

Burtchville Township Zoning Board of Appeals

March 9, 2022

John Ferda JAF
Alan Heing AH
James King JK

Minutes approved on March 12, 2022

Present: Alan Heing, John Ferda, James King

Acting Chairman King called the meeting to order at 7:00 PM followed by the Pledge of allegiance.

Board introductions

Approval of agenda

Motion to approve agenda was made by Mr. Heing, Mr. Ferda second the motion, a vote to approve agenda was taken and all three board members signified by saying "aye".

Public Hearing

The board took up the matter of a variance request by Richard F Loy Trust for Parcel 74-11-007-2006-000, 4015 Jeddo Road, Lakeport MI 48059 requesting one variance to allow a side yard setback of 11' 9", thus allowing the parcel to be equally divided into two 19.826 acres.

Petitioner request was presented by Timothy Edie, of Polaris Surveying, P.L.L.C., 7679 Capac Road, Lynn, MI 48097. Mr. Edie explained the certificate of survey project number Burtchville #237R Burtchville 3/89R. (See attached material that was presented.) Submitted for zoning board of appeals review. This survey was for the Richard F. Loy Trust to the Attn: of Linda Leuch, 3790 Harris Road, Lakeport, MI 48059. Ms. Leuch is a daughter of Mr. Richard F Loy. Ms. Leuch reported that her father's trust states that the property in question be divided and given to two of her brothers, and this was why the property was surveyed in the pursuit to spilt the property in half.

Zoning Administrator: was not present at the meeting.

Public comments:

Linda Leuch, 3790 Harris Road, Lakeport, MI 48059, daughter of Richard F Loy, was in favor of the spilt, citing it was her father's wishes to have the property equally divided and given to her brothers. She said most of the structures on the land are over 100 years old. She said the Burtch Creek made it difficult to divide the property.

Correspondence:

Letter from Claude and Colleen Vanderplancke, 8311 Kimball Drive, Burtchville, MI, 48059 dated 2-25-22 was read aloud by Mr. Ferda and the Vanderplancke's are not in favor of granting the variance and want the current side yard setback of 20 feet to be upheld.

Public hearing was closed at 7:18 PM,

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Board deliberations

Findings:

Mr. Ferda cited zoning code 154.063 stated the property is zoned agricultural/residential which required a 20' side yard setback. Granting a reduction of 11'9" side yard setback on the proposed split would create two non conforming properties.

Mr. Heing and Mr. King concurred with Mr. Ferda's findings.

Mr. King explained and read out loud the "nonuse variance checklist" and sited the following answers to the 8 questions, 1) Yes, 2) Yes, 3) Yes, 4) No, 5) Yes 6) Yes 7) No, 8) No.

7:40 PM Mr. King made a motion to reopen the public comment; Mr. Ferda seconded the motion, and all three board members signified by saying "aye".

Mr. Edie asked the board if the side yard setback of district R-1-C was the same as the district regulation for the property in question, and the answer was yes 20'

Ms. Leuch clarified that the property was not intended to be sold and proceeds divided; her father intended his two sons to inherit the land in equal portions.

Public hearing was closed at 7:45 PM

Board Deliberations ended at 7:45 PM

Mr. Ferda made a motion to deny the variance request by Richard F Loy Trust for Parcel 74-11-007-2006-000, 4015 Jeddo Road, Lakeport MI 48059 requesting one variance to allow a side yard setback of 11' 9 " , thus allowing the parcel to be equally divided into two 19.826 acres.

Mr. Heing seconded the motion.

A vote to deny the variance was taken and all three board members signified by saying "aye"
Variance denied.

Meeting adjourned at 7:47 PM

Respectfully Submitted

James King, Acting Chairman