen, MI and owned by Clarence E. Stephenson Family Trust. The applicant is requesting a variance of 6'-6" to the side yard setback for the construction of a laundry room.

Cathy Stephenson introduced herself as Trustee of the Clarence E. Stephenson Family Trust and current owner. She is asking for the variance to add a 6'6" addition to the existing bathroom to accommodate a laundry room. The home was built in the 1920's without a laundry room. Ms. Stephenson has worked with an architect and the area off the bathroom is the only realistic area for an extension. The bath already encroaches into the setback and this addition would only extend. It is burdensome to drive to town to the laundry since Interlochen lost theirs. Ms. Stephenson has replaced the old drywell with a new septic system this summer and the health department will now allow for a washer in the home. E. Wilson asked if a dryer is located in the garage. Ms. Stephenson answered

yes, for use when grandchildren visit to dry towels and bedding. E. Wilson also asked if the new septic system was across the road. Ms. Stephenson indicated it is and she is fortunate to have that parcel to locate it on.

E. Wilson opened the Public Hearing at 6:09 p.m.

Michael Jones 4888 Lakeview Drive, Grawn
Mr. Jones supports the variance for Ms. Stephenson's property.

E. Wilson closed the Public Hearing at 6:10 p.m.

Marek began conversation with overview of the five items to be considered under Article 15.4 Variances. Marek said a variance granted goes with the parcel, forever. Owners should be allowed personal use on their own property, but we are a zoned community.

E. Wilson looked at the property and agrees the parcel is burdensome in its size. Dowlan said it is a burden to drive to town for laundry and this (proposed build) does not stick out any further out. Marek said the request is just 6" from the property line – part is already in the setback and does not do justice to the neighborhood. Wilson replied it is a small house, on a non-conforming lot. Marek than said what if neighbors want to do the same – could go either way.

E. Wilson does not see the ability for a lesser relaxation. Unless she does laundry in the garage. Marek said she does, and E. Wilson said that is just a dryer. Dowlan supports E. Wilsons statement. Marek asked if there are other alternatives. Marek don't know what else we could do for relaxation other. Has staff given other suggestions. Marek said he walked around the property and saw other ways to it could be taken care of without us being involved.

Both E. Wilson and Dowlan agree the request is unique to the property. Marek said the need for a washer and dryer is more of a want - could be put in the garage. E. Wilson said that wouldn't work with Michigan winters. Marek addressed Ms. Stephenson saying he saw her mailing address and license plate are Texas, is she only here in the winter? Ms. Stephenson said she does visit several times over the winter. Marek stated he cannot support. Ms. Stephenson said the kitchen was expanded in 2005 and a new water line and hot water tank were added, and are connected to the new septic. This is the best place for the laundry room. E. Wilson feels there is no laundry in Interlochen and the washer and dryer could let them use it more. E. Wilson continued for what she is asking 6'6", saying, we've already had cases like this for older houses that we have approved for expansions for kitchens, new entrance, etcetera. E. Wilson asked how long applicant has owned the home and she responded 30 years.

E. Wilson said this request was created by the zoning ordinance, and it is not a major expansion, but it's still close to the house next door. Marek, said he is concerned about that too with all the nighttime calls he gets, all those houses are tight and he hopes there is never a fire in there. Dowlan asked Ms. Stephenson if she could get by with a smaller addition. Ms. Stephenson said she could get a stackable washer and dryer.

Motion by E. Wilson, supported by Dowlan to approve a variance of 6'6" to the sideyard setback for a laundry room. Dowlan added it is tied into the septic and water at that location.

Roll Call Vote:

Marek – no

E. Wilson – yes

Dowlan – yes

Motion does not pass.

- B. **Public Hearing** ZBA 22-010 – A request for the granting of a variance to Article 4, 4.11 Accessory Buildings and Structures, B. Dimensional Restrictions, water's edge setback 50 feet, located at 4888 Lakeview Drive, Interlochen, MI and owned by Michael and Katherine Jones. The applicant is requesting a variance of 30 feet to the water's edge setback for the addition of a projecting 2nd story on a shed.

Mr. Jones stated he is asking for a 30' variance to add a second story to his existing shed for storage of recreational equipment. The shed was built in the 80's and needed a new roof, so he thought he would go up at the same time. He admits when he started the addition, he did not know the overhang was not allowed. The 18" overhang is for storage of 11.5' paddleboards and kayaks. Jones said there was not enough room between the shed and house to build on and it has been left open for fire trucks to get through.

Public Hearing opened at 6:37 p.m.

No comments

Public Hearing closed at 6:38 p.m.

Marek said the shed has been there since the 80's why is it an issue. Staff said a complaint has been received. Jones said it was added when the new septic, well and garage were added. Staff said no permits were issued.

The standards of 15.4 were reviewed.

Marek and E. Wilson said compliance with restrictions applies, Dowlan asked if ordinance existing when shed built. Marek said yes, without a permit. Marek ask if addition is complete, Jones replied yes, but it is not trimmed out.

Wilson commented on justice to the applicant, but protecting water frontage. Marek has been attending recent community meetings have been held recently and protecting the lakes comes up. Marek said the 50' setback is to protect the shoreline and encroaching on that begins to take away some of what we got here in green Lake. However, from what was there previously, not hurt the district. This variance could impact future buildings. Agrees substantial justice did not hurt the neighbors, but neighbors did complain. What sort of justice to them.

Wilson commented on a lesser relaxation, stating there is a shower in back of the shed, couldn't that have been used to increase shed. Jones said he didn't think about it and over the years the shower has become an extension of the house, and a tree would not have allowed building to be put in there. Jones added it is a small, odd shaped property. Wilson said this opens a can of worms for second stories, although the second story is not the issue – setback is the issue. Marek said there is no proof was or wasn't built with a permit. Wilson said, the addition is not in the same footprint.

Wilson began discussion on the unique circumstances to the property. Wilson asked if applicant could have added on to the back of the garage, no septic there. Marek said the storage was needed, it is a unique parcel and wouldn't want to hack a bunch of trees. Dowlan said applicant does have a lot of things, expensive things to store. The small property unique only to him because he has items to store. Wilson said the 50' setback is not up to us; it is the State of Michigan and he is not sure the shed was ever approved to begin with.

Wilson started discussion on whether applicant created the need. Dowlan asked how long Jones has owned the house, he replied 10 years. She asked if shed was there when purchased he replied yes. Dowlan commented that the shed should have been torn down if there was no permit, prior to sale to Jones. Dowlan asked when water front ordinance changed, staff said prior to 2018. Jones was allowed to ask how the second story impacts the lake. Marek replied it's the variance. Variances are issued in perpetuity, could enclose the overhang in the future – affects the community forever. Jones said he couldn't add on to the shed because it would put him over the allowed square footage. Marek said right now your shed is not allowed, may need to be removed. Staff replied only the new part. E. Wilson explained to the applicant that by granting this are we opening it up to allowing other buildings closer to the water.

Marek said he could defend the variance either way. E. Wilson and Dowlan can see the need, use to make a living.

Motion by Marek to grant variance 22-010, 30' foot setback to water's edge. With no support motion failed.

Motion by Marek to deny variance 22-010 of 30 feet, supported by Dowlan.

Roll Call Vote:

Marek – no

Dowlan – yes

E. Wilson – yes

Motion Carries, request is denied.

Staff explained the applicant has 30 days to bring the structure into compliance. Jones asked is he can find out who complained so he can resolve. Jones asked how to appeal if he doesn't agree with this. Staff said he can appeal to Circuit Court.

- C. **Public Hearing** ZBA 22-011 – A request for the granting of a variance to Article 8, 8.6 Table of Dimensional Regulations, minimum lot width 150 ft, located at the vacant parcel Emerald Forest, Interlochen, MI and owned by Ken & Ann Osborne. The applicants are requesting a variance of 100 feet to the minimum lot width for the 2022 approved parcel split to eliminate the easement and increase the lot width of home.

Mr. Osborne said property has been split through a land division in March. Would like to get a variance to set the road frontage for the new parcel to 50' rather than the 150' needed under the Zoning Ordinance. Buyer will back-out if variance not approved. The Osborne's brought new surveys to the meeting and staff distributed on their behalf. Mrs. Osborne said they are both disabled and are trying to settle debts so the sale of the parcel is important to them. The survey shows the elimination of the 150' of frontage into the new parcel, a flag lot. Mrs. Osborne said they have marked their driveway and this new easement with the proper signage at the road, why does it have to go to the back? Marek thanked her for the markings, makes it easier to identify addresses at night.

Public Hearing opened at 7:19 p.m.

No Comments

Public Hearing closed at 7:19 p.m.

Marek said this is an owner created issue with their land division. The requirements of the division were met at the time it was granted. This is an example of why 15.4 item 4 & 5 exist. Dowlan agreed this was self-created by separating land. E. Wilson also agreed, noting this is a self-created burden.

Motion by Marek, supported by Dowlan to deny ZBA 22-011 requested by Ken and Ann Osborne for a variance of 100 feet to the minimum lot width. Dowlan stating does not meet all five standards.

Roll Call Vote:

Marek – yes

Dowlan – yes

Wilson – no

Motion Carries and request is denied.

9. PUBLIC COMMENT:

None

10. BOARD COMMENTS:

11. ADJOURNMENT: By E. Wilson at 8:03 p.m.

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.