

Meeting Notes:

Board of Appeals Members Present: Bill Fink, Lori Baakko, Mark Jalkanen, Melanie K. Watkins

Township Co-Zoning Administrators: Bill Bingham (Absent), & John Ollila (Present)

Township Supervisor: Bruce Petersen

Public: Gar from Chassell Carpentry

Came to order at 12:01 P.M.

Bruce Petersen introduced the purpose of the meeting – to review a dimensional variance request for James, Karen and Robert Erva house/property located at 44450 Old US Hwy 41, Houghton, MI in the Lakeshore Residential Zoning District. The homeowners wish to construct an addition to their home that would encroach 3 feet within the 10 feet setback required by township ordinance.

The issue was presented by John Ollila to ZBA members. The new building will be getting away from the DNR easement, an old sauna will be removed, Jon Pekkala has communicated via e-mail that he has no concerns with the house placement and erosional issues, and both houses to either side are closer to the water than this proposed new building.

Several questions were posed by the ZBA and answered by the homeowner's contractor/representative:

- Bruce Petersen inquired about the DNR easement width at this location.
 - Answer from contractor: It is 50' either side of the railroad grade, 100' in total. The DNR just approved the new house placement yesterday. The garage will be the closest to the DNR easement.
- Melanie Watkins inquired whether or not a septic permit has been acquired.
 - Answer from the contractor: There is a 17 year old septic system that has a 1,500 gallon tank that has been approved by the Health Dept.
 - The contractor also volunteered that houses on both sides have in the past requested and have been granted zoning variances.
- Bruce Petersen inquired about the elevational building requirements as measured from the flood plain. In the Pekkala e-mail, John addressed this – there is no issue, the proposed house is well above the 2.64' above the water level as measured on July 25, 2017 Plus the Army Corp representative visited the site and he had no elevational concerns.

Michigan Township Association guidance for considering zoning variance requests with ZBA members. The ZBA used the MTA recommended process/review standards to review the request.

Review Standard 1: The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district.

ZBA decision: Satisfied (unanimous)

Reason: The physical characteristics of the property and the DNR exceptionally wide easement would prevent the applicant from meeting the ordinance.

Review Standard 2: The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature; it does not apply to other properties. (Would it be preferable to change an ordinance rather than granting one variance at a time?)

ZBA decision: Satisfied (unanimous)

Reason: This variance request is rare/infrequent due to the DNR's very wide easement affecting this lot. The DNR's easement widths are generally much less along the Chassell to Houghton railroad grade overseen by the DNR.

Review Standard 3: A variance is necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity (will the applicant be prevented from doing something that the zoning ordinance would ordinarily allow any other property owner to do?)

ZBA decision: Satisfied (unanimous)

Reason: Each house on either side will be closer to the lake than this new dwelling.

Review Standard 4: A variance will not be significantly detrimental to adjacent property and surrounding neighborhood.

ZBA decision: Satisfied (unanimous)

Reason: See all of the above.

Review Standard 5: A variance will not impair the intent and purpose of the zoning ordinance requirements that is the subject of the variance request.

ZBA decision: Satisfied (unanimous)

Reason: Again, this is a unique situation given the width of the DNR easement (100') and the lot size.

Review Standard 6: The practical difficulty was not self-created by any affirmative action by the applicant.

ZBA decision: Satisfied (unanimous)

Reason: The applicant did not exacerbate this situation – they were handicapped by the wide easement.

ZBA decision: Approve the variance – all members present voted in favor of approving this variance..

Adjourned at 12:25 P.M.

