

A legally advertised meeting was called to order in the Denton Township Hall by Chairman Lloyd Bonzo at 9:30 a.m.

Board Members Present: Chairman Lloyd Bonzo, Lynn Baese, Carl Seils, Morry McLain and Kent Straub.

Board Members Absent: None.

Others Present: Brian & Deborah Huffman, Jim Thorburn, Craig Paster, Dixie Rader, Jim Mikdaizik, Kim Akin, Zoning Administrator Rachael Barnes and Secretary Theresa Wagner.

Motion by Straub supported by Baese to approve the minutes of the last Zoning Board of Appeals meeting held June 9, 2017.

Ayes 5 Nays 0 Motion Carried.

Chairman Bonzo read the following guidelines to be followed:

The Zoning Administrator will give the staff presentation.

The applicant or his agent will state his case fully and furnish the Zoning Board of Appeals with pertinent information concerning this request.

Following the presentation by the applicant, comments from the audience will be accepted under the following guidelines:

1. All statements or questions from the floor must be directed through the Chairperson.
2. Presentations from the floor will be limited to 5 minutes or less.
3. Each person making a statement will be asked to state their name and address.
4. The Zoning Board reserves the right to question any speaker.
5. Be as brief and factual as possible.
6. Please refrain from repeating what has been said before and please do not involve personalities.
7. Those in favor of the request will be heard first.
8. Those opposing the request will be heard last.

At the conclusion of the floor presentations, the chairperson will close the meeting to the public, and the Zoning Board will deliberate the matter and arrive at a decision at today's meeting. (Copies of these rules are available on the table).

Case #2017-006ZBA.

Brian & Deborah Huffman requested a variance to rebuild a nonconforming dwelling on property located at 119 Detroit Avenue, Houghton Lake, (72-003-695-090-0000).

Kim Akin, assisting Zoning Administrator Rachael Barnes, stated the cabin in question is one of several on a large lot that was once a resort, and is part of the association that was formed. Mr. Huffman's cabin was flooded by broken pipes in the winter, and was only found later, with water damage and mold issues. Dave Doll, Houghton Lake Building Inspector, stated his opinion is that the cabin is uninhabitable and if they cannot tear down and rebuild in the same footprint, at the same time not adding to the nonconformity on the property, the property would be deemed useless. Akin stated Township Zoning Attorney Bill Fahey's opinion is the alternative to obtain a variance from the Zoning Board of Appeals (ZBA) to rebuild the cabin in the same footprint. Sec 310-12 allows nonconforming structures to be continued as long as they are not enlarged or altered. They can rebuild if the cabin is destroyed by "fire or an act of God," but not in the case of voluntary demolition. A voluntary demolition would fall under Sec 310-15, which would amount to an "abandonment" of the nonconforming structure, and it could not be rebuilt without a variance from the ZBA.

Mr. Huffman explained the cabin had flooded from burst pipes, and was not found until a later date. The damage had been extensive to the building itself as well as everything in it, with mold being the one of the biggest issues. He would like to tear down the damaged cabin and rebuild in the same footprint of the existing cabin. It will be brought up to standard code, and the existing patio, which is part of the existing footprint, would be covered with the extension of the roof over it. Discussion followed.

One (1) petition with seven signatures of neighbors on the street was received, all of which were in favor of the request.

Chairman Bonzo asked for comments from the floor for or against the request. There were none.

The meeting closed to the floor at 9:40 a.m.

Chairman Bonzo asked for comments from the Board.

Baese stated his concern that the retaining wall is only 28" from the cabin. He felt it did not give much room for emergency personnel to fight a fire if ever the need arose.

Seils stated he understands the Huffman's problem and the fact that the cabin needs to be demolished, and if they are not allowed to rebuild it in the same footprint, the property would be useless. He felt this is an extenuating circumstance.

McLain asked if it would be possible to move the retaining wall. It was the opinion of all that it would be very difficult to move. It is 8 ft. tall and made of stone. McLain stated with all the circumstance involved, he was not opposed to his request.

Straub stated he felt this is a unique issue and a hardship case. He is in favor of the request.

Chairman Bonzo stated this cabin was build long before there was a zoning ordinance, and under all of the circumstances, he understands the request.

After discussion,

Motion by Straub supported by Seils to grant the request of Brian & Deborah Huffman for a variance allowing them to demolish the existing nonconforming cabin on property located at 119 Detroit Avenue, Houghton Lake, (72-003-695-090-0000), and rebuild it in the same footprint according to standard code, and allowing the roof to cover the existing patio included in the original footprint of the structure, as requested.

Ayes 5 Nays 0 Motion Carried.

There being no further business,
The meeting adjourned at 9:59 a.m.

Respectfully submitted,

Theresa M. Wagner, Secretary