

HANDY TOWNSHIP ZONING BOARD OF APPEALS  
OCTOBER 15, 2014

The Handy Township Zoning Board of Appeals meeting was called to order by Secretary Newton (acting chairman for the meeting) at 7:30 p.m. in the Handy Township board room. Members Present: Crofoot, Hummel, Towns (alternate) and Vaupel (alternate). Absent: Glover, Jaquet. Also Present: Zoning Administrator Call, Attorney Kehoe, Handy Township Assessor-Amy Pashby, and applicant Craig Padlo.

Approval of Agenda:

MOTION HUMMEL SUPPORT VAUPEL TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED.

Public Hearing:

Variance Request, craig Padlo, 7939 Colleen Dr., Parcel No. 4705-35-300-007  
Section 2.5 to allow for 2 principal buildings on one parcel of land 7:30 p.m.

MOTION VAUPEL SUPPORT TOWNS TO GO OUT OF REGULAR BUSINESS SESSION AND OPEN THE PUBLIC HEARING FOR CRAIG PADLO, 7939 COLLEEN DR., PARCEL NO. 4705-35-300-007, VARIANCE REQUEST TO ALLOW FOR 2 PRINCIPAL BUILDINGS ON ONE PARCEL OF LAND, AT 7:32 P.M. MOTION CARRIED.

Craig Padlo spoke to the board during the public hearing explaining his situation in full. He purchased the property in 2008 and was led to believe that the 2 homes were legally placed on the parcel. He was not aware of any zoning violation. He wishes to have a well put in on the property to service the home at the front (north end) of the property but the well company has been unable to obtain a permit to proceed because the building was not properly permitted to be a home. The previous owner has converted an accessory building into a residence without the township's knowledge or permission. He was renting the home and has since had to evict his tenant. He has lost rental income. He is not sure what to do with the building. The home on the south end of the property is too big for just him. His original intention was for his son to live in it while he lived in the smaller home at the north end of the property. However, his son had to move on and has purchased a home in Brighton and does not plan to return here to live in the larger home. He mentioned that he read through the minutes from over the years. The approval of Heather Acres left his property land locked leaving his parcel 66' in width at road and not the standard 120'. He feels his lot appeared to be a possible second phase of the Heather Acres development but can't say for sure. The original site plan for Heather Acres was denied in 1967 but then was approved around 1969 and built out with his parcel left vacant. Mr. Wallace, the previous owner of his lot, pulled a permit to build the big home (south end of lot) and then he was granted a variance to build a pole barn at the north end of the property (which is technically the front yard) because there wasn't any room out behind the big home. In 2000 Mr. Wallace obtained a permit to build an accessory building at the north end of the property and transformed it into a home and rented it out. Mr. Padlo thought he was buying 2 homes on one piece of property. He assumed it was legal.

Public Hearing, continued:

No further comments or objections were received from the public.

MOTION VAUPEL SUPPORT TOWNS TO CLOSE THE PUBLIC HEARING FOR CRAIG PADLO, 7939 COLLEEN DR., PARCEL NO. 4705-35-300-007, VARIANCE REQUEST TO ALLOW FOR 2 PRINCIPAL BUILDINGS ON ONE PARCEL OF LAND, AT 7:40 P.M. MOTION CARRIED.

Approval of Minutes of Previous Meeting

A) Meeting Minutes of July 16, 2014

MOTION TOWNS SUPPORT VAUPEL TO APPROVE THE MINUTES OF JULY 16, 2014 AS PRESENTED. MOTION CARRIED.

Call to the Public: No comments were received from the public.

New Business:

A) Variance request from Section 2.5, to allow for 2 principal buildings on one parcel of land,  
Applicant craig Padlo, 7939 Colleen Dr., Parcel 4705-35-300-007

The board discussed land division for the parcels. Township Assessor Pashby explained that in order for Mr. Padlo to have the right to split his property he would have had to been awarded that right in the deed and he wasn't. As a result he will have to wait 10 years to qualify for land re-division. The 10 years qualification will not come until July 15, 2018. They also discussed re-division of parcels elsewhere in the township. Pashby reported that there are some farm parcels which are most likely tenant housing but some hardships also exist. Discussion of a variance for a 2<sup>nd</sup> drive coming from the same entry point as the current drive. The board discussed and acknowledged that this situation is extremely unusual and Mr. Padlo has few options.

MOTION VAUPEL SUPPORT TOWNS TO GRANT A VARIANCE TO CRAIG PADLO, 7939 COLLEEN DRIVE, PARCEL NO. 4705-35-300-007, ALLOWING FOR TWO (2) PRIMARY DWELLINGS ON ONE PARCEL BECAUSE OF THE EXCEPTIONAL CIRCUMSTANCES THAT WERE INVOLVED WITH THE PURCHASE OF THE PROPERTY, THE ACTS OF THE PRIOR OWNER WITHOUT TOWNSHIP KNOWLEDGE, THE DISCOVERY OF THESE THINGS AFTER PURCHASE ARE NOT OF GENERAL NATURE AND ARE UNUSUAL. THE VARIANCE WILL NOT IMPAIR THE INTENT OR PURPOSE OF THE ORDINANCE AND THERE WILL BE NO SIGNIFICANT DETRIMENT TO ADJACENT PROPERTIES. ALL OF THESE CIRCUMSTANCES MAKE THIS REQUEST UNIQUE AND MEET THE ZONING ORDINANCE REQUIREMENTS FOR A VARIANCE TO BE GRANTED AS STATED IN SECTION 17.6 B 1-6. THIS VARIANCE IS CONTINGENT UPON THE PROPERTY OWNER APPLYING FOR A  
SPLIT WITHIN 6 MONTHS OF JULY 15, 2018 WHEN HIS PARCEL WILL BE ELIGIBLE TO APPLY FOR  
A

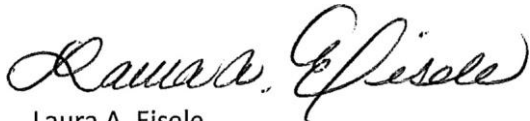
DIVISION AND THAT SAID PROPERTY OWNER WILL HAVE TO SIGN A DOCUMENT PREPARED BY THE TOWNSHIP ATTORNEY TO THAT EFFECT AND IT MUST BE FILED WITH THE LIVINGSTON COUNTY REGISTER OF DEEDS. ROLL CALL VOTE. VAUPEL-AYE, TOWNS-AYE, HUMMEL-AYE, NEWTON-AYE, CROFOOT-AYE. 5-AYES. 0-NAYS. MOTION CARRIED.

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Correspondance: None.

Extended Public Comments: There were no comments received from the public.

MOTION VAUPEL SUPPORT HUMMEL TO ADJOURN THE MEETING AT 8:50 P.M. MOTION CARRIED.



Laura A. Eisele

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Handy Township Clerk