

ALBERT TOWNSHIP
Zoning Board of Appeals Minutes
October 25, 2017

Call to Order- A special meeting of the Zoning Board of Appeals was held at the Albert Township Hall on October 25, 2017. 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, Judy Athan, Denise Heyser, Marc Dombrowski and Shirley Alexander. Also in attendance were Zac Weaver; Zoning Administrator and Cathy White; Recording Secretary. There were 7 citizens in the audience.

Absent: None

A **Motion** was made by Athan, seconded by Heyser to approve the Zoning Board of Appeals minutes for August 28, 2017. Motion carried with no nays.

Public Comment-None.

Correspondence- None.

New Business-

The purpose of this meeting is to consider the request of Mrs. Wendy Cooper for her property at 2380 Cobb Rd., Lewiston, MI 49756 (parcel #001-023-000-310-00). The parcel is located within the Single-Family Residential Zoning District (R-1GB). A variance is being requested from Article VI Section 6.2.2 D. 2 of the Albert Township Zoning Ordinance which states; *Additions to a nonconforming structure within the required yards do increase the nonconformity and shall not be permitted, unless by variance granted under the provisions of Section 9.2.3. (Added 7/6/98)* The Variance Request is to allow an enlargement of the nonconforming structure which currently sits 41 ft. from the Ordinary high water mark.

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 5:34 p.m.

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

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

Williams asked the applicant, Cooper to please tell why a variance was being requested. Wendy Cooper explained the property had been in the family a long time and they love the property and want to do the least amount of damage to the property. The building is very old

and is starting to show its age. The windows have to be shaved in order to open and closed and there is starting to be heaves in the floors. We do need to replace however, we would like to keep the stone fireplace because there are a lot of family members associated with that. Also the big trees on the property would have to be taken down if we had to move the building back. Also the marsh behind us we don't want to impact as well, lastly if we had to move the building back the hill would be right where we put the garage.

Williams asked if anyone would like to speak in support of the variance.

Tommy Render 2761 S Co Rd 489 of Lewiston MI,

I would just like to state the historical value in preserving a building or even a portion of a building that is at least 130 years old in our community is of great significance. I give Wendy a lot of kudos for trying to do so. This building is associated with the lumber trades in our area. While I do understand the importance of zoning and respect the regulations involved with that, I don't like to see our history not being preserved.

Jim Pagels, 502 E Main St, Gaylord MI (petitioner of Wendy Cooper)

If we pushed back out of the greenbelt we would be 6 feet from the septic tank and then close to the marsh which would be no environmental gain. The 400 plus year old trees that would need to be removed currently provide shade to the property and are a home to the bald eagles. If moved it would create a parking issue for my client because of the drain field people may damage it parking on it. I think the new structure will have a very positive impact on the neighboring community. Also the property has been in the family since 1947. Wendy's dad is here tonight and could tell you what has went on at the property since 1965 if you have any questions.

Judy Cooper, 3081 Indian Reserve Rd, Alpena MI 49707

I am the sister to Wendy, living in Alpena and I mostly moved here to be close to the property. This cottage is worth fighting for.

Robert Cooper, 1210 Hull Ave, Ypsilanti MI

I have been coming up here since I was 6 months old; Lewiston is more hometown to me than anywhere else. The idea of even being able to come here in the winter would be just fantastic. This weekend we are closing the property up as in its current state it is unusable in the winter.

Williams asked if anyone else would like to speak in support of the variance showing no one. Then would anyone like to speak in opposition of the variance. There was no opposition in the audience or none received from the zoning administrator.

Williams closed the public hearing and informational portion of the Zoning Board of Appeals Variance at 5:42 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.

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

The Zoning Board of Appeals finds the applicant has represented in his application that strict compliance with regulations will unreasonably prevent the property owner from using the property for permitted purpose; therefore, **Standard 3** has been satisfied.

The Zoning Board of Appeals finds that the variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district; therefore, **Standard 4** has been satisfied.

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.

A **Motion** was made by Marc Dombrowski, seconded by Athan to approve the application for ZBA2017-0005. The motion passed with 0 nays.

Roll Call Vote:

Marc Dombrowski-Yea

Judy Athan-Yea

Shirley Alexander- Yea

Denise Heyser-Yea

Wendy Williams-Yea

Old Business-None

Zoning Administrator- None.

A **Motion** to adjourn the meeting was made by Alexander. The meeting adjourned at 5:57 p.m.

Respectfully,

Cathy White, Recording Secretary