

## Leighton Township Zoning Board of Appeals Minutes

**Date:** May 28, 2009

**Members Present:** Dave Wright, John Hooker, David Gould, Roger Alderink  
Mary Jane Merren, Bob Skinner (Alternate)

**Members Absent:** None

**Others Present:** Mark Sisson, Bob Jones(PCI), Ric Richard, Brian Prichard and 4 interested persons

**Art. 1** Chairman Wright called the meeting to order at 6:50 p.m.

**Art .2 Minutes**

Minutes of the July 29, 2008 meeting were approved as presented.

**Art .3 Public Comments** – None

**Art. 4 Inquiry of Conflict of Interest** –None

**Art. 5 Richard/Prichard Variance Request – Parcel# 0313-400-001-00**

Secretary, David Gould read the official Notice as it was published. Relief is being sought from Section 7.04(c) which relates to rear yard set back for construction of a house.

Mr. Prichard presented the plans to the board. The street to the rear has been abandoned by the Road Commission and is now going through the process of being formally vacated. The street vacation was approved by the Township Board and will be completed by the Court sometime in July, 2009. At that time, half of the street area will be added to the subject parcel and the lot line will be adjusted. The required setbacks for the proposed house will be met once that occurs. The applicants wish to proceed with house construction before the lot adjustment. The house will only be two feet from the current rear lot line at one point, 7 feet at another and 15 feet for most of the rear wall. Twenty five feet is the required minimum rear yard.

It was noted that the reason the variance in the rear yard setback is needed is that the front yard consists of a steep slope upward from East Shore Dr. to the crest of the lot. The house must be placed on the crest and to the rear. Moving the house forward on the lot is not an option, due to the drop off of the hill. The house is to be a 2055 sq ft ranch walkout. A driveway easement across the property to the north will be used to obtain access to the house on top of the hill. Discussion ensued regarding the ownership, layout and access of the properties surrounding the parcel. It was noted that the current owner, Ric Richards also owns the adjacent property to the east and north.

Chairman Wright opened the public hearing at 7:03 pm.

David Musser of 4532 Serry Drive wanted to know where the well was located. It was noted that the water well is presently under construction on the lot at the top of the hill next to the proposed building site.

Chairman closed the public hearing at 7:05 pm.

Discussion returned to the ZBA members with questions on how the two driveways would be positioned for the remaining parcel to the east. The right of way for the driveways would stay with the property and will not be made part of the subject Parcel # 0313-400-001-00.

Motion by Alderink, supported by Merren, to approve the Richard/Prichard Variance as requested subject to the following conditions and on the basis and finding that the topography of the front yard prevents the home from being located closer to East Shore Drive and requires locating the home far to the rear, within the required rear yard area adjacent to land that is an undevelopable street right of way. Further, the variance will ultimately be mitigated and made unnecessary by the incorporation of a portion of the vacated street land into the subject parcel. The conditions of approval are that:

1. A driveway or private road easement meeting township standards will be granted to the parcel by Mr. Richards which enables vehicle access to the house.
2. The existing garage located on the parcel will be torn down.

**Roll call vote:** Aye: Alderink, Hooker, Gould, Merren, Wright  
Nay: None

**All Ayes/ Motion Carried**

#### **Art. 6 New Business – Election of Officers**

Consensus Nominations and motion was presented to retain David Wright as Chairperson and David Gould as Secretary.

**All Ayes/Motion Carried**

#### **Art. 7 Unfinished Business –**

Sisson handed out a new draft to the ZBA members. Lengthy discussion ensued with regard to the new By-Laws, the roles and responsibilities of the ZBA and various zoning issues including the nature and prevalence of variances in the Green Lake area.. Sisson will make changes to the draft by-laws as discussed and present a new final draft at the next meeting

#### **Art. 8 Public Comments – None**

#### **Art. 8 Board Member Comments-**

The ZBA members would like to set up a meeting to discuss general informational topics such as having an annual January meeting, scheduled days and times. and the position of a Vice Chairperson.

Meeting adjourned at 9:20 pm.

Respectfully submitted,  
Shari Harmon, Recording Secretary