

TOWNSHIP OF LINCOLN
CLARE COUNTY P.O. BOX 239
LAKE GEORGE, MI. 48633

Supervisor Zimmerman
Clerk Majewski
Treasurer Carey
Trustee Hardin
Trustee Tobin

**Lincoln Township Zoning Board of Appeals
Public Open Meeting
June 2, 2009**

The meeting was called to order by Chair Kim Smith at 7:00 pm.

Roll Call: Chair Smith, Liaison Szczepanski, Hudson, Brandt, Building Inspector Mantei, Zoning Administrator Lambert, Recording Secretary House

Absent: 0

Public: 17

Purpose: To consider the request of Mr. and Mrs. Ray Piggott at 911 Arbor Drive, Lake George (Property #18-010-800-001-02) to allow for a dock to be placed closer to the south property line than the ten (10) foot set back required by the Lake, Boat and Dock Ordinance of Lincoln Township.

Chair Smith reviewed the issues in light of the Lincoln Township Ordinances and the procedures followed by the Zoning Board of Appeals. Al Lambert reviewed his reasons for requiring a variance due to the nature of the lot shape. He recommended granting a variance with the stipulation that any boats or other items be docked only on the side of the dock facing the Piggott property. Mr. Piggott stated that he spent a great deal on the dock and after talking to their neighbors they have found no objection to his request.

Correspondence:

1. James and Sharon Bower do not support the variance request.
2. Edward and Kyle Eldred do not support the variance request and are in favor of upholding the ordinance and not wanting to set a precedence.
3. Edward and Jean Beam do not support the variance request.
4. Richard Olsen and Shirley Schultz are in support of the variance request and will also support whatever the Zoning Board of Appeals decides.
5. Richard Turner does not support the variance request and wants to uphold the ordinance not wanting to set a precedent.

Public Comment:

1. I feel that they have enough footage to put the dock in the middle of the lot. This is a swimming area and we don't want the dock and boats to interfere with this. Why not put it on the north side of the lot?
2. That would be the perfect solution but there really isn't enough room to do this. The Piggott's are also property owners and also pay their taxes.
3. Keep in mind that if they put it in the middle there is an L on the dock that would infringe with the easement and the north property line.
4. Mr. Piggott explained that they chose the south to allow for some swimming off of their property and did not intend to put the L on their dock. A bench intended for the dock will be placed on the beach.
5. Chair Smith explained that the extreme end of the dock would seem to encroach on the easement.
6. Hudson asked if the dock needed to be 40' long. The Mrs. Piggott said that the grandkids like to dive off the end of the dock needing the greater length to access deeper water and that they had spent a great

deal of money for the extra 20'.

7. Riparian rights were discussed and Smith gave his opinion on the definition of these rights.
8. Has the law ever made a determination of riparian rights for Lake George? Roger Carey provided this definition. Smith read the opinion of the Michigan Appellate Court on riparian rights to the audience.
9. Mr. Piggott asked for the actual measurement of this infringement? Smith explained how he imperfectly determined this infringement but how difficult this is.
10. Mr. Piggott said he would be willing to alter the length of his dock.
11. When you look at that sketch are you looking at the South boundary line or in the middle of his property? Smith explained his method of measuring looking at all the angles involved.
12. If the Piggotts need to shorten there dock what is wrong with that? We had to remove our dock. Smith reviewed this case, with the owner's permission, for the public to compare the two situations. The intent of this meeting is to make sure that no one infringes upon someone else's rights or property.

Chair Smith closed the Public Comment of the meeting.

Finding of Fact:

See Final Decision Form

Final Decision:

It was moved by Hudson and seconded by Szczepanski that we allow the Piggotts to place a dock no longer than 30', 5' off the south boundary line running parallel to the south boundary line, and specify that they can only park a boat on the north side of the dock and the boat will have to be parked as close to the shore as possible.

Roll Call Vote/Reasons:

See Final Decision Form

This session was called to an end by Chair Smith and a brief intermission was called before beginning the second hearing.

Purpose: To consider the request of Mr. Fred Evenson at 638 Shingle Lake Drive, Lake George (Property #18-010-640-030-00) to allow for an addition on a non-conforming structure that is three (3) feet from the east side set back in conflict with the ten (10) foot set back required by Lincoln Township Zoning Ordinance. Mr. Evenson is also requesting a variance in order to roof over an existing deck that is closer than the required fifty (50) foot set back from the lake required by Lincoln Township Ordinance.

Al Lambert stated that he received the site plan in April and he determined that Mr. Evenson's home is a legal non-conforming structure. He recommended that since neither change will encroach on adjacent properties anymore than the current structure does, the only concern is for fire safety from one structure to another.

Mantei stated that he sees no problems and doesn't feel there is a need for a fire wall.

Correspondence:

1. Marshall and Pat Swanson are in support of the variance.
2. Mr. and Mrs. Lafferty stated that they did not receive a notice but do not object to the variance.

Public Comment:

1. Mr. Evenson complimented the community on the friendliness. They will soon be retiring and need more room to make this a permanent home. He made up the plans himself to conform as much as possible to the restrictions we have in the ordinance.
2. We live close and we have no objections.
3. I live next door and I'd like to see him receive a variance.
4. Smith asked of the closest neighbor if he is also 3' off the property line. He said that he is and he sold the property to the Evensons. He has no objections.

Finding of Fact:

See Final Decision Form

Final Decision:

It was moved by Brandt and seconded by Hudson to 1. approve the addition to the existing home but require that the walls facing the adjacent home to the east be fire walled and 2. approve a gable type roof covering the existing 12x16 deck on the lake side of the home but that no permanent enclosure of the existing deck be allowed, only screening.

Roll Call Vote/Reasons:

See Final Decision Form

Chair Smith called this session to an end.

Old Business:

It was moved by Szczepanski and seconded by Brandt to accept the minutes of September 15, 2008 as presented. Motion Passed.

Motion to adjourn by Smith at 9:37pm. Motion Passed.

Recording Secretary

Nancy L. House