



**VILLAGE OF BELLAIRE  
ZONING BOARD OF APPEALS  
MEETING AND PUBLIC HEARING  
October 9, 2008  
6:00 PM**

Members Present: Fleet, Smalley, Stanish Others Present: Person, D. Gank, V. Gank, J. White, S. Morrison, S. Morrison, J. Lange

**Call to Order:** J. Fleet called the meeting to order at 6:08 PM. Full tape of this meeting is available upon request.

**Welcome to the Public:** Fleet welcomed the public and thanked them for participating in the public hearing process.

**Purpose of the Public Hearing:** Fleet stated the following reason for the public hearing: To consider two variance request. One by Don Seman for building of a new home on Antrim Street. Second to allow J. Lange a fence behind Stone Waters Inn in a greenbelt area.

**Opening of Public Hearing on Lange request:** Fleet opened the public hearing on the Lange request.

**Applicant Testimony on Variance Request:** Lange has asked permission to put a fence up behind the Stone Waters Inn along the path as a safety concern. Lange indicated that last summer a guest had fallen down the bank.

**Public Testimony Period;** S. Morrison's concern was that the fence would extend onto her property to the south. Commission made is clear that it could not, an if she wanted to put up plantings to stop guests from coming onto her property she could without a permit.

**Member and Staff Questions on Hearing Testimony:** Comments on how long the path had been there and if it was a safety issue or a created nuisance by the Stone Waters Inn.

**Closing of the Public Hearing on Lange request:** Fleet closed the public hearing at 6:25 PM.

**Deliberation by Members and Staff:** General discussion on the project

**Decision on Zoning Variance:** Motion by Smalley, seconded by Stanish to grant a variance for the existing split rail fence, as constructed today, to remain based on the new Michigan Planning Enabling Act which allows for variance's to allow for safety concerns while staying with the spirit of the ordinance. Motion carried. Condition was stated that the fence can not be enlarged or lengthened on to the adjoining property.

**Opening of Public Hearing on Seman request:** Fleet opened the public hearing on the Seman request at 6:26 PM

**Applicant Testimony on Variance Request-** Mr. Seman will be joining us by phone. Mr. Seman . Mr. Seman explained his project and the reason for the request.

**Public Testimony Period:** Gank's stated they liked the project, but would like to see the side set backs met, as they may build in the future. Also, they are concerned that the elevation of the property would be changed creating a run off issue in the future. Mr. Seman indicated that he would not be changing the elevation of the property.

**Member and Staff Questions on Hearing Testimony:** Members questioned why such a large garage and why on two stories when he indicated due to health reasons the house was one story. The garage is for storage and won't be a daily climb up step.

**Closing of the Public Hearing on Seman request:** Fleet closed the public hearing at 7:10 PM.

**Deliberation by Members and Staff on Seman request:** Discussion on lot coverage and the size of the garage and the set backs needed vs the public interest of other property owners.

**Decision on Zoning Variance:** Motion by Stanish, seconded by Smalley to approve the site plan for the house and presented with a 5' setback on the west side, no closer to Antrim Street than the present house sits and a variance of 17' on Richardi street for the porch, being no closer than 8' from the property line. Decision on the garage was that the location for the garage could be no closer than 5' from the north property line and 8.8' from Richardi street. Applicant will present a plan for the garage at a later date as it needs to be reconfigured. These variances are based on the non-conforming section of the ordinance as the house and lot are both existing Class A non-conformities.

**Closing Member and/or Open Public Comment:** Fleet thanked the Gank's for coming. Person indicated that since we were able to schedule 2 variance requests on the same night, could we refund each of the applicant \$250. Motion by Fleet, seconded by Smalley, to return \$250.00 to each applicant. Motion carried by voice vote.

**Adjourn:** Meeting adjourned at 7:32 with a call to the acting chair.