

AGENDA
Blue Lake Township
Zoning Board of Appeals
August 7, 2012

1. CALL MEETING TO ORDER

The Special Meeting of the Blue Lake Township Board of Appeals was called to order by Chairperson John Hughes at 9:00am on Tuesday, August 07, 2012, at the Blue Lake Township Hall.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was said by all in attendance.

3. ROLL CALL

Members present: John Hughes, Larry Shoemaker, Alan Martin

4. READING OF VARIANCE REQUEST

Resident requesting a Variance: Curt Patterson, 6358 Squaw Lake Rd.,
Parcel # 002-021-035-00

- A) The Variance request was read by the Secretary: request is submitted with these minutes.
- B) Correspondences were read by the Secretary: correspondences are submitted with these minutes.

5. OPEN PUBLIC COMMENT

It was noted that there is an issue with consistency. There have been issues in the past that people have had to remove roofs, walls, ECT. that had been built did not comply with the Zoning Ordinance.

We currently have 21' height restriction, and if we grant a variance, in the future, if we stray from the restrictions now, it might put the Township in a very bad position, along with creating a lot of hard feelings with other

residents that had to remove roofs, walls, ETC, and those that had to change their building plans to comply with the Zoning Ordinance.

It was noted by the Builder, that this was the main reason for requesting the variance because they did not want to have to tear something down after it had been built. They wanted to abide by the codes.

The Homeowner wanted this height so that he would be able to have upstairs storage. The Homeowner has a 10' overhead door planned because he wants to store his pontoon boat in the garage, and also wants to have storage up stairs.

The garage will be put in the back of the property so it will not obstruct anyone's view, along with the fact that it would be placed on the wooded area on the homeowner's lot. There is a pole barn on the neighbor's property that will hide this garage from anyone's view.

The garage will have the same siding and steel roof to match the house. The homeowner plans on retiring to his home in Blue Lake Township, and would like to get everything ready now; he currently does not have the storage space in his home on the property.

There were questions about if all houses in Blue Lake should be the same? It was noted that variances should be case by case and each one is unique.

There was discussion about different trusses that might be able to be used, changing the size, the removal of trees, and the changes of the roof size.

It was noted that the homeowner did not want to remove any more trees because he will be removing 8 already.

It was noted that there would not be anyone around to have the view obstructed, and that this did not seem to be an unreasonable request.

It was noted that anything over 21' would be almost a 3 story building.

It was noted that the scale of the plan seemed to be out of proportion, and it looked like a parallelogram, but it seemed more like pie shaped.

It was noted that the shape might be wrong, and Blair confirmed that it is pie shaped,

It was noted that there seemed to be more than enough room on the lot.

It was noted why a variance was needed when there seemed to be plenty of room on the property to make changes to the building plans that would fit the Zoning Ordinance.

It was noted that they could cut the roof down to a 10'x12', which would still be over the code by 3', but would still give the homeowner plenty of room for storage.

6. DECLARATION OF CONFLICT OF INTEREST (If any)

None

7. CLOSE PUBLIC COMMENT

8. ZBA COMMISSION INPUT

It was noted that in order to approve this Variance, the applicant must show “practical difficulty” by demonstrating whether strict compliance with the height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

Is the sight unique to the circumstances, is the problem self-created. It was noted that at the moment, these questions were not answered.

It was noted as a board, these needed to be answered, it felt that this issue needed to be sent to the Planning Commission to re-address this issue about height restriction; it was noted that when this ruling went into effect, things like snow loads, ECT. were not taken into consideration.

It was noted that it didn't seem like there were any big issues that a variance needed to be approved since it didn't seem like a big deal to change the design.

It was noted on how long before the homeowner was planning on retiring since this issue was going to be going back to the Planning Commission for review.

It was noted that with a steel roof, the shape of the roof does not make much difference, because when the snow melts, it all comes down quickly.

There was a question on the history of this ordinance with the ZBA on whether this was upheld or any variances were approved. It was note that this Ordinance has been upheld very strictly in the past.

A) It was noted that there was not a “practical difficulty” proven

- B) It was noted that there were not unique circumstances to this property.
- C) It was noted that the need for this variance was not because of the actions previous property owner.
- D) It was noted that the problem was not self-created.
- E) It was noted that the denial of this variance would not prohibit the property owner from using this property as intended.
- F) It was questioned whether a variance would do substantial justice to the applicant as well as to other property owners or whether a lesser variance would give substantial relief and be more consistent with justice to other property owners.
- E) It was noted in that if the Board would approve a lesser variance then why not just approve the requested variance.
- F) It was noted that to approve a variance, with the property that was there, it's nice to not cut down trees, but it seemed that there was ample property to change the building plans to comply with the Zoning Ordinance, and we should maintain the standards that the Township has put forth.
- G) It was noted that this variance would not detract from surrounding properties.

9. ACCEPT/DECLINE VARIANCE

- A) Larry Shoemaker made a motion to decline the variance; Alan Martin supported this motion.

With a vote of 3 to 0, the motion to decline the Variance was approved;
The Variance request was declined.

- B) There was a motion by John Hughes to approve a reduced variance 10'x12' pitch, no higher than 24'.

There was no one to support this motion; this motion was declined.

10. SET/CONFIRM DATE OF NEXT PLANNING ZBA MEETING TO APPROVE MINUTES

The next meeting will be August 15, 2012 at 7:00pm to approve the minutes from this meeting.

15. ADJOURNMENT

There was a motion by Shoemaker to adjourn the meeting at 9:45am, supported by Martin, all approved.

It is noted that these minutes will not be official until approved at the next scheduled meeting which will be August 15, Wednesday, 7:00pm, 2012.

Fran Heegeman
Zoning Board of Appeals
Recording Secretary

John Hughes
Chairperson
Zoning Board of Appeals
