

7:00 o'clock p.m. Chairperson Montgomery called the meeting of the Zoning Board of Appeals to order, opened the public hearing, and continued with the agenda.

1. ROLL CALL

PRESENT: Chair Montgomery, Secretary Eisenhower, Trustee Bradley, Member Marlar

ABSENT: Vice Chair Oprita

ALSO PRESENT: Jayne Labuda Szymanski, 5268 Lakeshore Rd
 Jorja Baldwin, Zoning Consultant
 Courtney Reckker, Recording Secretary

2. APPROVAL OF AGENDA: July 18, 2023

Motion by Marlar, supported by Bradley, to approve the agenda as printed and posted.
Voice Vote, 4 / 0. Motion Carried.

3. APPROVAL OF MINUTES: May 16, 2023

Motion by Eisenhower, supported by Marlar, to approve the minutes as presented.
Voice Vote, 4 / 0. Motion Carried.

4. PUBLIC COMMENT (for items not on the agenda): None

5. PUBLIC HEARING:

ITEM 5-1: EXCEPTION – 5268 LAKESHORE ROAD/74-20-175-0056-000:

APPLICANT: Jayne Labuda Szymanski, 12030 Diamond, Shelby, Michigan 48315

OWNER: Jayne Labuda Szymanski, 12030 Diamond, Shelby, Michigan 48315

REQUEST: To allow for a 24' travel trailer to be placed on the property and connected to public utilities for the property owner to occupy during the renovation of the dwelling damaged during a water leak, pursuant to the authority granted in Section 38-75 (3) e. *Permit temporary buildings and uses for periods not to exceed six months. Extensions may be granted for construction purposes. A cash deposit as designated by the township board, by resolution, shall be held for a temporary building with refund upon removal.*

LOCATION: 5268 Lakeshore Road

PARCEL ID #: 74-20-175-0056-000

LEGAL: Lot 64, Cedarcroft Plat

APPLICANT PRESENTATION:

- Reason for the upcoming construction is due to a leak flooding one of the houses on this property
- Notified both neighbors directly around property who are not full time living at homes
- Travel trailer was placed on property already by insurance, but has not been utilized
- Licensed electrician and plumber to be hired for connections from travel trailer
- Trailer stored in the common area to make neighbors happy in response to their letters to the township

PUBLIC COMMENT: None.

Contacts/Communications/Correspondence:

Letters were received from Greg Lemke, 5266 Lakeshore Road, and Dianne Weaver, Patrick DePonio and Mary DeCarolis, 5270 Lakeshore Road.

Motion by Bradley, supported by Montgomery, to close the public hearing for Item 5-1 at 7:12 P.M.

Voice Vote, 4 / 0. Motion Carried. Public Hearing Closed.

BOARD DISCUSSION:

- Chair Montgomery asked what the time frame will be for the usage of the travel trailer with the six months going into winter. Ms. Labuda Szymanski stated the travel trailer would be removed or stored during the winter months as she will only be here for decision making and not to oversee during the winter. Currently her stays are 3-4 days at a time until winter. They are struggling to find local licensed trades people to do the work

- Trustee Bradley asked what will happen with the sewage from the trailer. Ms. Labuda Szymanski stated the insurance company will take care of that. She is unclear if the sanitary sewage will be connected to the home along with the water or if the trailers attached tank will be properly emptied when needed
- Chair Montgomery asked with the anticipated construction, if the six months allowed for the exception if she would need an extension for later into next year. She does not anticipate needing the travel trailer needed past spring of 2024.
- Zoning Consultant Baldwin touched on the home being in a flood zone if it was needed to be rebuilt. Baldwin also mentioned the travel trailer, per ordinance can be placed for storage year round between the two houses in the rear yard. The question here being connected to utilities and for how long. The six months can be split up. Building permits are issued for one year with work being done, with extensions available as needed.
- Montgomery and Baldwin discussed since the travel trailer can be placed in the rear yard if they can utilize it without hooking to utilities. It can be used, just not as a formal occupancy.

Recommendations:

- The building official recommends approval with the condition that electrical and plumbing permits are pulled to connect travel trailer to house.
- The DPW recommends approval with the condition that an inspection be performed after water hookup.
- The fire chief recommends approval with no conditions.
- The zoning consultant recommends that, if approved, the period of time shall not exceed six months from the date the travel trailer arrived on the property.

Reasons for Decision can include, but are not limited to:

- *A request may be **granted** upon findings that:*
 - (1) Continuance thereof would not be contrary to public health, safety, or welfare.
 - (2) The structure does not and is not likely to significantly depress the value of nearby properties.
 - (3) The use or structure was lawful at the time of its inception.
 - (4) No useful purposes would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

- *A request may be **denied** upon finding that:*
 - (1) Public services cannot be adequately provided; i.e. water, sewer, gas, electric.
 - (2) The proposed construction could hinder public safety response and put the property and surrounding properties at additional risk.
 - (3) A hardship (non-financial in nature) or practical difficulty (such as a natural feature of the land) has not been demonstrated.

MOTION 1 FOR ITEM 5-1 EXCEPTION – 5268 LAKESHORE ROAD/74-20-175-0056-000:

Motion by Montgomery, supported by Marlar, to grant the request for an exception for a 24’ travel trailer to be connected to public utilities for 5268 Lakeshore Road, 74-20-175-0056-000, with conditions, of six months starting today, July 18, 2023 through November 18, 2023 and starting again April 1, 2024 through May 18, 2024 with the proper permits and inspections for hook up and disconnect.

Roll Call 2 / 2. Yes – Montgomery, Marlar. No – Eisenhauer, Bradley. Motion Failed.

Motion by Eisenhauer, supported by Bradley, to deny the request for an exception for a 24’ travel trailer to be connected to public utilities for 5268 Lakeshore Road, 74-20-175-0056-000, for the following reasons of no hardship showing a direct need to be housed on-site as construction has not been started and is still in the architectural design phase.

Roll Call. 3 / 1. Yes – Eisenhauer, Bradley, Marlar. No – Montgomery. Motion Carried.

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS: None

8. MEMBER UPDATES:

- Report from Township Board Representative: Trustee Scott Bradley
 - Parker road projects continuing
 - Dog Park drinking fountains to be installed this week
- Report from Planning Commission Representative: Nathan Oprita – N/A.

9. **ADJOURNMENT**

Motion by Eisenhower, supported by Marlar, to adjourn. **Voice Vote, 4 / 0. Time, 7:58 P.M.**

ZBA Secretary/Representative