

Milton Township

Zoning Board of Appeals

October 19, 2006

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

Also present: three audience members and ZA Weinzapfel

Anderson called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

Motion by Jankowski, seconded by Atkinson, to approve the agenda as presented.

Motion carried.

Motion by Atkinson, seconded by Jankowski, to approve the minutes of 09-14-06 as written.

Motion carried.

Variance Request #06-06:

Parcel: 05-12-655-037

Address: 11204 SW Torch Lake Drive

Mr. & Mrs. Fred Vandervennet, 3135 Walnut Hills Drive, Leonard, Mi 48367 are requesting a 48 ft. front yard setback variance to their property. Fred Vandervennet made his presentation stating that the house has a low-slope flat roof, a tree fell on it last winter causing damage and in making repairs they would like to change the flat-roof to a pitched-roof. There were some issues with the permitting. The cabin was built approximately 70 years ago and is now located completely within the 50-foot front-yard setback of SW Torch Lake Drive. He would like to add a one-foot overhang on the roadside. He would also like to vinyl side the home. Every winter he has to shovel snow load off the roof and the pitched roof would solve this problem. He understands the goals of the township and what the purpose of setbacks, however, he is in no situation to tear the home down and rebuild a new one. They have owned it for six years.

Correspondence & Public Comment:

There was one letter dated Oct. 9, 2006 in support of the variance request from Gary and Jan Burns of Lake Ave. Rapid City, MI., which was read to the Board by Sec. Jankowski.

Dick Stosio, 11244 SW Torch Lake Drive is present in the audience and he spoke in support of the variance.

Jankowski asked the applicant if the request also includes adding a six-foot overhang on the west side of the structure? The applicant stated that the overhang on the west side is for an open covered porch area.

Anderson asked regarding the existing porch on the south side of the house. There was no permit ever issued and no variance (requested or approved) for that deck. The applicant indicated he built the porch and did not know he needed a variance at that time

Bryant asked about the rafters which the applicant stated are currently 2x10's.

Board Deliberations:

Llewellyn said he feels this a practical variance to grant to solve his problem with the flat roof.

Atkinson said that the ordinance is clear and allows that a home can be repaired but by adding a pitched roof they are adding volume and thus granting the variance would be setting a bad precedent.

Jankowski agreed with Atkinson saying that the Master Plan does not encourage the survival of non-conforming structures and this structure is completely within the 50 ft. setback. There are other options utilizing the large building envelope that permits the owner use of the land to create a structure that is conforming. The application should be denied.

Bryant said he didn't go out to see the house but there is hardly ever a flat-pitched roof in this area. The applicant indicated there is a slight slope to the roof. Bryant said that the house has lasted 70 years in that design and there are new products developed that create other options for repairing this situation.

Anderson said this house has already been added on to without the proper permits. The lot is a non-conforming lot of record because it is just under the 20,000 sq ft. ZA Weinzapfel clarified that the building envelope on the lot is large. Anderson said there are other building choices and there are other options available.

Kopkau said he feels that a peaked roof is a great idea but he can see where the whole thing is non-conforming. The master plan doesn't encourage its existence. He cannot support the variance.

Motion:

Atkinson moved that the variance request be denied based on the following:

Zoning Code Sec. 117.802 & 117.400 and the MASTER PLAN which doesn't support enlarging non-conforming structures.

Seconded by Kopkau

Roll Call:

Bryant: Yea; based on 117.400 and the intent of the Master Plan

Atkinson: Yea based on 117.802 and 117.400

Llewellyn: Yea based on 117.802

Luckett: Yea based on 117.401D, 117.802 and 117.400

Anderson: Yea based on 117.400 and 117.401D

Jankowski: Yea based on 117.400 and 117.1800

Kopkau: Yea based on 117.400 and 117.401D

Motion carried. Variance denied 7-0.

ZA Weinzapfel and Vandervennet discussed other homes in the area that appear to be non-conforming. The Vandervennets are upset because this process has taken so long. Weinzapfel will look into the reason why this has taken so long.

Other Business:

Weinzapfel gave an update on the Sandbar Shoppe, Chippewa Trail Lodge, Garrows, Hesses, Gardner, Lossee,

Motion by Llewellyn to adjourn at 7:36 PM. Seconded by Jankowski.
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.