

Bois Blanc Township
Zoning Board of Appeals

Friday, April 24, 2009, 10:00 a.m.

Minutes

Chairman, Jack Bruce called the meeting to order at 10:10 a.m.

Members Present: Chairman Jack Bruce (via telephone), Member Cheryl Gahn, Member Betty Hutchinson.

Moved by Hutchinson, seconded by Gahn to approve the Agenda as presented. All in favor. Motion carried.

Public Comment began at 10:30 a.m. Paul St. Germaine, Zoning Administrator, outlined the circumstances leading up to the appeal. The property in question is zoned low-density residential, although originally it appeared to be residential by both the applicant and the zoning official. This would then put the “green belt” setback to 200' as opposed to 50' for residential zoning. Mr. Schlund indicated that he would put a site construction into a cedar swamp. Mr. St. Germaine indicated that Mr. Schlund could either abide by the setback regulation or file for a variance, which he did.

Statement by Applicant

Mr. Brandon Schlund explained his position. He preferred construction of the home to be further back; however, it would put him into the area indicated as wet or swampy. Mr. Schlund said that this year was not a bad year, but normally the water table is higher after the snow melt or a rainy season. He felt that moving back an additional 91' feet, as indicated by the ordinance, would be a hardship, as that would put his dwelling into a low swampy area that is wet most years.

Statement of Opposition

Cheryl St. Germaine spoke in opposition to the variance. Three letters were introduced in opposition to the variance (see attached).

Statement of Support

Joseph Schlund spoke in support of the variance.

Statement by Others

Joan Schrocka spoke neutrally, but suggested that the “green belt” area be supplemented by more trees and/or a berm, if a variance was granted.

Public Comment portion closed.

ZBA Deliberation

Discussion regarding whether the existing zoning ordinance would be a hardship. The area

retains water if there is a large snow melt or rainy season. The major issue was the “green belt” setback that was important to the atmosphere of the island as indicated by those who had originally developed the ordinance. Bruce felt strongly that this green belt should be preserved. Gahn indicated that the current ordinance would not prevent a property owner, once any construction was finished, to clear the land in front of the construction, including the “green belt,” out to the road. This would then completely defeat the original plan. Hutchinson said that, as the property is on a curve, there would be no place to construct the dwelling except directly back, into the cedar swamp. Moving either side would move closer to the road. A topography map was consulted, which showed the area to be in a low area, although not indicated as the lowest. Another issue was that there was no opposition from any of the adjacent landowners who were sent notification of the hearing. Mr Schlund indicated that it was his intention to plant trees in the “green belt” area, once construction was completed. When asked, Mr. Mitch Begle, a real estate broker, indicated that the area in question had been under water many times over the years, and Troy Hoffman, a pilot, he had also seen water from the air when flying over the area. The previous owner, Curt Van Voorhees, however, had indicated to Bruce that he was not aware of a water problem. The previous owner did not reside on this property.

Deliberation was closed, and Bruce called for a motion.

Moved by Gahn, seconded by Hutchinson to grant this variance of 91' with the condition that Mr. Schlund leave the existing trees that were there and plant additional trees to shield the house from the road.

YES: Gahn, Hutchinson

NO: Bruce

Motion Carried

With the death of the former secretary, Marcia Gibbons, the Board was in need of a secretary.

Moved by Gahn, seconded by Bruce to appoint Betty Hutchinson as secretary of the Bois Blanc T ownship Zoning Board of Appeals.

Carried

Gahn asked that the Board meet to approve these meetings minutes and to work on some of the items needed to comply with the new Michigan Enabling Act, and to do so as soon as possible. Bruce will be arriving on the Island in May so a meeting will be conducted at that time.

Moved by Hutchinson, seconded by Gahn to adjourn.

Carried

Minutes prepared by

Betty Hutchinson
Secretary, ZBA