

Zoning Board of Appeals
Special Meeting
March 23, 2015

Minutes Approved 4/13/2015

Vice Chairperson, Tina Fields, called the meeting to order at 7:01 p.m. with the Pledge of Allegiance.

Roll call of board members present: Mike Gaylord, David Lawicki, Pat Hubble and Tina Fields. Absent, Lucy Gerlach. Also present; Guy Molby, Zoning Administrator, Pat Gray, recording secretary and two guests – Wes Umlor and Judy Umlor.

MATTER TO BE ADDRESSED: Variance request from Wes Umlor for a waterfront setback to allow for two additions to his dwelling. Parcel #40-004-450-010-00 located at 7586 Crystal Beach Rd., Rapid City, MI

Moved by Lawicki, seconded by Hubble to accept the agenda as presented with no changes or additions. All in favor-motion passed.

Declaration of Conflict of Interest: Lawicki-none; Hubble-none; Gaylord-none; Fields-none.

Fields outlined the procedure to be followed during the hearing and explained that the standards found in the Zoning Ordinance are to be used to determine the outcome of the request.

Wes Umlor presented facts on his request for variance from a front setback. He purchased the property last November. Initially he had interpreted the ordinance incorrectly when he submitted his original request. He felt there was enough room on the side to allow for an addition. After speaking with Guy Molby he resubmitted his plans requesting a front setback. He intends to put two 60 sq. ft. additions on the front of the dwelling to square off the existing structure and allow for renovations. This will not impact the neighbors, and will not bring the front setback any closer to the water than the existing dwelling. The sunroom that was added earlier already encroaches on the front setback, and the additions will extend from both sides of the existing sunroom.

Molby feels the applicant has done a good job of resubmitting his application and doesn't see a problem with it. He does see a potential problem with making the driveway all concrete, but that is the applicant's decision. Umlor explained that he had placed a portion of the driveway on the side of the house to allow for a vehicle to turn around and pull out forward onto Crystal Beach Rd. instead of having to back out.

Judy Umlor supports her son's project and stated he has been very conscious of supporting area trades which she feels is important for the local economy.

Gray reported that she had received one inquiry at the office from a neighbor. She explained the details of the variance request to that person who was satisfied there was not a problem.

The chair closed the public portion of the hearing at 7:15 p.m.

Board members discussion: Lawicki stated there could be no possible future additions to the front of the house such as a deck or patio due to proximity of the water. Umlor stated he felt he could put an aggregate patio, however the existing soil erosion permit allows only for sod in the front. Lawicki feels strongly that nothing should be done within 50' of the water without the proper permits. Fields questioned whether Umlor had any plans for future additions, and he stated at this time he has no further additions planned for the property.

Chair read each standard from Zoning Ordinance #22 and took a roll call vote as follows:

Standard A: The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district (e.g., unique dimensional, topographical, and /or structural conditions) thus presenting the possibility of a practical difficulty for this particular property.

Fields verified the lot size is approximately 66' on the water and 120' from road to lake.

Lawicki – yes this standard is met. The property is extremely small.

Hubble – yes this standard is met. House was built before zoning and there were very small lots at that time.

Gaylord – yes this standard is met. It is a substandard lot of record. His plan makes good common sense.

Fields – yes this standard is met for the reasons previously stated.

This board finds that standard A has been met.

Standard B: The requested variance is necessary for the preservation and enjoyment of a substantial property right such as those possessed by other properties in the same zoning district. (The possibility of increased financial return is of itself not sufficient to warrant a variance.)

Hubble – yes this standard is met. The necessary remodeling will result in his enjoyment of the property.

Gaylord – yes this standard is met. The house is not built well. Most of the surrounding houses on Crystal Beach Rd. have been remodeled. He has not asked to go nearer the neighbor or the water, simply wants enjoyment of his property.

Lawicki – yes this standard is met. It will alleviate the situation and bring property current.

Fields – yes standard is met, for the simple right of quiet enjoyment of the property.

The board finds that standard B has been met.

Standard C: The requested variance will not be detrimental to adjacent property and the surrounding neighborhood.

Gaylord – yes this standard is met. The improvements will make the property more pleasing to the neighbors and he's not asking to go any closer to the water.

Lawicki – I agree this standard is met. He feels the request is within the minimum variance reasonable and will be an enhancement to the area and not detrimental.

Hubble – yes this standard is met. The request will be an improvement to the area, his home, and his tax bill.

Fields – yes this standard is met. She does not feel the plan is detrimental to adjacent properties or the surrounding neighborhood.

The board finds that standard C has been met.

Standard D: The practical difficulty resulting in the need for the requested variance was not created by any action of the current property owner.

Lawicki – yes this standard is met. He did not create the problem. He is trying to solve the problem.

Hubble – yes this standard is met. I agree he did not create the problem but is only trying to correct it to his satisfaction.

Gaylord – yes this standard is met. He did not create the problem.

Fields – yes this standard is met. The difficulty was not his doing in any way.

The board finds that standard D has been met.

Standard E: The requested variance is the minimum variance necessary to mitigate the practical difficulty.

Hubble – yes this standard is met. He feels this is the minimum necessary for improvements.

Gaylord – yes this standard is met. Feels the request is less than initially asked for and that it is the minimum necessary.

Lawicki – yes this standard is met. Once he realized what the standards were, he changed his plans to conform to that standard.

Fields – yes this standard is met. She concurs that there was a demonstration to try to meet the standards.

The board finds that standard E has been met.

Fields noted that in addition to the standards which have been met, questions have been raised about the driveway which is impervious and a lot of coverage. Discussion followed with the homeowner about the possibility of making it a gravel drive vs. concrete. He does not care for gravel because of the issue of it being tracked onto other surfaces such as the home and roadway. He feels it will create more runoff than an impervious drive would. Because the water will run off back towards the house, he is looking at options to alleviate a potential problem. He has submitted his plans to the soil erosion office in Kalkaska, and they were o.k. with it.

There were no additional questions for the applicant from board members.

Therefore, the board does find that the applicant has met the requirements of this variance request. A completed determination form will be provided to the applicant.

Moved by Lawicki and seconded by Gaylord to adjourn the meeting at 7:35 p.m. Motion passed.

Respectfully submitted,

Pat Gray, Deputy Clerk