

May 21, 2019

Saline Township Zoning Board of Appeals meeting

Katke variance request

Present:

Eugene Heusel, Carrie DeJonghe, Jim Laramie, Renee Luckhardt, Tim Malenzak

Fred Lucas

Meeting Called to order at 7:01

Pledge of allegiance recited

Roll Call completed:

In attendance: Eugene Heusel, Chair, Carrie DeJonghe secretary, Jim Laramie, Renee Luckhart, Tim Malenczak,

Fred Lucas legal counsel

Election of officers:

For Secretary: Carrie DeJonghe proposed by Renee Luckhardt, seconded by Tim Malenzak, unanimous, so moved.

For Chairman: Eugene Heusel proposed by Jim Laramie, Seconded by Carrie DeJonghe, unanimous, so moved.

Vice Chair: Jim Laramie proposed by Renee Luckhardt, seconded by Carrie DeJonghe, unanimous, so moved.

Proposed variance proposed by Matthew Katke to allow for new building to be built less than required setback distance to property line.

Mr. Katke purchased property with old building less than required setback. This building is proposed to be removed and a new, larger barn built in its place. Mr. Katke assumed this would be grandfathered in to allow for new barn to be built.

Nick Armstrong, neighbor to the east, sold Mr. Katke the property. He followed the advice of Realtor and requested Title Company to adjust property line. This proposed adjustment was not sent to Saline Township for approval, and was not in compliance with setback requirements. Sale was completed.

Previous building was out of compliance by approx.. 3 ft., new building would be 18 ft. from property line, putting it out of compliance.

Several alternatives were discussed, including:

Moving property line, neither party finds this change acceptable

Moving building, no other suitable site was determined to be available due to the unique circumstances peculiar to the property

Altering size and shape of the proposed building, due to practical difficulties and increased expense and suitability for using building for desired purpose

Altering placement to reflect future use of the adjacent property for residential zoning, this is not applicable at this time.

After discussion of possible alternatives and being unable to identify any that were suitable or acceptable, Board returned to reviewing the requirements for exemptions to regulations. Section 17.07, criteria for granting a variance was discussed in detail. Conclusions are as follows:

1. Practical difficulties: denying request would deprive applicant of rights commonly enjoyed by other property owners in same zoning district. It was generally agreed that this was the case.
2. Substantial justice: also generally agreed to be the case.
3. Unique circumstances: The need for variance met the criteria of unique circumstances peculiar to this specific property, due to low lying areas, other structures (deck), drain field, etc.
4. Preservation of property rights: preservation and enjoyment of property
5. Public safety and welfare: Not Applicable

6. Not Self-Created: The problem and resulting need for the variance has not been self-created by the applicant or the applicants predecessors. This was thoroughly explored. It was determined that the need for the variance was created by transactions made incorrectly in the 1980's or earlier, and is therefore not the creation of the applicant. The applicant's predecessor Nick Armstrong did not consult the Township, but this was determined to be inadvertent as he was following the direction of the Title Company. The importance of following the proper process and not bypassing the township was discussed. It was not clear how the County approved the property boundary, and this will be pursued by Eugene Heusel. It was agreed that this was not the fault or intent of either Mr. Armstrong or Mr. Katke.
7. More than mere inconvenience: Denying the applicant the variance would impair the enjoyment of property and impair the ability to obtain a higher financial return.

General agreement that the problems were exacerbated by Title Company and County, allowing Mr. Katke to believe that he was permitted to build structure as proposed.

Request for variance by allowing 18 ft. setback discussed. No fault was found with applicant, no reasonable alternatives to applicant's proposal that would allow the enjoyment of property.

Proposal to grant variance request made by Jim Laramie, seconded by Carrie DeJonghe. Passed unanimously.

Eugene Heusel made motion to adjourn, Rene Luckhardt seconded. Meeting adjourned at 8:02 pm.