

MINUTES OF ZBA MEETING ON SEPTEMBER 25, 2017

The meeting was convened at 10:00am.

Present: Norma Boyle, John Klein, Jim Thorburn, Walt Mikula, and Thomas Kizer.

Excused Absence: None

Chairman Jim Thorburn called the meeting to order.

Persons present included the above board members and applicant and his spouse, Henry and Kim Pletscher; and their builder, Darryl Hall. The building official Jason Jansen was also present.

The Pledge of Allegiance was recited.

The Minutes of September 11, 2017 were unanimously approved after motion to approve by Boyle and seconded by Klein.

The Chair announced that two hearings would be conducted today. The first is the request by Pletscher's and the second is a continuation of the previous request by Downs pursuant to the approved tabling at their request on September 11, 2017.

The Chairperson then convened the first hearing on the appeal and request for variance filed in No. 17.08 by Mr. Henry Pletscher. The appeal involved applicants request for a variance to allow applicant to build a second story on his home which will reduce the lot coverage by just 1% but is in violation of the ordinance because there are already two dwellings on the premises where only one is permitted and the current dwelling is already deficient in its side lot set back by 2 feet and the second story will as a result still be deficient on the side yard setback by the 2 feet.

The appeal was read into the record by the Chairman.

Correspondence was received from George Heilbronn, President of Lakeside Association indicating support for the applicant's requested variance and representing the unique nature of the association and the residences thereon.

Further, a health department report was examined by the board which in pertinent part concluded that the addition to the residence was "approvable" from a sewage disposal standpoint.

The Board reviewed with the applicant the 7 factors and the applicant's written responses. The applicant also provided a layout of the plat for the association which showed an 87 acre parcel with open spaces behind all dwellings in the association away from the lake. It appeared that no homeowner would lose any site distance to the lake by the proposed construction. Further, the testimony revealed that the cottages in the association including applicants were constructed 50 to 100 years ago before the restrictions now imposed by the zoning ordinances and that there are other parcels in the association with two dwelling thereon as well.

After the question and answer session the public hearing was closed and the board commenced to decide the issue. Motion was made by Kizer, seconded by Boyle as follows:

Move to approve the variance request based on the following: A review of the history of this Association and given the history of the structures thereon, the applicant has sought other steps to comply and no other reasonable alternative is available, and the individual lots and structures thereon and the review of the 7 standards as well as the association support of this request fully supports the grant of the variance requested.

Roll Call vote was conducted and those in favor of the request were Boyle, Klein, Mikula, and Kizer. Opposed: Thorburn. Motion carried 4-1.

Thereafter the Chair recessed for 15 minutes until 11:15 am before resuming the previously tabled request for variance by applicant Downs in No. 17-07 seeking to retain a 6 foot high privacy fence that was constructed without a land use permit and is in violation of the ordinance as set forth in the September 11, 2017 minutes.

Upon resumption of the hearing the persons present for the continuation of the hearing were the applicants, Mr. and Mrs. Downs. Further, a letter was presented by the adjoining neighbor Michael and Kimberly Bolen which was read into the record.

The applicants urged the board to approve the privacy fence variance request. The board reviewed in its discussion the previous record of September 11, 2017 and members commented upon the failure of the applicant to put forth any cogent reasons to support the 7 factors the Board considers in such requests.

After further discussion Motion was made by Kizer, seconded by Mikula as follows:

Move to deny the variance requested since the non conforming fence was removed and the new fence was constructed without a land use permit and violates the ordinance for fences and the 7 factors do not justify approval.

Roll call vote was unanimous of all five members voting in favor of the motion denying the requested variance.

Thereafter, the meeting recessed and resumed for the purpose of determining whether to ask the Township Board to provide a defense through its attorney. Motion was made by Kizer, seconded by Klein to request the Township Board to defend the lawsuit by applicant in appeal 17-06. Motion carried unanimously.

No further business to come before the meeting, it was adjourned at approximately 12:01 pm.

Dated: September 25, 2017

Thomas Kizer, Secretary