

## ZONING BOARD OF APPEALS

### Special Meeting Appeal #98-1

February 19, 1998

The Special Meeting of the Birch Run Township Zoning Board of Appeals was called to order at 6:05 pm by Chairperson David Hinds. Also present for the board were Nancy Henige, Larry Peslak and Richard Morefield. Twelve (12) people were in the audience.

The Special Meeting was called to order to hear an appeal and request for a variance from Edna Hauck for property at 9780 Busch Road, Section 9. Edward Henneke, attorney for Edna Hauck, addressed the board and presented information on requesting a variance for granting a building permit.

On the question of issuing a building permit, the board referred to Zoning Ordinance Section 302 (1) stating "The front lot lines of all lots shall abut a public street....", and the correspondence from Township Attorney Kathy Abbott dated December 19, 1997, concluding that the former Hauck Road is not a public street.

Motion by Morefield, supported by Peslak to affirm the decision of the Township in refusing to grant a building permit. Motion carried 3 -1.

YES: Hinds, Morefield, Peslak

NO: Henige

The board considered the variance issue. Applicant requested a variance from the requirement that a buildable lot shall abut a public street.

Motion by Morefield to deny variance from the front lot line abutting a public street to Edna Hauck. Motion died for lack of support.

Motion by Henige to grant the variance to Edna Hauck to build a house on subject property. Motion died for lack of support.

Township Attorney Kathy Abbott arrived at 6:50 pm.

The board further considered the request and the reasons for requiring frontage on a public street. The following was considered: Saginaw County Road Commission does not consider the former Hauck Road a public roadway, the township's responsibility to consider access for emergency vehicles to a site, setting a precedent for anyone to build along driveways rather than along public streets which would negate the purpose of having a zoned community. It was noted that the applicants could get a building permit for this parcel by using frontage on Busch Road.

Motion by Hinds, supported by Morefield to deny the variance based on the fact that the variance would be contrary to the public interest and contrary to the intent and purpose of the Township Zoning Ordinance. Motion carried 3 - 1.

YES: Hinds, Morefield, Peslak

NO: Henige

Motion by Peslak, supported by Hinds to adjourn at 7:16 pm. Motion carried 4 - 0.

Nancy Henige, Secretary