

**Barry County Zoning Board of Appeals
Minutes – August 14th, 2017**

The meeting was called to order at 7:00 p.m. by Richard Patterson in the Community Room of the Tyden Building located at 121 South Church Street in Hastings. The ZBA members in attendance included Patterson, Shirley Barnum, and Clyde Morgan. Pam Strode was absent. Those also in attendance included James McManus, Judith Ford, and other interested people.

Motion by Morgan to approve the agenda as printed. Support by Patterson. All ayes – motion carried.

The ZBA reviewed the Minutes of June 12th, 2017. Motion by Barnum to approve the Minutes as written. Support by Patterson. 2 ayes - Morgan abstained - motion carried.

BUSINESS

Patterson explained the procedures of a public hearing.

VARIANCE

Case No. V-4-2017

Judith Ford & William Ford, Jr.

Patterson recessed the ZBA, opened the public hearing, and asked Ford to present her request.

Ford noted she wanted to be able to divide the land. She noted she has a large parcel. She said the variances were for less water frontage and a smaller side yard setback, but she said she has an irregular-shaped lot. She said she has just renovated the existing home.

Ford continued that they would like to build a similar home on the new parcel, and they may sell the existing home to their children.

Ford clarified the variance request by saying that the lot width changes from the road to the water. She said 60 feet of water frontage is required, and she has between 50 and 52. She noted the side yard is required to be 10 feet, but she is asking for 6 feet.

Patterson asked if anyone wished to speak in favor of the request. There was no response.

Patterson asked if anyone was opposed.

Jim Kahllo said he was there on behalf of his mother, Joanne Steward, who has lived there for 57 years. He noted Gun Lake has a uniform zoning code. He noted she was concerned about more drives and safety. He submitted a letter to the ZBA.

Bert Wallace noted his mother-in-law, Marilyn Strunk, lives next door and was denied a variance. He was concerned about the side yard setback and adding density to the area.

Doyle Smith noted he owned the home from 1994 to 2015. He said the Ford's had done an outstanding job on the landscaping and remodeling of the home. He noted he applied for a variance for essentially the same request and was denied. He said the denial turned into a positive. He said he served on the Gun Lake Protection Association and noted he worked on the zoning revisions which is the standard for the lake.

McManus read letters in opposition to the request from Alice Boyce, Wyatt Wolcott, and Robert Bouma. Ford rebutted by noting the neighboring properties had 7 ft setbacks, and she noted smaller setbacks could impede the sellability of the home. She noted Strunk cannot see Ford's house due to the lack of windows, and she said the properties across the road will not see a change to their view of the lake.

Ford continued that she has improved the home and landscaping and the construction of the new home will use local resources. She said there will be little or no traffic created by the division and the new driveway location has better site view than the current home. She noted she does not know what Smith requested in 1995.

She said the required 10 foot setback for the existing house will lead to a narrower home on the new parcel.

McManus noted the notice was generated using a scale that was not exact. He noted he was very cautious of setting the proposed lakefront at 48 feet in the notice. He said the subsequent survey by Jonker shows the true distance to be closer to 50 feet. He said the intermediate traverse line is 57 feet.

Patterson closed the public hearing and reconvened the ZBA.

Barnum asked how much lake frontage the existing home will have. Ford said 130 feet and about a ½ acre of land.

Barnum said she was not concerned about the neighbor's across the street-views of the lake, but she was concerned about the lot width. Ford noted the 50 feet of water frontage is consistent with many other lake lots.

Barnum asked what the new home would look like. Ford said it would be a ranch with a walkout basement.

Barnum questioned why she wanted to move. Ford said the lot was too big to care for. Barnum questioned if another variance would be needed. Ford said they were not planning on it.

Morgan asked if the existing home was a walkout. Ford said yes. Morgan asked if it was a summer home. Ford said this is the homestead property, but her husband still works in Detroit.

Patterson verified the 6 ft setback. Ford agreed and noted it was only for existing structure. Patterson said he was struggling with the setback. Ford noted the lot is only 50 feet for a short distance and then it widens to the road. Patterson asked if the proposed setback could be increased. Ford said it would limit the new home.

Patterson asked about the existing 7 ft setbacks. Ford said the neighbors on both sides of her property have a 7 ft setback.

Patterson asked how confident Ford was to build the new home without an additional variance. Ford said she was very confident.

Patterson suggested tabling the request until Ford had her new house plan finalized. Ford noted she has already talked to building contractors and Kraai well drilling.

Patterson asked about stipulating a 10 ft setback for the new home. McManus noted the ordinance requires a 10 ft setback, so a stipulation is not necessary.

Morgan asked if the property had public sewer. Ford said yes, but she will need a new well.

Morgan commented that the new ordinances are there for a reason.

Motion by Barnum to deny Case No. V-4-2017 per Section 3107.C.1 a, f of the Barry County Zoning Ordinance. Support by Morgan. Roll call vote taken. 3 ayes - 0 nays. Motion carried. Variance denied.

Motion by Morgan to adjourn. Support by Barnum. All ayes – motion carried.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "James McManus". The signature is written in a cursive, flowing style with a large initial "J".

James McManus