

Members Present: Chair- Jane Gale, Board members- Wetherbee, McCann, Cook, Harper and Gremel

Absent: None

Staff: Joni Scott- Zoning Administrator, Cynthia Edmondson- Community Liaison

The Public Hearing of the Zoning Board of Appeals (ZBA):

The public hearing began at 7:09 p.m.

A. Presentation of Case:

A Zoning Variance request from Kevin and Georgia Abbey seeking a side-yard setback variance of 3' feet in a R-2, Village Residential District parcel #042-350-176-00 Lot 176.

The required side-yard setback is a total of 20' feet with a minimum of 8' feet on one side.

B. Applicants Presentation:

Kevin Abbey explained that the 3' variance would provide space for an entry platform and step for their proposed single-family home.

C. Zoning Administrator Report:

Zoning Administrator Scott noted the following;

Finding of Facts:

1. All fees have been paid and the application and site plan overview are on file for public review.
2. Kevin and Georgia Abbey have provided a letter outlining their request.
3. All surrounding property owners within a 300' radius was notified by letter dated 3/9/2022.
4. A notice to the Public was published in the Leelanau Enterprise dated March 17, 2022.

D. Public Comment/Correspondence:

None

E. Questions from the Board:

Chair Gale asked if the entryway platform and step would have walls or windows. **Mr. Abbey responded no.**

Commissioner Gremel asked if there would be a roof over the entryway platform. **Mr. Abbey responded no.**

F. Applicant Rebuttal:

None

G. Closing of Public Hearing:

The Public Hearing was closed at 7:22 p.m.

H. Deliberation:

1. Basic Conditions:

- A. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
- B. Shall not permit the establishment within a District of any use which is not permitted by right within that Zoning District or any use of dimensional variance for which a conditional use permit is required.
- C. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the District in which the property of the applicant is located.
- D. Is not one where the Specific Conditions relating to the property are so general of recurrent in nature as to make the formulation of general regulations for such conditions reasonably practical.
- E. Will relate only to property that is under control of the applicant.

Hugh Cook Moved, Supported by Tom Gremel that all the Basic Conditions were met.

Discussion: None

Roll Call Vote: Yeas: (6) Nays: (0) **Motion Carried.**

2. Special Conditions:

- A. Where there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. Where there are exceptional or extraordinary circumstances of physical conditions such as narrowness, shallowness, shape or topography of the property involved or to the intended use of the property, that do not generally apply to other property uses in the same Zoning District. Such circumstances of conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
- C. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same Zoning District.

William Harper Moved, Supported by Chris McCann to approve the variance based on Special Conditions A.

Discussion: None

Roll Call Vote: Yeas: (6) Nays: (0) **Motion Carried.**

Variance Request Approval:

William Harper Moved Supported by Thomas Gremel to approve the 3' side yard variance for lot 176 for the construction of a 3' entry platform and 12" step.

Roll Call Vote: Yeas: (6) Nays: (0) **Motion Carried.**

Adjournment:

The meeting was adjourned at 7:25 pm

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Mr. Gremel # Mr. Harper # Mr. Dun #

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