

MEETING

CITY OF WALKER

ZONING BOARD OF APPEALS

Wednesday, March 24, 2010

7:00 p.m.

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; Randy Smith; Beth Rogers and James Hickey. Also present: Jeff Nelson, Building Official; and Shannon Bales, Recording Secretary.

DECISION AND ORDER

Legal Description

Property located at 1039 3 Mile Rd NW also known on the tax rolls as 41-13-02-451-012-. Hearing requested by Timothy J Allspach.

The applicant's request is to split an existing parcel creating (1) parcel without the required street frontage. A site condominium is planned for this parcel in the future and will be serviced by a private street.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Tim Allspach, TJA Architecture, reviewed the plan with the Board and stated that the owner of the property is making this requesting due to a requirement of his SBA loan. This would lock any development of that parcel for 5 years and while there is no plan to proceed right now they do not want to limit their options for development.

Robert Marz inquired as to the access to the parcel without frontage. Tim Allspach stated that it will be served by the private road that is currently on the property. Mr. Marz concern was that if the back parcel changed ownership there would be no guarantee for access to it and the Board would be creating a landlocked parcel. Mr. Allspach stated that they could have an easement or right-of-way drawn up and submitted.

Beth Rogers asked who would maintain the road. It is a private road that would be maintained by the condo association after development. Right now it is the property owner.

Motion

Jim Hickey moved and Randy Smith supported the motion to approve the applicant's request to split an existing parcel creating (1) parcel without the required street frontage. A site condominium is planned for this parcel in the future and will be serviced by a private street.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. Current economics has dictated that there is no interest in the particular balance of phased project. The Owner would like to separate out the completed Phase One Building, Road and Developed Land from the Future Developable Phase Town Land for SBA financing purposes only.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. The Owner would like the same benefits other similar Property Owners enjoy in the ability to develop land when economics dictate it feasible and to follow all zoning requirements of development when the time is so determined.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the property to be separated has been vacant for years and will remain vacant until the economics of development allows for that development to occur under sound practices. The land will be developed according to the Site Condominium Standards of the City of Walker at such time.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. This is unique to this particular time in the economy of the city as development has come to practically a standstill. This is temporary solution to a unique situation with the current SBA Loan requirements.
- e. Does not apply.

Motion carried unanimously.

The Board proposed the following condition:

1. That until a Site Condo Plan has been approved by the City, there shall be no tree clearing, soil moving/grading, or building permits issued to the lot without frontage on 3 Mile Rd.
2. The applicant has an easement to the parcel drawn up and approved by City Planner and City Engineer and recorded.

DECISION AND ORDER

Motion

Jim Hickey moved and Beth Rogers supported the motion to approve-the Zoning Board of Appeals minutes of March 11, 2010.

Motion carried unanimously.

Motion

Roger Crabtree moved and Beth Rogers supported the motion to adjourn the Zoning Board of Appeals at 7:40 p.m.

Motion carried unanimously.

Roger G. Crabtree
Zoning Board of Appeals Secretary

Shannon Bales
Recording Secretary