

Leighton Township Zoning Board of Appeals Minutes

Date: June 29, 2009

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

Members Absent: John Hooker

Others Present: Mark Sisson, Bob Jones(PCI), Ric Richard and Mary Richard

Art. 1 Chairman Wright called the meeting to order at 7:00 p.m.

Art .2 Minutes

Minutes of the May 28, 2009 meeting were amended with the addition of a parcel number and approved .

Art .3 Public Comments – None

Art. 4 Inquiry of Conflict of Interest –Roger Alderink was recused from the Richard/Prichard Variance Request on the basis of him being a neighboring property owner.

Art. 5 Richard/Prichard Variance Request – Parcel# 03-13-400-001-00 and 03-13-400-018-00

Secretary, David Gould read the official Notice as it was published. Relief is being sought from Section 7.04(d) and Section 12.26(a) which relates to required lot width and lake frontage. The applicants desire to reduce the frontage of one parcel and add frontage to an adjacent parcel.

Mr. Prichard presented the plans to the board. He had a map of the property and a layout of the four lots. David Gould asked about the driveways and to refresh the board where the driveways are to be located.

Chairman Wright opened the public hearing at 7: 25pm

Mr. Richard is requesting variances to allow Lot 19 to be split away from Parcel 0313-400-001-00 and to attach/combine it with Parcel 0313-400-0180-00 (Lot 18).

Chairman Wright closed the public hearing at 7: 43 pm

Discussion ensued with the ZBA in regard to how the lots would be separated. Parcel 0313-400-018-00 will be increased in lot area and frontage to 97.34 ft. The frontage of Parcel 0313-004-001-00 will be reduced from 110.76 ft to 52.92 ft. The access frontage will be 52.92 ft instead of the 100 ft required.

Mr. Richard will work with PCI to get the easement papers drawn up, as soon as possible. The ZBA also asked if there was any new information regarding the road being vacated on the property.

Mr.Richard stated that this is on the Allegan Court Schedule for July 2009.

Motion by Merren, supported by Skinner, to approve the Richard/Prichard Variance as requested, based on the following:

1. If the applicant is required to sell both Lots 19 and 20 to the Prichards, the practical difficulty would be to diminish the yard area that is now associated with that address and exacerbate the overcrowding on 0313-400-018-00 (Lot 18), which is already non-conforming.
2. The ownership situation relative to the overall property configuration is unique. It allows one property to control the sale of the property and limit density, albeit not in full compliance with dimensional requirements. These circumstances allow compliance with the spirit and intent of the Ordinances lake access and density controls. The variances will enable useable yard area to continue to be

associated with the current home on parcel 0313-400-018-00 (Lot 18) and will enable the yard area to be legally incorporated into Parcel 0313-400-018-00 where it will remain, even if the entire parcel is eventually sold.

3. The variance will enable Parcel 0313-400-001-00 to retain usable lake frontage and lake access. The fifty feet of frontage retained by Parcel 0313-400-001-00 is a significant amount, common for other nearby existing parcels of record.
4. Due to the fact that the existing sub-standard Parcel 0313- 400-001-00 is already legally non-conforming and developed, no additional water accesses will be made available as a result of this variance and there will be no substantial detriment to adjacent property.
5. The underlying circumstances of the original property configuration as they relate to the ordinance requirements are not the result of the actions of the applicant.

Roll call vote: Aye: Gould, Merren , Skinner, Wright
Nay: None

All Ayes/ Motion Carried

Art. 6 New Business – None

Art. 7 Unfinished Business – ZBA By-Laws

Roger Alderink rejoined the members of the ZBA to discuss the By-laws.

Sisson handed out the final draft of the ZBA By-laws, which the ZBA reviewed. Sisson will make changes to the draft By-laws as discussed.

Motion by Alderink, supported by Merren to approve the By-laws, after the discussed changes are made.

Art. 8 Public Comments – None

Art. 8 Board Member Comments-

Questions came up with regard to the number of alternates needed for the ZBA. The ZBA has one alternate now. Should there be two alternates? Dave Wright will check with the Township Supervisor. Consensus was that electing a Vice Chairman was not necessary at this time.

Meeting adjourned at 9:05 pm.

Respectfully submitted,
Shari Harmon, Recording Secretary