

CASE NO. 2006-002

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: Edward and Jennifer Rogers, 1873 Rooster Trail, Lapeer, Michigan

Chairman Lumley called the meeting to order at 7:05 p.m. Roll call followed with all members present.

Stack read the notice of public hearing of case #2006-002 dated March 20, 2006 on the petition filed by Edward Rogers, 1873 Rooster Trail, Lapeer, Michigan. The applicant proposes to construct a 3-car garage 42' from the edge of road right of way instead of the required 50' from any edge of road right of way. This is a provision of Section 8.03, subsection 1 - Minimum Front Yard Setback of the Lapeer Township Zoning Ordinance.

The property is identified by parcel number 44-012-027-019-31 which is a 5.0 acre parcel and is zoned AE Agricultural Estate.

Petitioner presented his case as follows:

Petitioner would like to build a 3-car garage. Prior to purchasing his property, he had gone to the Construction Code Authority regarding setback requirements. He staked out his house with the information he was given prior to purchasing the property. He stated he was told that the normal setbacks did not apply since Rooster Trail is a private road in a private subdivision. He was not aware that each Township had their own requirements for setbacks. Recently, when he went to get a permit for the garage, he was told that the house never should have been built in its current location due to the setback requirements. He would like the garage to match and compliment the house. He can not go any further back because of the grade.

Petitioner submitted a letter from A & C Developers, stating that his garage design does comply with Pheasant Ridge restrictions. He also submitted a letter from the Pheasant Ridge Homeowner's Association stating that they approve of this proposed garage.

Lilley stated that the Zoning Administrator's comments states that Petitioner's dwelling does meet the required front yard setback.

There was discussion that the Construction Code Authority was divided on whether Rooster Trail is a private road or a county road which would make a difference on whether or not he was in compliance. Petitioner stated that he found out it is a county road.

Stack asked if the proposed garage will line up with the existing garage and how far apart will they be? Petitioner stated yes, they will be approximately 75 feet apart and he would have a courtyard in between.

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Stack read correspondence from Jennifer Gingell, a neighbor whose property borders to the north of the Petitioner and she is not opposed to the granting of this variance.

Lumley stated that it is an odd shaped lot and slopes. There was discussion on the way the property is pie shaped, how it slopes and where the drainage would go.

Ewing asked Petitioner how many houses are in the subdivision or how many houses could there be total? Petitioner stated there are a total of seven available lots which are all 5 and 10 acre parcels.

There was discussion that this is a private road with no outlet and not much traffic.

Motion by Ewing, seconded by Lilley, to grant the variance request of Petition #2006-002 as presented. This is a variance of Section 8.03, subsection 1, Minimum Front Yard Setback, allowing Petitioner to build a 3-car garage 42' from the edge of the road right-of-way due to the misinformation supplied by the Construction Code Authority to the homeowner at the time the dwelling was built, it does not detract from the neighborhood and is approved by the Homeowner's Association. Roll call vote: Ewing - yes, Lilley - yes, Lumley - yes, Stack - yes, Henderson - yes. Motion carried.

The meeting was adjourned at 7:25 p.m.

Howard Stack, Secretary

Jane Powell, Recording Secretary