

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

**Haskins Village Council
Journal of Proceedings
January 9, 2008**

I. Roll Call.

- Mayor:** Randall J. Varner
- Clerk / Treasurer:** Lisa D. Heft
- Council President:** Mike Gonzalez
- Council Members:** Paul Gies, Glenn Harding, Wendi Eldred, Tim Enright ,
Buzz Brown
- Absent**
- Solicitor:** Paul Skaff
- Village Administrator:** Scott Frank
- Police:** Chief Frank
- Visitors:** Paula Vanhorn, Tom Sorosiak, Lane Williamson, Todd ,
Bill Davisson, Paul Skaff

Lane Williamson on Tom Sorosiak's behalf spoke; he presented council with a document summary of Mr. Sorizaks variance request on his property located at 112 ~~Mary~~ ^{W. Mary} Street. Mr. Williamson explained this summary and stated that all conditions have been satisfied. Tom Sorosiak stated that his intent for this property he purchased a Sheriff's auction in 2002 was to construct a single family home. He stated there was a dwelling on the property when he purchased it and has since removed and this has greatly improved this lot. The village's zoning code requires a lot size of 9,000 ft this lot that he purchased is approximately 7,000 ft, this is the only requirement he cannot meet. There are 3 deeds on this property that date back 90 years, with property to the east and west being sold off. This splitting of the lots pre dates village zoning. The zoning permit for the home he wishes to construct is 30 ft from the front 50 ft from the rear and 10 ft from the property lines. Mr. Sorisak stated the previous dwelling that was on this property did not adhere to zoning and was a disaster. Mr. Sorosiak stated again the only issue is the non conforming lot size. Scott Frank asked Mr. Sorosiak to correct him is he was wrong that the only issues are the 9000 sq ft lot size and 60 ft front, which was agreed on. Mr. Gonzalez stated that the village cannot absorb the responsibility for lot sizes and the selling of lots. Mr. Frank stated to council in the packet of information from the zoning inspector to disregard the last diagram, it dated back to 2002 when Mr. Sorosiak started the process of going to the zoning board of appeals but never proceed with the issue on 112 Mary Street. Bill Davisson who is a member of the zoning board of appeals who was in attendance of this meeting stated that the vote from the board was not to grant the variance, this decision was not based on the neighbors of the property in question. Mr. Gonzalez stated that Mr. Sorsiak had due diligence to check the village's zoning code in 2002 before he purchased this property. Mr. Sorsiak stated that he assumed because there was an existing structure on this property that this was not an issue. The structure that he removed was not repairable, at one point there was water coming out of the windows while he was away. He had the water and electric disconnected. Tim Enright recalls a conversation with Mr. Sorosiak about the property in question, this was while Mr. Sorosiak was a member of Grand Rapids Townships Zoning board and was told to look at Haskins Village zoning code concerning this property. Paula Vanhorn who was in the audience stated that on the Sheriffs' web site it states that when property is purchased at sheriff's sale it is "as is". Mr. Sorosiak stated that in 2003 when he first proceeded with this zoning variance he thought maybe he would build a duplex, when he

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found the zoning in the village would not allow for this, he had the structure removed. Mr. Frank reminded Mr. Sorosiak that the same zoning code was in effect in 2003 as it is today. If he needed a variance in 2003 one would have been required now. Mr. Sorosiak stated he did check the code and made in intentions known to the village when he purchased this property in 2003. He stated he would have not removed the structure if he had known he could not build on this lot. Paula Vanhorn had a concern with the garage being out front of the structure that it would not look like the other homes in the neighborhood. She is also concerned with her sunroom being blocked. It is Mr. Sorosiak's intention to live in the dwelling he is proposing, that it would not be a hindrance in anyway, he is conforming to setback. Mr. Sorosiak has not developed any other properties before. Paul Skaff stated the general rule is the village creates zoning rendering property useless, or grandfathered this rule is not applicable when someone creates a nonconforming. A person purchasing property knows it is un-build able, people buy in anticipation of getting a variance, and they sue. Mr. Williamson stated that this lot was already non conforming; there is not evidence of granting a variance. He feels all conditions have been satisfied he feels the request in not unreasonable and this will not. have an impact on the village's health and safety. Mr. Williamson stated that this request is economically viable and that prior knowledge was not a factor, that Mr. Sorosiak is testifying that he did not have prior knowledge of the village's zoning. Mr. Sorosiak stated that he would not have taken the old structure off the property; he would have improved the dwelling and taken it down to the studs. The village stated that the purpose of zoning is to prevent issues like what has been presented, if the village decides to table this issue until later what requirements need to meet. All parties involved agreed to table this issue as long as the village keeps Mr. Sorosiak informed. Last statement by Mr. Williamson was that he informed the village that Mr. Sorosiak has authorized him as his attorney to pursue this matter if council denies the appeal. Enright moved Eldred 2nd that in light of the consequences of litigation to enter into executive session at 6:50Pm, all yes, motion carried. Harding moved, Enright 2nd to move out of executive session at 7:15PM, all yes, motion carried. Gonzalez moved, Enright 2nd to uphold the decision of the Haskins Zoning Board of Appeal Roll Call: Gonzalez, yes that on basis of the village zoning code, conditions exist and decision to correct where created by the applicant, Brown, yes, for the same reason, Harding yes, for the same reason, Gies, yes for the same reason, Eldred, yes, for the same reason, Enright yes, for the same reason, All yes, the motion stands to uphold the Haskins Zoning Board of Appeal.

Harding moved, Gonzalez 2nd to adjourn

[Signature of Lisa D. Heft]
Lisa D. Heft, Clerk/Treasurer

[Signature of Randall J. Varner]
Randall J. Varner, Mayor