

CASE NO. 2006-001

LAPEER TOWNSHIP ZONING BOARD OF APPEALS

Thursday - April 13, 2006

7:00pm

LAPEER TOWNSHIP HALL

PUBLIC HEARING

Present: Chairman Leonard Lumley, Vice Chairman Howard Lilley, Secretary Howard Stack, Mary Henderson and Ken Ewing

Others: Mike & Christine Neadow, 850 Heights Road, Lake Orion, Michigan
Dan Guyer, 2609 Pine Bluff Drive, Lapeer, Michigan
Charles and Rena Swain, 68 E. Hunters Creek Road, Lapeer, Michigan
Sherry Drew, 2610 Pine Bluff Drive, Lapeer, Michigan
Ralph M. Duke, 2730 Pine Bluff Drive, Lapeer, Michigan
Dave Stone, 183 Hunters Creek, Lapeer, Michigan
Tommie Bliss, 2604 Greenwood Road, Lapeer, Michigan
Greg & Jan Heiser, 2553 Metamora Road, Metamora, Michigan
Larry and Nancy Payne, 2564 S. Lapeer Road, Lapeer, Michigan
Malcolm Harris, 2721 Metamora Road, Lapeer, Michigan
Lorena Hockey-Evans, 2670 Pine Bluff Drive, Metamora, Michigan

Chairman Lumley called the meeting to order at 7:30 p.m. Roll call followed with all members present.

Stack read the notice of public hearing of case #2006-001 dated March 20, 2006 on the petition filed by Mike Neadow, 850 Heights Road, Lake Orion, Michigan. The applicant wishes to construct a single-family home on a non-conforming lot in the R-1B and AE zoning district. The parcel is 13.2 acres and has 116' of frontage on Hunters Creek Road in the R-1B zoning district. It does not meet the required 120' of frontage and exceeds the maximum width to depth ratio of 4 to 1. This is a provision of Section 9.01, Area Requirements in the R-1B zoning district of the Lapeer Township Zoning Ordinance.

The property is identified by parcel number 44-012-033-047-00. This 13.2 acre vacant parcel is described as the railroad right-of-way that runs between Hunters Creek and Sutton Roads.

Petitioner presented his case as follows:

Petitioner has a 13.2 acre parcel which is a non-conforming lot and does not meet the depth to width ratio. He would like a 4' variance of road frontage to build a single family home. This property is a non-conforming lot of record and is not something he created. It has been on the tax roll this way for years. He had applied for a variance for a split in 2004 and was denied so he has decided to build one home on the 13.2 acre parcel.

Stack read correspondence from Charles Swain, 68 Hunters Creek Road, Lapeer, Michigan, who is opposed to this variance as it does not meet the Township ordinances. He also feels this property is a historical mile of where the railroad used to run and that the stone arch aquaduct is also a historical site.

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Stack also read correspondence from Jack Wnuk, 386 W. Hunters Creek, Lapeer, Michigan, who is opposed to this variance and feels that Mr. Neadows could sell the property to adjacent property owners without financial loss. The building of any home would lower the neighbor's property value.

Chairman Lumley opened the meeting to the public at 7:40 p.m.

Lorena Hockey-Evans, 2670 Pine Bluff Drive, stated that she is very concerned with the environmental aspect of this because of the wetlands and how it will effect their ponds. There are also other issues such as disrupting the wildlife and that people will take advantage of trespassing on their property.

Charles Swain, 68 E. Hunters Creek Road, is concerned about the septic field being in the back of the house which is on high ground. Where would the water go? He is concerned it will be an environmental hazard.

Malcolm Harris, 2721 Metamora Drive, has 80 acres and has lived there 40 years. He has a spring fed lake and this is also a wetlands area. He feels that Petitioner does not own this land by adverse possession and that the State and County have control of it. He believes there is still an old lease with the Ann Arbor Railroad. Petitioner tried to sell this property to the neighbors at an exhorbant price. He further stated that you can not engineer a field on this property, it would only create a mess and damage everything. There is no level place to build a home. This would effect the waterflow of the river and ponds in the area and no home should ever be built on this property.

Lumley stated that Petitioner would still have to meet the requirements of the Health Department.

David Stone, 183 Hunters Creek, stated he has concerns with the driveway being 250' long and that there would be no turnaround for emergency vehicles. He also stated he has issues with the cemetery at the south end which is 150 years old.

Rena Swain, 68 E. Hunters Creek Road, has lived there 30 years peacefully and would like it to stay that way.

Ralph Duke, 3720 Pine Bluff Drive, stated that it would be difficult to build on this property, it is not suitable for building and that when Petitioner bought this property, he knew it would not conform. There is no compelling reason to grant this variance.

Stack read a letter from Attorney Gary Howell dated November 8, 2004 regarding Mr. Neadow's variance request for a split of the property which was denied. It was stated that this variance is regarding road frontage and width to depth ratio.

Lilley stated it depends on where the house will be built The house is not staked out and he is not sure where it will be. Lumley stated that the location of the home will certainly have a bearing on whether to grant the variance and it would also change the amount of feet for road frontage.

Petitioner stated that he feels he is entitled to build one house on this 13 acre parcel. He still has to meet the Construction Code's rules and regulations.

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Greg Heiser, 2553 Metamora Road, Metamora, asked how a decision can be made when the Township is not sure where the house will be situated.

Stack asked if Petitioner planned to have a drive off of Sutton Road. Petitioner stated yes. Stack said that it showed he was asking for the drive to come off of Hunters Creek Road. There was discussion on whether it would be better to have the drive come off of Sutton Road or Hunters Creek Road.

Dan Guyer, 2609 Pine Bluff, Lapeer, stated that the property is too long and narrow for a home to be built there.

There was further discussion on Petitioner offering to sell the property to the neighbors or donating it to rails to trails. Petitioner stated he has never received any offers on the property from the neighbors.

Motion by Lilley, seconded by Henderson, to deny the variance request of Petition #2006-001, Section 9.01, Area Requirements in the R-1B zoning district, due to the lack of sufficient knowledge of where the home will be placed on the property and there is only one portion of the property that would meet the width zoning requirement of the Township. Roll call vote: Lilley - yes, Henderson - yes, Lumley - yes, Ewing - yes, Stack - no. Motion carried.

The meeting was adjourned at 8:30 p.m.

Howard Stack, Secretary

Jane Powell, Recording Secretary