

**Milton Township  
Zoning Board of Appeals  
AUGUST 10, 2006**

Members present: Chairman Anderson, Atkinson, Jankowski, Bryant, Llewellyn, Luckett and Kopkau

Also present: Weinzapfel and six audience members.

The chair called the meeting to order at 7 pm and the Pledge of Allegiance was recited.

Motion to approve the agenda by Atkinson, seconded by Llewellyn. Motion carried.

Approval of June 6, 2006 meeting minutes:

Township Attorney Turkelson submitted a written request for the following correction:

On page two, paragraph four delete the existing paragraph and replace with:

Turkelson explained that notice of meetings must be properly published and explained the statute regarding qualifications for a newspaper. It must have a list of subscribers and be in circulation for at least one year or if no list of subscribers, be in circulation for at least two years. The Elk Rapids News meets neither of these qualifications until at least the middle of June. This issue, along with several others, occurred at meetings that took place on May 1 and May 15.

Motion by Atkinson, seconded by Bryant to approve the minutes as corrected.

Motion carried 7-0.

Variance Request 06-01:

Property Tax # 05-12-775-001-00

AKA: 13556 N. Wabigama Dr.

Mr. And Mrs. Leventry of Chicago, Ill. and Mr. And Mrs. Lorig of Mercer Island WA are requesting a variance to their property. This is a continuation of a hearing from March 2006. Gray Lorig, the son of Bruce Lorig, appeared at the hearing. They are requesting a 5 foot 9 inch variance of the front yard (lake-side) variance to connect the deck of a proposed addition to an existing front porch.

**PUBLIC COMMENT:**

Those who would like to speak in favor:

No one wished to speak

Correspondence that was received by the ZA and was read aloud at the meeting by Secretary Jankowski. (These letters will become a permanent part of the file.):

A letter from Wabigama Country Club in support of the variance

A letter from Lester Dragsteadt II in support of the variance

A letter from Christy Sturgeon in support of the variance

A letter from Brian Zehnder, MD, in support of the variance

An email from Bob Rinder in support of the variance

An email from Conrad Thurston in support of the variance

Those who would like to speak against:  
No one wished to speak and there were no opposing letters.

The board began closed deliberations:  
Atkinson said that the Master Plan states that it does not support lakeside variances. It will not cause a hardship to not grant the variance. There are other options. Anderson agreed.

Luckett said she isn't comfortable with the waterfront variance because there are so many other options available and that prior erosion has occurred along the shoreline.

Jankowski said that the entire planned addition is beyond the 50-foot setback and the connection of the deck of the addition to the porch is nothing more than a convenient elevated walkway and would not detract from the building if it were not allowed. He is not in favor of it.

Bryant suggested that there are other alternatives and the variance isn't necessary.

Motion by Atkinson to deny the variance request #06-01 because the Master Plan does not support lakeside variances, it will not cause a hardship if it is denied, and because there are other options available. Atkinson cited the following sections of the ordinance: 117.216, 117.802 & 117.401. Motion seconded by Kopkau.

Roll call vote:

Jankowski: yea based on 117.216, 117.802, 117.401

Llewellyn: yea based on 117.802

Bryant: yea based on 117.216, 117.802, 117.401

Luckett: yea based on 117.216, 117.802, 117.401

Kopkau: yea based on 117.802

Anderson: yea based on 117.401 and 117.216

Motion carried. Variance request 06-01 denied by a vote of 7-0

Variance Request #06-02:

Property Tax # 05-12-725-005-10

AKA: 11559 W. Torch Lake Dr. & 11567 W, Torch Lake Dr.

Mrs. Anita Uden and Doug Uden of 10088 Indian Mound Drive, New Port Richey, FL, are requesting a dimensional variance to their property. They are requesting a 5-foot front yard and a 15-foot rear yard variance to remove the existing house and build a new house.

**PUBLIC COMMENT:**

David Martin spoke in support of the variance

Correspondence that was received by the ZA and was read aloud at the meeting by Secretary Jankowski. (These letters will become a permanent part of the file.):

A letter from Dr. & Mrs. Arnold Gartner in support of the variance.

A letter from Doug Uden asking that the variance request be tabled until September so he may

gather more information.

Motion made by Atkinson to table the variance request #06-02 until September 14, 2006, seconded by Llewellyn. Motion carried.

Variance Request 06-05:

Property Tax Number: 05-12-725-005-00

AKA: 11555 W. Torch Lake Dr.

Mr. & Mrs. David Martin of 232 Lake Marina Ave. #5B, New Orleans, LA are requesting a variance to their property.

Anderson read a letter from Mr. Martin presenting the proposed variance. (This letter will become a part of the permanent record of this file.) He is requesting a 9-foot rear yard variance to put a second floor addition above the garage. The home is currently non-conforming in three different setbacks. The ZA indicated that he could not locate a Land Use Permit or Variance request for the property.

Mr. Martin presented history on the building, which was built by his mother. He said that he does have another alternative if this variance request is denied by putting the addition as a second floor on the front of the house. It will increase his profile on the lakeside, which he sees as a negative.

**PUBLIC COMMENT:**

No one wished to speak.

The board began closed deliberations:

Atkinson said the house is already non-conforming and this variance increases the non-conformity and there are other alternatives available. Luckett agreed.

Bryant questioned the lot's size. Weinzapfel clarified, it's a non-conforming lot. There are parts of the existing house that are conforming, he has a building envelope, if he is building in that envelope, he can still add on in a conforming manner.

Jankowski said that the lot is non-conforming and the house is non-conforming because it encroaches on the rear yard set back and that the master plan doesn't encourage enlarging a non-conformity, so it should be denied.

Motion by Atkinson to deny the variance request #06-05 because there is no practical difficulty for the homeowner if the variance is denied, approving the variance would further the non-conformity of the structure and there are other options available if the variance is denied. Atkinson cited the following ordinance sections: 117.802, 117.401. Motion seconded by Jankowski.

Roll call vote:

ZBA 8.10.06

Bryant: yea based on 117.1801 117.103 and chapter 4, non conforming lots

Llewellyn: yea based on 117.401

Atkinson: yea based on 117.802 and 117.801

Anderson: yea based on 117. 401

Jankowski yea based on 117.802 and 117.401 and Master plan guidelines

Kopkau: yea based on 117.402

Luckett: yea based on 117.1706, 117.802 and 117.401.

Motion carried. Variance #06-05 denied 7-0.

Other Business:

Anderson said he spoke with Mike Moyer who offered to provide the ZBA training. Weinzapfel is working on this issue.

Anderson praised immediate past Chairman John Lein for his years of service to the township and the ZBA.

Anderson welcomed Lori Luckett to our board.

Motion to adjourn at 8:00 p.m. by Llewellyn, seconded by Kopkau. Motion carried.

Respectfully Submitted,

Adam Jankowski  
ZBA Secretary

***Note: These minutes are UNAPPROVED until APPROVED by the ZBA at its next meeting. Corrections, additions and deletions will be noted in the minutes of that meeting.***