

**CHARTER TOWNSHIP OF FILER**  
**ZONING BOARD OF APPEALS PUBLIC HEARING**  
**FILER TOWNSHIP HALL**  
**2505 FILER CITY RD.**  
**Manistee, Michigan 49660**  
**April 28, 2016**

Present: Rick Mark, Jack Ball, Elizabeth Allen.

Also Present: Lynn Kooyers, Zoning Administrator, Terry Walker, Supervisor.

Meeting called to order by Secretary Allen with the Pledge of Allegiance at 10:00 a.m.

Election of Officers

Motion by Allen to nominate Jack Ball as Chairman, seconded by Mark. Roll call vote: Allen-yes, Mark-yes, Ball-yes. 3 yeas, 0 nays. M/C.

Motion by Ball to nominate Elizabeth Allen as Secretary, seconded by Mark. Roll call vote: Ball-yes, Mark-yes, Allen-yes. 3 yeas, 0 nays. M/C

Motion by Ball, supported by Allen to approve the minutes of the meeting held on December 10, 2015 as presented. All in favor. M/C

**Case #351-16** Daniel & Rhonda Lampen  
4546 W. Fox Farm Rd., Lots #18 & #19  
Lakeland Subdivision No. 1  
Filer Township, Manistee County  
Parcel #51-06-421-704-05

Variance Request - Zoning Administrator Kooyers stated the variance requested.

Mr. & Mrs. Lampen are seeking a variance from the Charter Township of Filer Code of Ordinances 31.40.4004 Medium Density Residential Regulations and Standards, asking for a variance to increase the total ground floor area of all buildings on this property from 4,000 sq./ft. to 5,395 sq./ft. If granted, this variance would allow the construction of a 1,530 sq./ft. walled & roofed pool enclosure around their existing swimming pool.

Chairman Ball asked if any written comment or phone calls were received.

Zoning Administrator Kooyers reported that she received five written comments on this variance request. Three letters were in favor of the application and two were in opposition.

Application Summaryng Administrator Kooyers gave a summary of the application, referring to her staff report. (Attachment A).

- 3-22-16 Zoning Administrator denied the Land Use Application filed by the Lampens. The addition of the pool enclosure would exceed the 4,000 sq./ft. ground floor area of all buildings permitted by ordinance on their property.
- The definition of “building” in Filer’s Zoning Ordinance states: “any structure, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind”. Zoning Administrator stated her position that erection of the proposed pool enclosure would change the existing pool from a structure to a building, and she therefore denied the application.
- The original Land Use Permit issued for the construction of the pool on 10-27-14 clearly stated the “pool area may not be roofed or walled in the future, as it will exceed maximum 4,000 sq./ft. lot coverage allowed”.
- Applicant must demonstrate a practical difficulty to the Zoning Board of Appeals that is due to the unique circumstances of their property.

Daniel Lampen introduced himself and his wife Rhonda and spoke about his application.

Mr. Lampen shared photos with the ZBA members, showing his pool full of leaves in the fall. He stated that it is very difficult to keep clean. He informed the ZBA that he has a medical condition which requires physical therapy. He presented letters from his doctor and physical therapist that indicated swimming was a beneficial part of his therapy. If allowed to enclose his pool, he will be able to swim year round and it would also solve the insect problem they experience when using the pool. Mrs. Lampen stated that enclosing the pool will also allow a privacy buffer between neighbors.

Zoning Administrator displayed the photos she took yesterday of the current structures on this property which include the existing home, attached 2 car garage, 3 car garage attached by a breezeway, and the outdoor in-ground pool.

Public Comment:

- Neighbor Suzanne Stevens spoke in favor of the appeal.

Commissioner Mark commented that the problems of leaves and insects were not unique to this parcel. They exist all over the State of Michigan as does the cold winter weather. He also stated that the physical difficulty required for a variance refers to a feature of the land, such as the topography, not the property owner’s personal health issues.

After much discussion of the presented variance, motion by Allen to approve the Lampen variance request, supported by Mark. Chairman called for a roll call vote: Allen-yes, Ball-no, Mark- no. 1 yea, 2 nays. Motion Failed.

**Case #352-16**            Filer Credit Union  
                                 1117 28th St.  
                                 Parcel # 51-06-124-100-01

Variance Request - Zoning Administrator Kooyers stated the variances requested.

Filer Credit Union is requesting a variance allowing the erection of a pole sign with the display area less than 6 ft. above grade.

Filer Credit Union is also requesting a variance reducing the Commercial District 35 ft. front yard setback requirement to 12 ft. 9 inches to allow the construction of a walled patio structure with permanent bench seating and wall signage.

Chairman Ball asked if any written comments or phone calls were received.

Zoning Administrator Kooyers reported that none were received.

### Application Summary

Zoning Administrator Kooyers gave a summary of the application, referring to her staff report. (Attachment B).

- 3-23-16 Zoning Administrator received a sign application from Amor Sign Studios on behalf of Filer Credit Union for 7 signs. The application included 5 directional signs, one pylon sign and one wall sign. Zoning Administrator denied all 7 signs because they did not comply with Filer's Sign Regulations.
- 4-7-16 The sign application was revised, reducing the dimensions of the 5 directional signs to 4 sq./ft. The directional signs were approved by the Zoning Administrator as they were now in compliance.
- The Credit Union is asking to position the display surface of the pylon sign only 3ft 8 inches above grade, in the same location as the existing pylon sign.
- Zoning Administrator commented that her interpretation of the intent of the sign ordinance requirement specifying that the display surface of pylon signs should be 6 ft. above grade is for safety reasons. Clear vision for passing motorists of pedestrians and bicyclists who are walking or riding near signs that are located close to entrance/exit drives is needed. She reported that when she visited the Credit Union and drove through their parking lots she found the driveways were spaced far enough apart that the placement of the current pylon sign did not appear to be visually hazardous in this location.
- The Credit Union wishes to construct a walled patio structure with raised wall sign lettering and permanent attached bench seating located only 12 ft. 9 inches from the front yard property line. Commercial District Regulations and Standards require a 35 ft. front yard setback for all structures. In addition, by definition, wall signs are intended for display on the wall of a building.
- Zoning Administrator commented that the Credit Union building is located 35 feet from the front yard property line. She also stated that a sidewalk and bricked patio with movable benches can be placed anywhere on the property without granting a variance.

Patty Preuss, Filer Credit Union CEO, Tom Amor from Amor Sign Studios and Brandon Jensen were present on behalf of Filer Credit Union.

Patty Preuss explained that the Credit Union hoped to connect the two parking lots with a sidewalk across the front of their building. They would like to create a well-anchored meeting place in their front yard. They have experienced serious problems with theft. Anything that is left outdoors overnight has either been stolen or vandalized. The Credit Union holds events such as "Member Appreciation Day" and would like to utilize their front yard for this type of customer gathering and also offer permanent seating to those who ride the bus.

Motion by Mark, seconded by Ball to approve the Filer Credit Union pylon sign with a display area located 3' 8" above grade, as shown on the presented sign site plan. All in favor. M/C

Motion by Ball, supported by Mark to approve the proposed Filer Credit Union walled patio structure with permanent bench seating and wall signage. Structure will be located 12 ft. 9 in. from the front

yard property line on 28<sup>th</sup> St. Wall size shall be limited to 3'H X 17 L' X 5'W, as depicted on presented sign site plan. Roll call vote: Ball-yes, Mark-yes, Allen-yes. 3 yeas, 0 nays. M/C

Motion by Mark, seconded by Allen to adjourn. All in favor. M/C

Hearing adjourned at 11:27 a.m.

Respectfully submitted,

Elizabeth Allen, Secretary  
Zoning Board of Appeals