

**BRADY TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF MEETING HELD NOVEMBER 9, 2011**

A meeting of the Brady Township Zoning Board of Appeals was held November 9, 2011. Chairman Jim Dyke called the meeting to order at 7:00 p.m.

Members Present: Chairman Jim Dyke  
Ed Haberle  
Ray Lezotte  
Alternate Steve Phillips  
Alternate Aileen Greanya.

Also attending were Township Supervisor Lee Philport, Township Trustee Randy Smith and nine others.

**APPROVAL OF MINUTES**

A **motion was made** by Aileen Greanya to approve the minutes of October 18, 2011 as written. Ray Lezotte **seconded** the motion. The motion was **carried unanimously**.

**REQUEST FOR A VARIANCE by Brad Yeagley**

Brad Yeagley has requested a variance for relief from the lakeside setback requirements for construction of a home he plans to build at 11821 W. Indian Lake Drive. The property is zoned R-1 and is an 88' wide lot. He is requesting that he be allowed a lakefront setback of 60' instead of the required 100'. His request would place his proposed home within the average setback of the two homes on either side of his property. This matter was tabled at the ZBA meeting held October 18, 2011.

Chairman Jim Dyke stated that the ZBA has had three weeks of consideration of this request. During this time, the members have revisited the site, sought advice and reviewed all correspondence.

Chairman Dyke stated that correspondence has been received from Mr. Yeagley, a building association, and four neighbors who each approve of Mr. Yealgey's request.

Supervisor Philport gave a brief history of the need for a zoning board of appeals in cases that do not fit into the “slots provided” by the Ordinance. He stated that the ZBA should apply the Ordinance in its considerations, while at the same time using good judgment for the benefit of the community. Supervisor Philport further stated that if the Ordinance seems to conflict with the building plans for an area in the community, the matter will be referred to the Planning Commission and then on to the Township Board for amending the Township Ordinance, if needed.

ZBA member Steve Phillips noted that Article 5.7 states: “the dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other,” Mr. Phillips stated that Mr. Yeagley’s request is in keeping with other dwellings in the neighborhood.

Planning Commissioner Dave Locey stated that he feels that a new home should not be required to be either greater than or less than the setbacks of the majority of the other houses in a neighborhood.

There were no further comments, and the Public Hearing was closed.

The Zoning Board of Appeals considered the variance request pursuant to the variance standards in Section 23.8 of the Zoning Ordinance in regard to the waterfront setbacks.

It was agreed by all members present that item 1(a) is met. There is a practical difficulty because the parcel of land is smaller than the standard R-1 parcel: 16,000 sq. ft. rather than the standard 25,000 sq. ft., and because there is a hill running across the property.

It was agreed that item 1(b) is met; no detriment will occur to the adjoining properties.

It was agreed that item 1(c) is met. There is an exceptional condition of the small lot size and hill as noted under item 1 (a).

It was agreed that item 1(d) is met because the proposed home will be situated similar to other homes in the neighborhood.

The ZBA agreed that item 2 is met because no economic hardships have been cited.

The ZBA agreed that item 3 is met because the difficulty is not self-created.

Jim Dyke **made a motion** to approve Mr. Yeagley’s variance request for a 60’ front yard setback for his proposed home based on the findings that all of the variance standards in Brady Township Ordinance Section 23.8 have been met. Aileen Greanya **supported the motion**. The motion was **passed unanimously**.

Ed Haberle **made a motion** to adjourn at 7:30 p.m. Ray Lezotte **supported the motion**, and it was **carried unanimously**.

Respectfully submitted,

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Jim Dyke  
Chairman

Brenda Brock  
Recording Secretary

