

DAVISON TOWNSHIP  
ZBA REGULAR MEETING  
April 14, 2015

**MEMBERS PRESENT:** Chairman John Jelinek, Vice Chair Carol Hagler, Secretary Dale Green, Nancy Davis, Keith Garman, Patrick Miller

Attorney Amanda Doyle

Building/Planning Administrative Assistant Charm Healy

Building/Planning Coordinator Jeremy Smith

**MEMBERS ABSENT:** Richard Hill

**OTHERS PRESENT:** Joel and Patricia Locke, Kevin Collins

**CALL TO ORDER**

The regular meeting of the Davison Township Zoning Board of Appeals was called to order at 7:00 p.m. at the Davison Township Municipal Building, 1280 N. Irish Road, Davison, MI 48423.

**PREVIOUS MINUTES**

**MOTION BY HAGLER, SUPPORT BY DAVIS** to approve the March 10, 2015 regular meeting minutes as presented. Motion carried unanimously.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**TABLED ITEMS**

**Case #80-V-2015-1 Mr. & Mrs. Locke – Variance to build a primary residence**

John Jelinek stated that the purpose of this meeting was to hear Case #80-V-2015-1; a variance to build a primary residence behind an existing accessory structure on a vacant lot, parcel number 05-11-200-014, N. Cummings Road. It is the applicant's responsibility to show the burden of proof that there is a practical difficulty existing because of an unnecessary hardship cause by the requirements of the Zoning Ordinance, conditions, and circumstances that are unique to the property which were not created by the applicant or his predecessor in title and that the requested variances would not confer special privileges or be contrary to the spirit and intent of the Zoning Ordinance.

Joel Locke – 9602 Creekview Ct. – said that they bought the property because they liked it, not to build but in time decided to build a resident. The barn was existing on the property and he felt it was a part of history to the property and he doesn't want to tear it down. He even did some refurbishing to make the structure solid. They decided it would be better to build behind the barn to line up with the rest of the houses on the street and anywhere else on the property would not do justice.

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John read a letter from Joyce McKenzie Parks – 1489 N. Cummings - who requested that the property not be built on. There were buildings in the front of the parcel before and were not maintained. He then opened the floor to the Building Department to respond to the variance request.

Jeremy stated that the request for a variance for this parcel of land, which currently has no primary structure but has an existing accessory building, is zoned RU-1 and the owners have not shown a hardship, it would confer special privileges, and there has been no documentation provided to the Building Department for a recommendation of support.

Kevin Collins – Oasis Homes – stated that there have been several tests done for the septic system, the shape of the property, water table issues, the ground is not stable enough for a foundation and keeping the frontage with the other homes on the road the only place to build is behind the existing building. He gave the board a copy of the Health Department record of denial for the septic system.

Charm stated that the variance was applied for in February, 2015 and after several phone calls to attempt to get information for a hardship, nothing was submitted. The information that was presented has not been submitted to the Building Department prior to this meeting.

There was discussion about the setback ordinances, the pre-existing barn and the renovation, nothing being submitted to prove a hardship, removing the barn, where the original house was on the property, the report given by the Health Department, approvals from proper authorities, tabling the matter for another month and more information being providing. There was further discussion about provision being allowed with stipulations to the existing building.

Joel Locke stated that he felt the Board was not in favor of him building on the lot and he was fine with that he would move on.

**MOTION BY GARMAN, SUPPORT BY HAGLER** to deny Case #80-V-2015-1 for the following reasons:

1. The owner has not shown a hardship.
2. The requested variance would confer special privileges that deny other properties similarly situated and in the same zoning district.
3. The variance requested would be contrary to the spirit and intent of the Zoning Ordinance.

Motion carried unanimously.

**ADJOURNMENT**

**MOTION BY HAGLER, SUPPORT BY DAVIS** to adjourn the meeting at 7:44 p.m.  
Motion carried unanimously.

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Dale Green, Secretary