

CHARTER TOWNSHIP OF PENNFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES **DRAFT ONLY**
OCTOBER 3, 2007

Chairman Ken Davis called the meeting to order at 6:32 PM.

Members Present: Ken Davis, Julia Newman, and Frank Schumacher.
Jerry Robinson and Lindsay Draime were absent. A quorum was met.

Others Present: Sandra Cummings, Recording Secretary; Russ Wicklund, Zoning Administrator, and Denise Olmstead.

The meeting opened with the Pledge of Allegiance.

Public Comment: There was no public comment at this time.

Approval of August 6, 2007 ZBA Meeting Minutes:

Motion was made by Julia Newman, seconded by Frank Schumacher to approve the minutes from the previous Zoning Board of Appeals on August 6, 2007. Motion carried.

Unfinished Business:

No unfinished business at this time.

New Business:

A. Olmstead/McGregor Dimensional Variance

A Public Hearing was held for a variance request from Denise Olmstead and her mother, Esther McGregor. The parcel I.D. number for this request is 13-1-8-023-707-20, and the address is 10692 Bellevue Road. This 2.2 acre parcel has recently been split out of parent parcel 13-18-023-707-00, belonging to Denise Olmstead, of 10638 Bellevue Road, and quit-claim deeded to her parents, Mr. and Mrs. McGregor. The zoning issue is being administered under Appendix B. Zoning, Chapter 18, Zoning Board of Appeals, Section 18.06: Variance Procedures, (b) Granting of Non-Use Variances of the Zoning Ordinance. The property is zoned AG, Agricultural.

Mrs. Olmstead presented her variance request for relief of minimum square footage requirement for a new home from 1200 square feet to 1066 square feet. She stated that when she originally purchased this manufactured HUD home, her plan was to place it on her property as a Temporary Home for the care of her father. Mrs. Olmstead's father has suffered an illness and needs constant care. Her mother was also to reside in the dwelling, but is also elderly, and the primary care giver is to be Denise Olmstead. Mrs. Olmstead appealed to the Pennfield Township Board in June, 2007 and

was granted a permit to place this unit on her property as a Temporary Dwelling, and understood that the permit would need annual renewal to confirm her father's continued need for care. However, Mrs. Olmstead realized that if and when the time came to remove the unit, her mother would then be displaced from her home and need to re-locate. Also, the unit she had purchased was not structured to remain on wheels as a temporary dwelling, and needed to be attached to a permanent foundation, which in essence made it unacceptable as a temporary dwelling.

Mrs. Olmstead then decided to split her property and deed a 2.2 acre parcel to her parents to construct a permanent residence so her mother would not be displaced in the future. She proceeded with a land division, obtained an address and driveway permit, and deeded the new parcel to her parents. When she began applying for building permits she was informed that the home she had purchased for a temporary dwelling did not meet the minimum square footage requirement for a permanent dwelling, thus prompting the need for this variance request.

Public comment was opened. Russ Wicklund, Zoning Administrator, pointed out that under the current Michigan Zoning and Enabling Act, this would be considered a dimensional non-use variance, and the standards for granting a non-use variance would be to show "practical difficulty" for the homeowner involved. The "practical difficulty" here was due to the previous Township approval of the unit, based on it being erected as a "Temporary Dwelling." He pointed out that other than minimum square footage, this unit met all other standards for a "double-wide modular" for a building permit. Preliminary site plans indicated it would meet all other zoning requirements. Mr. Wicklund further pointed out that many surrounding communities had much smaller minimum square foot requirements, and indeed many homes within the township which were constructed prior to current zoning requirements were much less than the 1200 square feet in size.

No phone calls were received prior to the meeting in regard to the variance request. One letter was received prior to the meeting signed by two neighbors, Donald and Bonnie Tuttle, of 10635 Bellevue Road, and Samuel Giese, of 10701 Bellevue Road. Neither was opposed to the placement of the home on the Olmstead/McGregor property.

Public comment was closed, and Board comment was opened.

Frank Schumacher confirmed that this dwelling was to be a permanent dwelling. He also asked for the mailing list of neighboring residents who were notified of the scheduled ZBA meeting. There were six neighboring property owners notified, along with Consumers Energy.

Julia Newman asked what the plan was after her parents no longer reside there. Mrs. Olmstead indicated that either she would move into it and sell her home to one of her own children, or tear it down and build a pole barn on the property, as she would inherit the property when her parents are gone.

Julia Newman made a motion to grant the Olmstead/McGregor variance based on Section 18.06 B. Granting of Non-Use Variances, section 1 through 6, that a “practical difficulty” exists; the “practical difficulty” being that the McGregor’s unit was previously approved by the Pennfield Township Board based on it being a Temporary Dwelling.

Frank Schumacher seconded the motion. Motion carried unanimously.

Public Comment:

No public comment at this time.

Board Members Personal Privilege

Mrs. Olmstead may now start pulling building permits. There is no waiting period. She understands that she must meet all permit and setback requirements during construction of the new home.

Frank Schumacher made a motion to adjourn at 6:52 PM, seconded by Julia Newman.

Motion carried.

Respectfully Submitted,

Sandra Cummings
Recording Secretary