

TOWNSHIP OF FREMONT

COUNTY OF TUSCOLA

MAYVILLE, MICHIGAN 48744

Zoning Board of Appeals Meeting

November 3, 2011

Board Present:

Frank Ellicott
Ken Bragg
James Holmes
Charles Sherwin

Board Absent:

Arland Draper

Guest:

Amy Holbrook
Henry Wymore
Lyle Fryers
Kin Geilhart – applicant
Soleiman Seghatoleslami

Meeting opened at 7:03 p.m. by Bragg.

Minutes: Motion by Holmes, seconded by Ellicott to approve the May 26, 2011, minutes – motion carried.

Bragg mentioned that Soleiman Seghatoleslami is not sitting on the board tonight due to a possible conflict of interest because his property adjoins the property in question so Charles Sherwin (ZBA alternate) is taking his place.

Bragg stated that the purpose of the meeting was as follows: Kin Geilhart who resides at 5304 Mertz Road is requesting that he be allowed to build a 200 sq. ft. shed on his property. The reason a variance is needed to build a storage shed is because his property is a non-conforming parcel that doesn't meet the 4 to 1 ratio rule that is in our current zoning ordinance (Section 13.03). Also, the same rule was in our previous zoning ordinance. Bragg also stated that he did not receive any letters or phone calls from any neighboring property owners.

Public Comments:

Lyle Fryers gave the Board a copy of a letter that he had previously received from Connie Lipka (Twp. Assessor) which states that since this parcel is considered an illegal land division that occurred back in 2004 or 2005 because it didn't meet the 4 to 1 ratio requirements. She had recommended that the new property owners schedule a variance meeting to make it a legal land division but they had not done that.

Board Discussion:

Bragg stated that when Kin Geilhart purchased the property (September 2010) he signed a letter stating that he understood that if he wanted to replace the current mobile home or build a house on the property that he would need a variance. Kin stated that he did not know that it also meant he couldn't construct any other type of building. Holmes stated that this hardship was not caused by Kin Geilhart but was caused by a previous owner when the property was split without meeting the 4 to 1 ratio. It was explained that the property was split prior to the 4 to 1 ratio going into effect and that it was put on the tax roll but it wasn't recorded until after the 4 to 1 ratio went into affect and therefore it wasn't grandfathered in and is an illegally split parcel.

Charles Sherwin stated that in our Ordinance (Section 14.02) it states that if a parcel is a non-conforming lot on record at the effective date of adoption of the current ordinance that he can build on the property. The Board had a lot of discussion regarding the 4 to 1 ratio and when the split actually took place. It was determined that when the township put the land parcel onto the tax roll that the split was officially accepted/recognized and that the split could no longer be denied. Therefore, the township created the problem, not the current land owner.

Motion: Motion made by Holmes, seconded by Sherwin to grant the variance to waive the 4 to 1 ratio on the property owned by Kin Geilhart located at 5304 Mertz Road per the recommendation of Connie Lipka (Twp. Assessor) that the Zoning Board of Appeals grant a variance. The Board also approves to make this parcel (Tax ID # 011-022-000-1350-02) a non-conforming legal parcel. Roll call vote: Sherwin-yes, Ellicott-yes, Holmes-yes, Bragg-yes. Motion unanimously approved.

Meeting adjourned at 8 p.m.

Respectfully submitted by

Amy L. Holbrook, Secretary