

Zoning Board of Appeals

Public Hearing November 17, 2014

Present: Chairman Ron Merrick, Peter Dolan, Courtney Burnette, Pattie Johnston
Absent: William Magee and Phil Livingston

Also Present: CEO Ron Maxwell, Jeff Szczesniak, Charles Comer and Dennis Bradford

Chairman called the meeting to order at 7:00 PM and read the public notice for the application of Charles Comer for renewal of a conditional use permit to operate a diesel truck and farm equipment repair shop located at 4635 Flats Road, application of Jeffery Szczesniak requesting a front setback variance of 42 feet and a south side setback variance of 7 feet at 5520 West Lake Road to build a 20' by 30' detached garage and application of Dennis Bradford requesting a variance of lot width and coverage and north and south setback variances at 5699 Sutton Point North for the purpose of requesting a subdivision of the land.

Charles Comer renewal of a conditional use permit: Mr. Comer voiced his objection to having to obtain a conditional use permit because the original use of his building was for a repair shop and because it was subsequently owned by Livingston County and used as a dog control facility can't revert back to a repair shop according to the zoning rules. He is using the building for the purpose originally intended. There are no changes to the permit and he has owned it for 10 years and is requesting that the renewal term be extended for 10 years. Ron Maxwell has not received any complaints regarding the property.

Motion by Courtney Burnette to approve renewal of the conditional use permit to operate a truck and farm equipment repair shop at 4635 Flats Road, for a term of 5 years, seconded by Peter Dolan. All in favor.

Szczesniak Variance: Mr. Szczesniak presented a picture of the lot showing the location where he wants to build. He explained that the lot slopes limiting where he can build the garage. A letter from the neighbors on the south stated that they have no objections to the location he has chosen. His brother lives on the north side and has no complaints with the location. No complaints have been received from the public and no one was at the hearing to object.

The Zoning Board of Appeals considered the following questions:

1. Will an undesirable change be produced in the character or the neighborhood or will a detriment to nearby properties be created by granting the variance? No.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No, due to the existing grad around it.

3. Is the requested variance substantial? No, variance is under 50%.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No.
5. Is the alleged difficulty self-created? Yes.

Motion by Pattie Johnston to approve a front setback variance of 42 feet and a south side setback variance of 7 feet to construct a 20' by 30' storage building at 5522 West Lake Road, seconded by Peter Dolan. All in favor.

Bradford Variance: Mr. Bradford said he bought the property in 1983 and has lived there for 30 years. There are two houses on one lot. One house was rented and he lives in the other one. The tenants moved out last year. He is trying to get financing or will have to sell. He can't refinance because it is a non-conforming lot with 2 single-family houses on one lot and submitted a letter and an email from the lending agency. He provided a survey map dated 2/5/2014 showing two lots each with one house. Ron Maxwell suggested making the north side setback of house and lot located at the lake shore meet the minimum side setback of 6 feet. No complaints have been received from the public and no one was at the hearing to object.

The Zoning Board of Appeals considered the following questions:

1. Will an undesirable change be produced in the character or the neighborhood or will a detriment to nearby properties be created by granting the variance? No, it is an existing structure.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No, based on letters received by applicant turning down loans.
3. Is the requested variance substantial? No, north side setback is no longer an issue.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No.
5. Is the alleged difficulty self-created? No, based on the letters (from loan company) presented by applicant.

Motion by Peter Dolan to approve the lot width variance and area lot variance as set forth in the survey map, dated 2/5/2014 and filed with this proceeding and amend the survey map so the north side setback conforms to the minimum side setback of 6 feet, seconded by Courtney Burnette. All in favor.

Lombardo Conditional Use Permit: Chairman read a letter he received from Ron Maxwell regarding the conditional use permit of Louis Lombardo to operate a massage

ZBA Meeting 11/17/2014

Page 3 of 3 pages

therapy business at his residence on Barber Hill Road. After review of his application he determined that it qualifies as a home occupation and therefore does not require a conditional use permit.

Motion by Pattie Johnston to accept the recommendation of the code enforcement office that the massage therapy business conducted by Louis Lombardo is a home occupation as defined by the zoning ordinance no longer requires a conditional use permit, seconded by Peter Dolan. All in favor.

Review and Approval of September 15, 2014 Meeting minutes: Motion by Peter Dolan to approve the minutes as submitted, seconded by Pattie Johnston. All in favor.

Tom and Alice May Dock & Mooring permit renewal: Motion by Courtney Burnette to table the renewal application until the January 2015 meeting, seconded by Pattie Johnston. All in favor.

Motion by Courtney Burnette to adjourn the meeting at 8:25 PM, seconded by Peter Dolan. All in favor.

Submitted by
Karol Thomas
Recording Secretary