

**Charter Township of Breitung
Zoning Board of Appeals
September 30th, 2009**

Chairman Pietrantonio called the Breitung Township Zoning Board of Appeals meeting to order at 5:00 p.m.

Present: Peterson, Rochon, Pietrantonio, Bertsch, Dixon and Superintendent Franzoi.

Public Comment:

No public comment.

Approval of Minutes:

Motion by Peterson, supported by Bertsch to approve the minutes for July 15th, 2009. All ayes, motion carried.

Approval of Agenda:

Motion made by Rochon, supported by Peterson to approve the agenda. All ayes, motion carried.

Public Hearing Gray Garage Variance:

Pietrantonio advised that Mr. and Mrs. Bruce Gray live at N3672 Moon Lake Drive and are requesting a variance to construct a garage in the front yard of their property. Pietrantonio advised that the property is zoned R1 and is pie shaped which narrows down to approximately 75 ft on the water. The size of the proposed garage is 26'x 36' and is proposed to be located in the front yard.

Pietrantonio advised that according to section 404(d) accessory buildings or garages are not permitted in the front yard in the R1 district. As a result the Grays are seeking a variance from this section to construct a garage.

Pietrantonio acknowledged that the Grays were present at the meeting and asked if they wished to make a comment before the board. Both Mr. and Mrs. Gray advised that they did not wish to. Pietrantonio asked if any of the board members had a chance to look at the proposed location. Dixon and Bertsch advised that they were able to while Peterson and Rochon advised that they were not able to check the property prior to the meeting.

Pietrantonio advised that we have received two letters in opposition to the variance which was attached to the boards packet. Pietrantonio asked if there was anyone else that would make a comment to the board regarding the proposal and nobody stepped forward.

Pietrantonio advised that he was able to go and look at the proposed site area and advised that he didn't see any buildings in the area that close to the road. Pietrantonio advised that one of the opposition letters from the Dittys had contained concerns that the proposed garage would obstruct their vision exiting their driveway. Pietrantonio advised that he agreed with this from looking at the proposed area.

Pietrantonio advised that he also asked the Grays if they had a secondary location for the garage if their proposed location was not approved. Pietrantonio advised that they said they could move it closer to the house and this was illustrated as secondary on the proposed map. Pietrantonio advised that the proposed garage couldn't be moved back at all due to a septic system being in that location.

Peterson asked how far the secondary garage would be located from the house. Mr. Gray initially advised about 60 feet however Pietrantonio advised that it was more like 40 feet. Pietrantonio asked the Grays if it would be easier for them to construct the garage in the secondary position so that it was easier to move the items into the garage. The Grays advised that it would actually be harder because of some trees and stuff however they would be fine with whatever the board decided.

Bertsch asked the Grays if they considered adding onto the existing garage. The Grays advised that they did look into it and the cost was too much compared to constructing a detached garage. The Grays advised that they even looked into purchasing separate property to construct storage facilities but the cost of that was also too much.

With no other comments from the board, Pietrantonio asked for a motion. Peterson advised that he thought we would need to make a motion to deny the request as presented. Superintendent Franzoi asked if the ZBA would support the secondary position suggested by the Grays. Pietrantonio advised that he would be in favor of the secondary position.

The secondary proposed position was then discussed and explained amongst the board members. One of the neighbors in the audience had questioned where the secondary position was and he was invited up to the board table to look at the proposal.

Bertsch advised that even though the cost may be more that adding onto the existing garage would add greater value to the Gray property and the neighborhood then having a separate structure. The Grays then added that they would also loose the southern exposure to their garden which is in that location. Bertsch added that there are a lot of trade offs when proposals are made and this would be one of them.

The Grays advised that the cost was more of the reason behind not adding onto the existing garage. Pietrantonio advised that he agreed that the cost would be a lot more by adding onto the garage then building a separate unit because of the changes that would need to be made to the existing garage also. Bertsch advised that the cost should not be one of the considerations for the Zoning Board. Rochon added that cost is not a hardship to consider when approving variance request.

Pietrantonio asked if there was any further discussion from the board, hearing none he asked for a motion.

Rochon made a motion to deny the variance request for the Grays garage variance. Pietrantonio then asked if I would be opposed to approving the secondary location. Rochon advised that given there being ample space to add onto the existing garage and that monetary issues can't be used as a hardship that he would not include the secondary location being approved as apart of the motion.

Dixon asked if the motion was complete and Rochon advised that his original motion was complete. The motion was then supported by Dixon. Pietrantonio then restated that the motion would be to deny the original location of the proposed garage and the secondary position of the proposed garage and Rochon advised he was correct. Pietrantonio then called for a roll call vote. Bertsch-yae, Rochon-yae, Pietrantonio-nay, Peterson-yae, Dixon-yae. Motion passed, variance denied.

Board Discretionary Time:

Rochon brought up that it was his feelings that the board packets must be available to the members much sooner then they do. Rochon advised that he felt that the members could do a more effective job if they had the packets sooner so that they could look at the proposed variances prior to making a decision at the board meetings. Superintendent Franzoi advised that he understood.

Peterson advised that Secretary Rochon did a good job on the minutes for the meetings. Peterson added that the minutes are informational and that it is important should issues arise after the fact.

Correspondence/Information:

No correspondenc.

Motion by Peterson, supported by Dixon to adjourn; all ayes, motion carried. Chairman Pietrantonio adjourned the meeting at 5:25 p.m.

Respectfully submitted by Secretary Rochon, Zoning Board of Appeals.