

November 24, 2014

Rollin Township Appeals Board

Variance Hearing for Appeal Number PZ14-050

7830 E. Ferndale, Manitou Beach, Mi. 49253

The Rollin Township Board of Appeals was called to order by Chairman Arlen Miller at 7 p.m. to hear an appeal for **Shirley Herzberg** for property at 7830 E. Ferndale to tear down and re-build a house on a non-conforming lot.

Chairman Miller stated the purpose of the meeting and introduced the board. Board members present: Alt. Tim Miller, Jerry Wilson, Walter Miller, John Seiser, and Arlen Miller.

Shirley Herzberg explained to the board what she would like to do.

After questions and comments by the board members Seiser made a motion to approve the request with 10' side yard set backs and a 1' overhang on the roof. Wilson supported the motion.

Wilson then proceeded to go over Section 22.06 of the Rollin Township Standards. Each board member proceeded to fill out their own sheet containing the standards. After being read Wilson asked that they be made a permanent part of the records. So moved by Chairman Miller.

Roll Call vote: T. Miller: Yes, J. Wilson: Yes, W. Miller: Yes, J. Seiser, Yes, A. Miller: Yes.
Motion carried.

This ended the first appeal of the evening. The second appeal of the evening begins on page 2.

Respectfully submitted, Walter Miller,
Secretary_____.

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November 24, 2014 second appeal of the evening is for **Appeal Number PZ14-057** for **Thomas and Valerie Schnorberger** for property at **360 Park St., Manitou Beach, MI** to hear an **appeal from the zoning inspector on application PZ14-056 dated September 23, 2014** whereby the zoning inspector denied a zoning compliance permit.

Members of the Zoning Board of Appeals are as follows: Arlen Miller, Chairman, Alternate member, Tim Miller, members Jerry Wilson, Walter Miller, and John Seiser.

Present at this appeal were attorneys Timothy Dinan, and Michael Hamblin, court reporter Amy Reckling. Also present was neighbor Timothy Smith of 320 Park St, and Andrew Jordan and Claudia Conners, and LuAnn Roberts, who grew up in the area in question.

Attorney Michael Hamblin made the presentation for the Schnorbergers who were not present.

Attorney Hamblin began by passing out to the board members a summary of appeal consisting of nine pages of background, legal analysis, and their conclusion. There were then 13 exhibits, including construction plans, surveys, engineering reports, applications and notifications and other information pertaining to their appeal, and 49 pictures of lake properties. This was a huge pile of information given to the members as the appeal began.

Attorney Hamblin presented a summary of the handout at this time. During this presentation reference was made to selective zoning enforcement, which several board members took exception to. Attorney made reference to some of the pictures shown in his handout. Jerry Wilson mentioned that some of the things were grandfathered in, some were weekend or holiday projects that the board was not aware of.

Audience members comments: Andrew Jordan explained that the new structure is about 20' closer to the lake.

Timothy Smith complained about the view and said he was with the inspector and the structure was to be cut down and back filled.

LuAnn Roberts said originally there was no deck there.

Andrew Jordon said they should have checked out the contractor's word.

Hamblin said that his clients were trying to do the right thing.

Board member comments: T. Miller had no comment.

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W. Miller asked the attorney which standard he quoted in his presentation, Hamblin said 5.02.

5.02 2 states Should such non-conforming structure or portion of structure sustain structural damage or be destroyed or removed by any means to an extent of more than fifty (50%) of the fair market value of the structure as it existed at the time of damage, destruction, or removal, it shall not be reconstructed except in conformity with the provisions of this Ordinance. If such damage, destruction or removal is more than twenty (20%) but less than or equal to fifty (50%) of the fair market value of the structure as it existed at the time of damage, destruction or removal, restoration shall be subject to the approval of the Board of Appeals.

Jerry Wilson explained that this structure would not be grandfathered in since it was removed.

Board members commented that the pictures presented by the attorney clearly show the new structure is clearly higher than the previous one, and also closer to the lake.

Jerry Wilson then made a motion to deny the request as applied for. John Seiser supported. Wilson then proceeded to go over Section 22.06 of the Rollin Township Standards. Each board member proceeded to fill out their own sheet containing the standards. After being read Wilson asked that they be made a permanent part of the records. So moved by Chairman Miller.

Roll Call vote: T. Miller :Yes, J. Wilson: Yes, W. Miller :Yes, J. Seiser: Yes, A. Miller: Yes.
Motion carried. Appeal denied.

Chairman Miller offered a chance to compromise. No compromise presented. Appeal concluded.

Wilson made a motion to approve the minutes of October 27, 2014 (Slusarski,8600 E. Ferndale, appeal PZ14-054) Seiser supported. All ayes voted.

Wilson made a motion to adjourn. A. Miller supported. Meeting adjourned at 8:45 p.m.

Respectfully submitted, Walter Miller,
Secretary_____.