

ALBERT TOWNSHIP
Zoning Board of Appeals Minutes
November 26, 2018

Call to Order- A meeting of the Zoning Board of Appeals was held at the Albert Township Hall on November 26, 2018. The meeting convened at 5:30 p.m., with Chairperson, Wendy Williams presiding. The Pledge of Allegiance was recited.

The members in attendance were Wendy Williams, Denise Heyser, Marc Dombrowski. Also in attendance were Deb Downing; Zoning Administrator and Cathy White; Recording Secretary. There were 2 citizens in the audience.

Absent: Shirley Alexander and Judy Athan

A **Motion** was made by Heyser, seconded by Dombrowski to approve the Zoning Board of Appeals minutes for October 25, 2017. Motion carried with no nays.

Public Comment-None.

Correspondence- None.

New Business-

The purpose of this meeting is to consider the request of Mr. and Mrs. Michael Szameitat for their property at 6137 Big Wolf Lakes Wood Dr., Lewiston, MI 49756 (parcel #001-190-000-035-00). The parcel is located within the Rural Residential/Green Belt District (RR-GB). A variance is being requested from Article V Section 5.1.1 of the Albert Township Zoning Ordinance which requires the side yard setback to be 15 feet. The Variance Request is to allow an addition to the existing dwelling to be erected at an 8 foot setback from the property line on one corner of the addition.

The Zoning Board of Appeals concurred that Exhibits 1-7 were included in the package.

Williams opened the public hearing and informational portion of the Zoning Board of Appeals Variance at 5:31 p.m.

Downing read the Proposed General Findings of Fact. See attached.

A **Motion** to accept the General Findings of Fact was made by Dombrowski, seconded by Heyser. Motion carried with no nays.

Williams asked the applicants, Michael and Paula Szameitat to please tell why a variance was being requested. Mr. Szameitat, 6137 Big Wolf Lakes Wood Dr., Lewiston explained "The house isn't parallel to the property line and is a little over 15 feet from the property line right now we want to put an addition on of 32 feet and by the time we get 32 feet away from the house we are less than 15 feet we are about 10 feet, I had the property line surveyed but the accurate measurement to where the house you know I didn't have that done. So that's

why we want the zoned variance. That is the only place because of the septic tank we live and the lake setback that's like the only place we could put the addition."

Williams stated we have no one in the audience to speak in support or opposition of the variance. Williams asked Downing to read the correspondence received. A letter of opposition received by the zoning administrator from Richard & Barbara Castle was read and filed. See attached.

Williams asked the Szameitat's if they had any rebuttal. Mrs. Szameitat stated "yes, they don't even look at it their living room faces the lake." Downing stated she had a picture of that area too, the photos were shared and the addition area was identified and viewed by all board members. There was discussion about the flags and where the addition would be. Mr. and Mrs. Szameitat neither understood how it could ruin the view for the Castles as the view for them would be out the front and not directed towards them also they would have to go around to the side of their house to even see the addition. The photos taken were entered as Exhibit 8.

Williams closed the public hearing and informational portion of the Zoning Board of Appeals Variance at 5:40 p.m.

Williams opened the Zoning Board of Appeal's deliberations on the variance request. Williams asked the Zoning Administrator to read the Proposed Specific Findings of Fact. See attached.

The Zoning Board of Appeals finds that evidence has been presented by the applicant showing the need for the requested variance is due to unique circumstances or physical conditions of the property, such as narrowness, shallowness, shape, water, topography and physical conditions involved that make it difficult to comply with the zoning ordinance; therefore, **Standard 1** has been satisfied.

Williams asked if there were questions at this time.

The Zoning Board of Appeals finds that the need for the requested variance is a result of actions of the property owner or previous property owner; therefore, **Standard 2** has not been satisfied.

Williams asked if there were questions at this time.

The Zoning Board of Appeals finds the applicant has represented in his application that strict compliance with regulations does not unreasonably prevent the property owner from using the property for permitted purpose; therefore, **Standard 3** has not been satisfied.

Williams asked if there were questions at this time. Williams stated she hadn't seen the size of the addition. The Szameitat's stated that the addition would be 20 x 32. Williams discussed that if the addition was cut back say 10 feet making it 20 x 22 there wouldn't be a need for a variance. Mrs. Szameitat stated the addition was for a quilting room and that would not be enough room. After more discussion about the size of the addition the 20 x 22 would still require a variance.

The Zoning Board of Appeals finds that the variance is the minimum variance necessary to do to allow development of the property; therefore, **Standard 4** has been satisfied.

Williams asked if there were questions at this time.

The Zoning Board of Appeals finds that the requested variance will not cause any adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district; therefore, **Standard 5** has been satisfied.

Williams asked if there were questions at this time.

Williams stated there are 2 standards that have not been met including that the language requires all 5 standards have to be met. Mrs. Szameitat asked what hasn't been met, Williams explained the 5 standards we just went over 2 of them have not been met. Williams informed that standards 2 & 3 were not met and explained to the Szameitat the 2 standards.

There was discussion between the Zoning Board about options of conditions there were none.

Williams stated that Judy Athan joined the meeting at 6:00 p.m. the decision was already made.

A **Motion** was made by Marc Dombrowski, seconded by Heyser to deny the application for ZBA2018-0002 based on the fact Standard 2 and Standard 3 were not met. The motion passed with 0 nays.

Mr. Szameitat commented he would have liked to have known the 5 standards before the meeting. Downing explained the 5 standards are in the application you filled out.

Old Business-None

A **Motion** to adjourn the meeting was made by Dombrowski. The meeting adjourned at 6:01 p.m.

Respectfully,

Cathy White, Recording Secretary