

**APPROVED**

**EVELINE TOWNSHIP ZONING BOARD OF APPEALS  
EVELINE TOWNSHIP HALL  
WEDNESDAY MAY 23, 2018  
7:00 P.M.**

Chairman Chris Carson opened the Eveline Township Zoning Board of Appeals meeting at 7:00 p.m. with the Pledge of Allegiance.

Members in attendance were: Chris Carson and Phoebe Wietzke. Others in attendance were Zoning Administrator Barry Wood, Recording Secretary Sandi Whiteford, Hal Wolfe, Cheryl Buitendorp and Ann Wolfe.

Chairman Carson asked for any public comments not pertaining to the request. There were none.

The Board began consideration of the request submitted by Hal Wolfe described as Lot #24-07645 Cedar Lane and Lot #1-07665 Cedar Lane. Property tax #006-700-024-00 and #006-675-001-00

The application seeks to move lot lines between existing parcels to equalize coverage.

Ann Wolfe read a prepared statement stating that her mother purchased the lots in 1966. The family had spent many summers on the property when she was younger. As her parents got older Hal took care of the property. Her mother's illness prevented travel to the north, but her wish was an equal property split.

Mr. Wolfe explained various aspects of the exhibits and owner objectives for the property. Mr. Wolfe attended the Township Board meeting on October 13, 2015 to explain that he was unaware of the 90 day sunset clause for filing the approved request that was stated in the paperwork he received. He stated that he felt zoning is to make properties more even. Both pieces in his request would have more footage than most of Cedar Lane lots should the request be approved. He also stated that only 4 lots on Cedar Lane meet the current standard, most lots do not meet the standard. Mr. Wolfe referenced case law from April 26, 1973, SBS Builder vs. Madison Heights. He asked "what the basis is for defending the sunset clause and what possible harm would befall the township if the request were to be granted, no other owner of lakefront property is affected by this zoning ordinance". He stated "I want to responsibly manage my property and enjoy use of it".

Zoning Administrator Wood stated that there are 55 non-conforming lots that are considered legal non-conforming.

The board publicly discussed the request. Member Wietzke ask who the owners are on either side of the properties.

Zoning Administrator Wood explained to the audience that the board cannot divide two non-conforming parcels to make 2 more non-conforming parcels. Based on Section 9.8.B of the current zoning ordinance and Section 7F of the parcel division ordinance the request could not be accommodated.

The Board reviewed the Decision and Order Form including the Findings of Fact.

Chairman Carson explained the decision to approve or deny has to be based on current zoning. The smaller lot is partially developed; a cottage and a trailer sit on the parcel. The large lot is not currently developed.

Chairman Carson closed the public hearing at 7:45 p.m.

Chairman Carson made a motion to deny the request to move lot lines between the existing parcels based on the finding of fact, the lot and parcel application and the current zoning ordinance. The motion was supported by member Wietzke.

The motion carried with all members voting aye.

No additional issues were presented to the Board.

Chris Carson made a motion, seconded by Phoebe Wietzke, to adjourn the meeting at 7:48 p.m. The motion carried with all members voting aye.

Respectfully submitted,

Sandi Whiteford  
Recording Secretary