

Charter Township of Filer  
**Zoning Board of Appeals Special Meeting and Public Hearing Minutes**

Filer Township Hall  
2505 Filer City Rd., Manistee, MI 49660  
**August 29, 2024**

Present: Jennifer Williams, Ron Gutowski, Linda Rogers

Absent: None

Also Present: Robert Hall, Zoning Administrator, Tim Figura, Township Attorney, Applicant Joe Lacki (property owner), Jason Lacki (appellant), Carl Lacki

Meeting called to order by Chairperson, Williams and Pledge of Allegiance at 5:00 p.m.

Motion by Gutowski, seconded by Williams to approve the minutes of the meeting held on July 9, 2024 as presented. All in favor. M/C

Motion by Gutowski, seconded by Williams to open the public hearing. All in favor. M/C

Case #2024-02 Jason Lacki  
1325 28<sup>th</sup> Street  
Manistee, MI, 49660  
Filer Township, Manistee County  
Parcel #51-06-019-225-08

Zoning Administrator Robert Hall discussed application and the specific variances requested by the applicant. The Zoning Administrator also stated that he intends to discuss accessory building zoning and criteria to grant a variance with the Planning Commission in a future meeting.

There was one verbal and no written public comments before the hearing.

Applicant is requesting certain variances from the Charter Township of Filer zoning ordinance, Article 45, Section 31.45.4504. E. regulating the eave and ridge board height. The applicant is requesting to erect a detached accessory building with 12' eaves and a ridge board height of approximately 17' and any other equitable relief deemed appropriate.

Findings of Fact:

The Zoning Board of Appeals reviewed the criteria specified in Ordinance 31.96.9603 Variance to determine if the applicant demonstrates the conditions required to grant a variance. Ordinance 31.96.9603, however, does not specifically state if all conditions listed in 31.96.9603 must be met to grant a variance.

A.

1. There are no special conditions and circumstance that could be identified which are peculiar to the land involved which are not applicable to other land in the same district.
2. The literal interpretation of the provisions of Ordinance 31.96.9603 will not deprive the applicant of rights commonly enjoyed by other properties defined in Article 45 High Density Residential. The applicant is still allowed to construct an accessory building that meets the ordinance specifications.
3. No special conditions or circumstances could be identified.
4. Granting of the variance will confer a special privilege on this parcel.
5. A variance would not be granted for a use that is not permitted in High Density Residential.

B. The requirements for granting the ordinance have not been met by the applicant.

C. Reasons set forth in Demand for Appeal application #2024 do not justify granting of a variance.

Correspondence was received from Jerry Wosniewski who had no objection to the proposed variance, and Dean and Julie Martz who also had no objection. Three letters were returned to the Zoning Administrator as undeliverable.

Public Comment regarding the proposed variance was heard.

Carl Lacki stated that this is a special use and they were unclear why the ZBA did not have the authority to grant this variance.

Jason Lacki asked what accessory building would be acceptable to the ZBA. The Zoning Administrator stated that a building in compliance with Article 45 High Density Residential. A compliant accessory building permit could be issued directly by the Zoning Administrator.

Joe Lacki stated that a neighbor has a larger accessory building than is permitted by Article 45 High Density Residential and wanted to know why that size structure was allowed.

Motion by Gutowski, seconded by Williams to adjourn the public comment. All in favor. M/C

Motion by Gutowski, seconded by Williams to deny the height variance requested in Case #2024. Gutowski – yes, Williams – yes, Rogers – yes. M/C

The Zoning Board of Appeals feels this type of variance request will be a recurring issue and should be addressed by the Planning Commission in the ordinance.

Motion by Williams, seconded by Gutowski to adjourn the meeting at 5:47 P.M.

Respectfully submitted,

Linda Rogers, Secretary  
Zoning Board of Appeals