

**WALES TOWNSHIP ZONING BOARD OF APPEALS
MAY 25, 2023 HEARING**

Hearing opened by Chairman Gilmer at 8:15 pm. Members present were Bill Gilmer, Scott Hall, Terry Maki and Kevin Glass. John Minor stepped down to possible prejudice of applicant having neighboring property adjacent to his. Chris Sulkowski absent.

Chairman Gilmer gave an overview of what a ZBA hearing is and how it is ran. He also explained zoning rules and how decisions are made by the Zoning Board.

There are two (2) hearings tonight.

Nest Development appeal:

Mr. Halis Roziali, 9630 Lambs Rd, Wales, MI., Parcel #74-31-745-0026-000. Mr. Roziali submitted an appeal for 3 variances of setbacks and property lines. He would like to build a new garage on the property, but 3 different setbacks or property lines are non-conforming to the ordinance. He is renovating the current 100-year-old house and feels a new garage would increase the value of the property and be convenient for the homeowner. He said currently the property is in blighted status. He feels that new homeowners expect a garage for convenience. He feels that the requested setbacks won't have a negative effect for the neighbors, but a positive effect for the property. There is a property at 9640 Lambs Rd that has a 5 ft. setback with no issues. 1139 Cove Rd. has a 4 ft. setback that was approved by the ZBA and he feels he should receive the same treatment. Mr. Roziali is requesting a 5 ft. setback from the property line, a 6 ft. setback from the house and a 70 ft. setback from Lambs Rd.

Board questions:

Glass asked the petitioner if he was aware of the setbacks when he purchased the property. Roziali replied that he purchased the property in 2022 and was not aware of the setbacks. He is requesting 3 setbacks variances to build a garage on the property to replace the existing building on the property. The 130 ft. requirement from the house is not convenient, is tiny and far away for a new garage. Maki asked if the new proposed garage could be attached to the house. Roziali responded no, for the septic is next to the house. Hall asked if he intended to fix the house and sell it. Roziali said yes. Maki asked if a lean-to or an enclosed garage would be a possibility. Roziali replied no. Gilmer asked that a letter from Minor be entered as Document #1 and that the planners response be entered as Document #2. Gilmer read aloud the letter from John Minor and the Planner review. Both are attached. Roziali said he is applying for 3 setbacks, but the most important one is the 5 ft setback from the property line. The house currently has a 40 ft setback from the road. This is already a precedent on this corner of Lambs and Cove Rd. Waddy said the planner has stated the request road setback is actually 70 ft, using the throughfare plan. Gilmer said this is a common problem with houses in this area. Waddy replied yes, they were established before there was an ordinance. There needs to be a 10 ft clearance from the house for an emergency use.

Public Comments:

Mr. Kevin Watkins stated that hardship is evident in this case. He feels this is a positive thing that will improve the house and area. Right now, there is no room to park in front of the house. A new garage would increase safety in the area. Children would be safer, and cars could have somewhere to park. This is a very dangerous corner. Precedence has already been set with the house on the SW corner. He is in favor of granting the requested variances to improve the property and area.

Rebuttal from applicant:

Mr. Roziali asked the ZBA members to think about the future of the house and homeowners. The township would also gain with a higher tax value. He is okay with any decision. If allowed, it would be a great addition to the property. If denied, he is okay with that also. There is a hardship in this area of existing property. He would like serious answers if denied, for the neighboring house has setbacks that are smaller than his requests.

Glass said there are 3 variances requested and the reason is self-created, there would be a financial gain and he asked if a 1 car garage is an option. Roziali replied no, that a 24x24, 2 garage is needed. Glass asked if there were any topical issues of the land for the garage. Roziali answered no. Glass asked if approved, would inspections be needed for the building. Waddy replied yes, and the health department would be responsible for the well and septic. Glass asked what the required space between a house and accessory building is. Waddy answered 10 ft. Maki asked Waddy if an attached roof would be an easy way to reduce the number of requested variances. Waddy replied no that it would have to share a common wall. Gilmer asked the applicant if the 5 ft. property line variance is the most important, could he deal with out the approval of the other 2 variance requests. Roziali said no, that those would have a negative effect on the neighbors. Gilmer asked if there was any way to attach the garage. Roziali replied no because of the septic. Glass said the Planner stated the ZBA has the authority to grant lesser variances. Hall agreed. Gilmer asked if the ZBA can require the house to be zoned residential if not rented. Glass said yes. Watkins asked if the ZBA have authority to grant all 3 variances. He would like them to consider their decision and grant all 3 variances. Hall asked the applicant if the most important variance is the 5 ft. property line, does it effect anyone else? No Roziali replied. Maki stated the John Minor says he approves the variances in his letter to the ZBA board. Mr. Roziali said he is okay with any decision. If granted, it would create a livable space for any family. This present lot size is creating a hardship that existed over 100 yrs. ago. He is asking for approval. Glass said Minor's letter pointed out that 100 yrs. ago there was not an ordinance, now we must follow the ordinance. Gilmer asked Waddy if he foresees any problems in the future with the new garage. Waddy replied no. Watkins said putting in a garage is a good safety factor since parking in front of the house is very dangerous. Waddy said this is a unique situation because of the house sitting on a corner and very close to the road. Glass said to Gilmer that this decision could have an important impact on future cases.

Decision:

Motion by Hall, second by Glass to approve the 3 variances the applicant applied for. Roll call: Hall, aye; Maki, aye; Glass, aye; Gilmer, aye. All ayes, motion approved.

The hearing closed at 9:15 pm.

Cynthia Bobcean, Clerk
Acting Recording Secretary.