



PRESQUE ISLE TOWNSHIP
Zoning Board of Appeals Minutes
January 16th, 2024 @ 6:00 pm

Call to Order: 6:00 pm

Pledge of Allegiance: Pledge was recited.

Roll Call: Rick Kurkechian, David Larkin, Chuck Smith, and Dennis Cleary present. Bill Fay not present. Zoning Administrator, Steve Lang, was also in attendance.

Approval of Agenda: Dennis Cleary motioned to approve the agenda as written. Rick Kurkechian seconded. All approved.

Approval of Minutes: David Larkin motioned to approve the minutes as written. Chuck Smith seconded. All approved.

Comments from the Audience: (3 minutes per audience member). N/A

Correspondence: None

New Business:

1. **Introduction of New ZBA Member:** Dennis Cleary was introduced as a new member to the Zoning Board of Appeals.
2. **Election of Officers:**
 - a. Chuck Smith was nominated for Chair by R. Kurkechian. D. Larkin motioned to cast a unanimous ballot. D. Cleary seconded. All ayes. Motion carried.
 - b. David Larkin was nominated for Vice Chairman by R. Kurkechian. R. Kurkechian motioned to cast a unanimous ballot. C. Smith seconded. All ayes. Motion carried.
 - c. Dennis Cleary was nominated for Secretary by D. Larkin. D. Larkin motioned to cast a unanimous ballot. C. Smith seconded. All ayes. Motion carried.



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3. Date and Time of Meetings: D. Larkin motioned to approve the dates and times of the next four meetings (1st Tuesday of April, July, October and January at 6pm). D. Cleary seconded. Motion approved.

Updates:

1. Classes: S. Lang arranging Zoning classes for Board members in compliance with the ZBA bylaws.
2. General Comments from ZBA Members: N/A
3. Planning Commission: R. Kurkechian gave an update on the Planning Commission's progress since the last ZBA meeting. Discussion included the new Dock Ordinance, Accessory Structure Size R-1 and R-2 Ordinance, Jake Brake Ordinance, C-1 Greenbelt (Landscape Buffer Strip) Ordinance, the potential firing range development in response to the Brown Island firearm discharge complaints and a potential Time of Transfer Ordinance for septic systems and wells.

Comments from Audience: N/A

Adjournment: 7:00pm

Next meeting: April 2, 2024 at 6pm.



Presque Isle Township
Zoning Board of Appeals Meeting Minutes
July 2, 2024
6:00 p.m.

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| Call to Order | 6pm. |
| Pledge of Allegiance | Pledge was recited. |
| Roll Call | <p>Present: Chair Charles Smith, Vice Chair David Larkin, Secretary Dennis Cleary, Planning Commission Liaison Tom Guyer, and member Larry Fields who was sworn in prior to meeting. Also present were Zoning Administrator Steve Lang and Board Liaison Mary O’Neill.</p> <p>Absent: None.</p> |
| Approval of Agenda | The agenda was approved with no motion or vote. |
| Approval of Minutes (January 16th, 2024) | A motion was made by David Larkin, supported by Dennis Cleary, to approve the January 16 th meeting minutes. Ayes: 3. Abstentions: 2. Motion carried. |
| Audience Comments – 3-minute limit | None. |
| Correspondence | None. |
| Public Hearing: Melissa and Alan Gapske Variance Request | <p>Smith opened the hearing for the consideration of a variance request submitted by Alan and Melissa Gapske of 19566 Evergreen Rd. Presque Isle MI 49777, parcel no. 122-260-000-033-00. The applicants were requesting a variance of 8 feet from the required 50-foot setback from the ordinary high-water mark (OHWM) per Section 4.17 of the Presque Isle Township Zoning Ordinance.</p> <p>Present for this request were applicants Alan and Melissa Gapske. The applicants plan to build a new home on their 50-foot-wide lot once the existing home is razed. They explained that their contractor had recommended the variance to provide more room for the tapering of a new septic system. Referring to drawings provided to the board, the applicants stated that if they are allowed to proceed with the current septic placement plan, a portion of the new home’s deck would be set back 42 feet from the OHWM. The applicants then took questions from the board about the property and site plan.</p> |



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Guyer asked when the home was purchased and if the retaining wall, boat launch and garage were already there at the time. The applicants stated that the home was acquired in September of 2022, and all were included in the sale. He then asked what the distance is from the south end of the garage to the rear lot line. The applicants replied that the distance is at least 24 feet.

The applicants were then asked questions about the drain field. The permit states that the field would be 400 square feet, but there were some questions over the exact dimensions.

Guyer noted that the distance from the back of the house to the front of the garage is 68 feet. He asked how far from the back of the house the septic tank would be placed. The applicants weren't sure. He then asked if they were going to add fill. Mrs. Gapske said the contractor would undoubtedly have to add some.

Guyer next asked why it would be harder to taper if they moved the house 8 feet back to comply with the ordinance. Mrs. Gapske explained that they can't change the angle of the new house to conform with the setback requirements because they have to leave enough room on the west side of the lot to have access to the boat ramp.

Fields suggested building a 2-story house instead to reduce the footprint. Mrs. Gapske explained that this is their planned retirement home and they are anticipating that an aging parent will be moving in with them. She stated that they have spent a year planning this new home so that there would be enough room for everyone in the 2-bedroom one-story house. Mr. Gapske also added that a 2-story house wouldn't fit in with the other homes in the area.

Smith stated that 68 feet seemed like enough room for a septic field.



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Cleary asked about the dimensions of the home being razed vs. the new home being built. The applicants confirmed that they were tearing down a 34x74 structure and building a 30x60 structure including the deck.

Lang noted that the plan didn't show if the septic will be an engineered or gravity field and that the health department stated that it was okay to reuse the existing tank on the property. Lang reminded the applicants and the board that to be granted a variance, the applicants must demonstrate a practical difficulty that would prohibit them from conforming to the zoning ordinance.

Smith then closed the public hearing so that the board could deliberate.

Guyer stated that to grant a variance request, the applicants must demonstrate that complying with the ordinance would be unnecessarily burdensome. Guyer didn't believe the applicants had done so.

Smith concurred. He also added that to grant a variance, there must be unusual circumstances that do not apply to most other lots of record in the same manner. He didn't believe there were any.

Cleary stated that 68 feet is more than enough room.

Larkin reminded the applicants that once they raze the existing structure, the new structure must follow the ordinance.

Smith added that he was concerned that if they granted such a variance and allowed a 42-foot setback, then other builders will start demanding the same.

When there were no more questions or comments from the board, Guyer made a motion, supported by Larkin, to



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| | approve the application for the variance request as written. All opposed. The variance was denied. |
| Unfinished Business | None. |
| New Business | None. |
| Reports: a. Zoning Administrator b. Planning Commission Liaison | <p>a. <u>Zoning Administrator</u> Steve Lang discussed the progress of the road work special assessments for Lake Street, Fireside Highway and Kauffman Blvd.</p> <p>b. <u>Planning Commission Liaison</u> Tom Guyer reported that the commission is currently considering a potential time of transfer ordinance which would require a septic inspection by the health department when a home is sold. He also stated that the commission is in the process of revising the zoning ordinance to comply with Public Act 233 of 2023 regarding solar, wind and battery storage facilities.</p> |
| Audience Comments – 3-minute limit | None. |
| Adjournment | 6:34pm |

Next Meeting: October 1, 2024, at 6:00pm.



**PRESQUE ISLE TOWNSHIP
ZBA Special Meeting Minutes
November 13, 2024 - 7:00 p.m.**

Call to Order

The meeting was called to order at 7:00 PM

Pledge of Allegiance

Pledge was recited.

Roll Call

Present: Chair Charles Smith, Planning Commission Liaison Tom Guyer, Board of Trustees Liaison Mary O'Neill, and member Larry Fields. Zoning Administrator Steve Lang was also in attendance.

Absent: Vice Chair David Larkin and Secretary Dennis Cleary.

Approval of Agenda

A motion was made by Fields, supported by Guyer, to approve the agenda. All ayes. Motion carried.

Approval of Minutes

The board determined that the minutes of the July 2nd meeting will be considered at the regular meeting on January 7th, 2025.

Audience Comments: (3-minute limit)

None.

Correspondence:

None.

Public Hearing:

a. Donajkowski Accessory Structure (Gazebo)

Smith called to order a public hearing to consider a petition for a nonuse variance submitted by Jeff Donajkowski of 9620 Lake Street, Presque Isle, Michigan, 49777, parcel no. 122-185-000-013-00. The petitioner was requesting a variance to build a 20'x16' gazebo with a 34' setback from the original high-water mark. The subject property is a vacant residential lot zoned in the R2 district.

Zoning Administrator Steve Lang began the hearing by presenting a summary of the project. He indicated that the proposed gazebo would be in violation of the Presque Isle Township Zoning Ordinance in two ways:



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1. The accessory structure would be built on a vacant residential lot.
2. The setback of the structure would be 16 feet short of the 50-foot requirement.

Lang said one solution for the petitioner would be to combine the vacant lot with his adjoining improved lot and create one building site. Lang stated that he had not received confirmation from Assessor Laurie Spencer that this had been done. Lang also informed the board that a dimensional variance requires a practical difficulty of the lot. He added that he had visited the property and saw that the gazebo had already been erected.

Petitioner Jeff Donajkowski was then introduced and took questions from the board. He indicated that he had only put up the framing of the gazebo temporarily and could easily take it down. He also stated that his reasoning for the proposed gazebo's placement was to allow enough room for a home addition in the future.

Guyer asked if he had already combined the parcels. Donajkowski stated that he and his wife had sent the paperwork to the assessor but hadn't heard back.

Guyer next asked if the house was already there when he bought his property and if he bought it from the original owner. Donajkowski answered affirmatively to both questions.

Fields asked about the accuracy of the parcel number on the application. Donajkowski was unclear if it was correct. Lang later confirmed that it was.

Lang questioned why Donajkowski couldn't build an addition to the front of his house. After a brief discussion, it was determined not to be possible.



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Smith inquired about the location of the septic field which Donajkowski clarified.

When there were no further questions from the board, Smith asked if any members had received correspondence. Smith noted that Lang had been contacted by two of Donajkowski's neighbors who had no objection to the construction of the gazebo.

Smith then closed the public hearing and the board entered deliberations.

Fields stated that given the two violations of the zoning ordinance, he couldn't approve the structure.

Guyer referenced parts E and F of Section 8.6 of the zoning ordinance which states that variances must comply with the following:

- That the need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water or topography.
- That the need for the requested variance is not the result of actions of the property owner or previous property owners.

Guyer indicated that neither criterion had been met and for those reasons, he would be opposed to granting the variance.

O'Neill said she would like to wait until the board is sure that the lots have been combined and it's shown that there aren't any other possible options to building an addition.



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Guyer noted that Donajkowski would need to combine the parcels and submit a site plan that's drawn to scale and meets all the requirements.

When there were no more comments, Guyer made a motion, supported by O'Neill, that the board reserve a decision until presented with proof that the lots have been combined and have been presented with a site plan that conforms to the ordinance. All ayes. Motion carried.

Adjournment:

The meeting was adjourned at 7:37pm.

Meeting Reminder: The next ZBA meeting is scheduled for Tuesday, January 7th, 2025, at 6pm.