

Zoning Board Denies Bunker Lot Split, Citing 'Too Many Variances'

By Karen Gould

The Zoning Board of Appeals denied a lot split request for Harrisonville property owners Josephine "Elaine"

and Isaac Bunker Wednesday, April 11. Granting the split would have placed 10 variances on the property and, say board members, would compromise

the city's zoning ordinances.

The decision was postponed from last month as the board sought to give the Bunkers a month to investigate alternative solutions that would meet their needs without affecting city zoning regulations. At that meeting, city attorney Tom Evashevski suggested the Bunkers consider making both structures condominiums. The two buildings now sit on one lot on Cadotte Avenue. One building contains four apartments and the other is a single-family home. The Bunkers sought the split to eliminate estate confusion and create separate property tax bills.



A decision on a lot split request involving these two homes on Cadotte Avenue in Harrisonville on Mackinac Island was tabled Tuesday, March 13, by the Zoning Board of Appeals.

Split Request Delayed First, To Give Owners Time To Explore Options

By Karen Gould

Rather than deny a lot split request that, if approved, would jeopardize the city's zoning ordinance, the Mackinac Island Zoning Board of Appeals (ZBA) has tabled a vote until April. The postponement will give lot owners Josephine "Elaine" and Isaac Bunker a chance to explore other options and possibly withdraw their request for the lot split, which the ZBA is likely to deny. Members said they also would like full board attendance when they vote on the matter.

property a condominium.

While each home now has its own septic system, a lot split would place each property in violation of lot size requirements for septic systems by the Health Department.

Harrisonville does not have a public sewer system. To get septic permits now, room for a septic system and a drain field is required by the Health Department, a regulation that is just met by the city's 5,000 square foot lot size requirement.

For lots created after 2003, the Health Department advised Mr. Evashevski, the lot owners would get no special consideration if the septic systems failed.

A condominium would allow for separate ownership of the buildings but would retain the original lot size, which would be legal under the zoning ordinance and the septic system code.

Approval of a variance generally involves conditions that are unique and distinct to a specific parcel of land, and cause a hardship for the owner. There are about nine other situations in Harrisonville with multiple structures on one lot, said Mr. Evashevski, which means the Bunker's situation is not unique.

Future requests by property owners to divide lots would be difficult to deny, and by agreeing to the Bunker lot split, in effect the board would be amending the city's zoning ordinance by reducing the size of lots, explained Mr. Evashevski.

"I think it would really damage our zoning ordinance to the point where we'd almost have to start over," advised Mr. Evashevski.

While sympathizing with the Bunker family over the need for the split, ZBA board member Mike Hart said the condominium option would not impact the city's zoning ordinance.

"The split really does erode the zoning ordinance pretty severely," he said. "I really have a problem with that."

The lot split request has been tossed around the city since December, when it came before City Council. At that time, Council referred the issue to the Planning Commission. In January, the Planning Commission sent it back to Council, saying the decision was not the commission's responsibility.

During Wednesday's meeting, Mayor Margaret Doud deferred to Mr. Evashevski to explain the ramifications of granting the 10 variances.

"Unfortunately, the granting of these variances to create two non-conforming lots would really be devastating to our zoning ordinance," said Mr. Evashevski, who explained that, with the split, one lot would be less than half the required 5,000 square foot minimum lot size.

The lot is zoned R-3, high density residential, and the split would change a 7,046-square-foot lot into a 2,403-square-foot lot with a single family home and a 4,643-square-foot lot for the apartment building. Two variances already exist on the property. Rather than the three allowed dwelling units, the property has five, and a rear setback variance is in place which is less than the required 25 feet.

From a legal standpoint, Mr. Evashevski said a variance generally is granted for land that has conditions that are unique from other properties, and those conditions do not exist in this situation.

"I don't agree," said Elaine Bunker, who attended the meeting. "I don't think the condominium is an idea and I do think it is a real unique situation."

She said that the house already was built, and it should be able to have its own lot. She asked to board to look into their hearts and try to approve the request, since her family has lived on the Island for generations.

"I've thought a lot about this," said board member Lee Finkel. "I've been trying to come up with some distinction that would make it unique."

"I want to do this," he continued. "I'm looking for a way to do this, but I am unable to find a way to do this so we do not have far-reaching and long-lasting ill effects this split would do."

Board member Mike Hart

made the motion to "reluctantly deny" the request, adding, "I can't see any way around this."

Four board members voted to deny the split, Mr. Hart, Mr. Finkel, Jason St. Onge, and Armin Porter, while Frank Bloswick voted to approve it and aldermen Armand Horn and Dan Wightman were absent.

Frank Bloswick voted to approve the split, and later told the *Town Crier*, "I had to go with my gut. The house is there. It's been there."

Following the vote, Mrs. Bunker said, "I think they've done a very great wrong here to this family."

Arnold Transit Schedule Announced

Two more daily boat trips and Sunday transportation have been added to the ferry schedule between St. Ignace and Mackinac Island. The new Arnold Transit Company schedule runs through Wednesday, May 2.

Boats will leave St. Ignace for the Island at 7:30 a.m., 9 a.m., 11 a.m., 2 p.m. and 4:15 p.m. They depart Mackinac Island at 8:15 a.m., 10 a.m., noon, 3 p.m., and 5 p.m.

The first boat does not run on Sunday.

VOTE May 8th



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