

Schoolcraft Township Zoning Board of Appeals

September 7, 2017

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on September 7, 2017, at the Schoolcraft Township Hall beginning at approximately 7:10 PM.

Roll Call

Board Members Present: John Gardner, Terry Blodgett (Chairman), Ray Hocevar, Gary Steensma, Charles Bibart

Board Members Absent: None

Also Present: Brett A. Cummings, Township Attorney; Chris Hamilton, Zoning Administrator; Don Ulsh, Township Supervisor.

Minutes of July 6, 2017 Meeting

Mr. Gardner made the motion to approve July 6, 2017 minutes as presented in the packet. It was duly seconded and it passed unanimously as submitted.

Matter on Appeal – Richard and Stephanie Hambright Variance Application (419 West XY Avenue, Parcel No. 3914-33-230-019 & 3914-33-230-025)

There are several issues with the two parcels related to available road frontage or the lack thereof and the fact that the splits and home was built after the “grandfather” date in the ordinances.

Some of the board members have visited the site in advance of the meeting. The applicant has owned the property since 2005 and applied to construct an accessory building. The applicant didn't know anything about the lack of road frontage until their application was denied. They have a 66 ft. easement and they thought that would suffice. The applicant is aware that a private road could potentially be installed to alleviate the problem. The neighbor to the west would also need join to have the private road approved. They would like the existing drive that they are using dedicated as a private road (it runs through the center of the Wiley farm). The applicant's property is currently an illegal non-conforming lot which would create issues if the property was destroyed. The “lane” that is established has been in existence since the 1950's according to the Wiley family, some of whom were in attendance.

There was discussion on what can be done about the private road. The Chairman explained to the applicant that the ZBA cannot establish a private road, and further explained that they could table the matter and allow them to explore the private road option.

The Zoning Administrator explained why the applicant was originally told that the

Township did not allow private roads anymore, but subsequently Township officials discovered that there were still references to private roads within the ordinances. The applicant was told in advance of the ZBA meeting that they could pursue the private road designation and forego the ZBA hearing, but the applicant chose to keep the ZBA hearing.

Mr. Bibart explained that he thought it needed to be a "designated" private road, but nobody was sure exactly whether or not new private roads could be "designated" private roads. Mr. Bibart explained that this needed to be explored. There was discussion as to whether the applicant's address is currently appropriate or not given that it has no road frontage on XY Avenue.

There was discussion on the distinction between the two parcels and the fact that they are not joined parcels, but they are contiguous. The parcel across the street was purchased in 2010. The applicant built the home, but they bought the parcel the main house was on in 2005. It is possible that the applicant will need to combine the parcels to get approval for the accessory building once the road issue is taken care of.

The Zoning Administrator explained that the applicant was willing to comply with all other zoning aspects but the road frontage issue remained. The Chairman explained that it would be more fitting to explore the private road option before putting this matter to vote through the ZBA.

There was discussion related to whether the planning commission has anything to do with establishing a private road. There was discussion on what standards the private road needs to meet, if any.

Mr. Hocevar asked whether or not the ZBA could make any findings today that would allow them to have the variance that they requested. The applicant explained that they would like the accessory building, but they need the illegal non-conforming issue resolved. Some of the Wiley's were present and they indicated that they are willing to allow continued use and development down the middle of the farm on the lane already being used as opposed to the easement down the west side of the farm.

The Township attorney explained that it would not be appropriate to vote today given that there is another possible avenue for relief, and the statutes and ordinance are clear that the ZBA is to grant only the narrowest relief necessary (and in this case ZBA relief may not be necessary at all due to the possibility of establishing a private road).

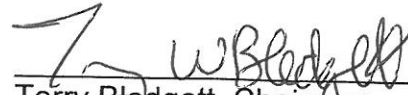
A motion to table and adjourn the ZBA hearing was made, supported, and unanimously passed.

The applicant requested that if this matter needs to be publicly re-noticed, that it not include the word "illegal" and rather just say non-conforming.

The Chairman made a motion to close the meeting, it was duly seconded and passed unanimously.

The meeting was adjourned at 8:00 PM.

Approved: 3-1-18



Terry Blodgett, Chairman
Zoning Board of Appeals