

Corrected Minutes

**Charter Township of Haring  
515 Bell Avenue – Cadillac, MI 49601  
Zoning Board of Appeals Minutes  
February 6, 2008 – 6:00 p.m.**

**Present:** Grahek, Long, and Padyjasek

**Also Present:** Michael Green, Haring Township Zoning Administrator

**Call to Order:** Chairman Grahek called the meeting to order at 6:00 p.m.

**Approval of Agenda:** Padyjasek moved to accept the agenda as presented; supported by Long. Motion carried by an aye vote with no one opposed.

**Approval of November 28, 2007 Minutes:**

**1) Page two under Present Application for Variance Request:**

- a) Paragraph two, line six the words *'of the square footage'* was added after the word *'majority'*.
- b) Paragraph eight, line one *'Chairman'* was added in front of *'Grahek'*.
- c) Paragraph ten, lines one and two *'Chairman'* was added in front of *'Grahek'*, *'wanting changes about'* was deleted and replaced with *'would like'*, *'in and area and said he was looking at it as a positive thing with the Boon Road corner'* was deleted and replaced with *'especially in proximity to busy intersections'*.

**2) Page two under Written Comments Received Regarding Request:**

- a) Paragraph one, line one had a typo the *'form'* should have been *'from'*.
- b) Paragraph one, line three, *'Mr. Bacon'* was deleted and replaced with *'he'*.
- c) Paragraph two, line two had a misspelling, *'Ackman'* should have been *'Aikens'*.
- d) Paragraph three, line 1 the word *'had'* was deleted and replaced with *'asked'* and Mr. inserted before Green. Also the word *'to'* was inserted in front of the word *'read'*.

**3) Page three under Zoning Board of Appeals Discussion:**

- a) Paragraph eight, line three, the letter *'d'* was added to the word *'indicate'*.
- b) Paragraph eight, lines four and five, *'the difference being the 10 foot which had not been requested at that time.'* was deleted and replaced with *'presented at an earlier date'*
- c) Paragraph ten, line one, the phrase *'planning commission member'* was inserted in front of Molly and *'Whetstone stated'* was inserted after Molly. Also the word *'zoning'* was inserted after the word *"the"*.
- d) Paragraph ten, line two, a period was inserted after the word *'ordinance'* and the rest of that sentence *'and after the re-zoning it became a non-conforming commercial.'* was deleted.
- e) Paragraph eleven, line one *'he believed that'* was deleted.

- f) Paragraph eleven, line two, an 's' was inserted after the word 'requirement' and the word 'or' was replaced with the word 'and'.
- 4) Page four, bottom of page, '2-1' was replaced with '2 yes votes, 1 being Padyjasek, 1 being long and 1 no vote being Chairman Grahek'.

Long moved to approve the November 28, 2007 minutes as amended and corrected; supported by Padyjasek. Motion carried by an aye vote with no one opposed.

**Public Comments for Items Not on the Agenda:**

None

**Public Hearings:**

- 1) Request for a variance by DK Design, on behalf of D and J Development to construct a portion of their proposed shopping center fifteen (15) feet from their side lot lines. Pursuant to Section 305 of the Haring Charter Township Zoning Ordinance, the required side yard setback in the Commercial District is 20 feet. Property is generally located in the Southeast 1/4 of the Southwest 1/4 of Section 21 in Haring Township - Parcel #2209-21-3407.
  - a) **Open Public Hearing:** - Public hearing was opened by Chairman Grahek at 6:17 p.m.
  - b) **Acknowledge Affidavit of Mailing/Other Notifications:** Acknowledgement was made by Chairman Grahek. All board members had copies.
  - c) **Present Application for Variance Request:** Mr. Dean DeKryger presented copies of the plans as per Mr. Green's request. He also introduced Jesse and Jerry from DK Development. Mr. DeKryger stated that there is no formal agreement on parking and that they would not exceed zoning requirements on their own site. He also reiterated that this is a non-conforming lot. Padyjasek showed some concern regarding water drainage.
  - d) **Acknowledge Any Written Comments Received:** Two written comments were received and acknowledged. One was from Mr. Donald Bacon who showed concern regarding water drainage and stated that the appeal should be denied. The second letter was from Robert D. Aikens & Associates. Mr. Aikens finds it is acceptable and withdrew his first denial. Mr. Green indicated he had verbal correspondence from the drain commissioner, Mike Soloman. Mr. Solomon said he has no problem with the building location and variance request. Padyjasek asked Mr. DeKryger if he followed the 100 year drainage and Mr. DeKryger said that he followed the storm calculations from the D.E.Q. The only deed restriction Fielder brought up was 15 foot green belt.
  - e) **Receive Public Comments:**
    - i) Bob Scarbrough came forward as a concerned citizen saying that there should be no problem with the parking and gave several examples of businesses in the township with large amounts of unused parking.
  - f) **Zoning Board of Appeals Discussion**

The board went through the practical difficulties standard.

- a) Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),

- b) Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in the same zoning? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances).
- c) If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?
- d) Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).
- e) Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).

#	Long	Padyjasek	Grahek	Req. Answer	Majority
a.	Yes	Yes	Yes	YES	Passed
b.	Yes	Yes	Yes	YES	Passed
c.	Yes	Yes	Yes	YES	Passed
d.	Yes	Yes	Yes	YES	Passed
e.	No	No	No	NO	Passed

Section 703 (5d) [Excerpt from Zoning Ordinance]

CONSIDER PROPERTY VALUES. In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.

Long	Padyjasek	Grahek	Req. Answer	Majority
No	No	No	NO	Passed

A motion was made by Padyjasek to approve the variance request based on the passing of all the practical difficulty standards. Motion was supported by Long, carried by unanimous roll call vote.

**Public/Commissioner Comments:** None

**Adjournment:** A motion to adjourn the meeting was made by Long, supported by Padyjasek. Motion carried by an aye vote with no one opposed.

Meeting adjourned at 6:43 p.m.

Respectfully Submitted By:

Shelly Payne, Recording Secretary