

Milton Township
Zoning Board of Appeals
June 1, 2007

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

Also present: Applicants Mr. and Mrs. Jack Stewart and agents William and Tom Peterson of 5 Star Custom Homes

Members absent: Kopkau

Anderson called the meeting to order at 7 pm and the Pledge was recited.

Approval of agenda:

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

Approval of past minutes dated April 12, 2007

Motion to approve the minutes as presented by Jankowski, seconded by Bryant. Motion carried.

Variance Request:

Property owner Jack Stewart is requesting a variance request for a 25-foot rear yard set back in order to build a 1 story, 12x14 ft addition to their home at the address of 12480 SW Torch Lake Drive, 05-02-700-019-00. The agent for Jack Stewart is William Petersen of Five Star Custom Homes, Inc.

Anderson discussed the procedure of the hearing with the applicant.

Bill Peterson, acting as agent, gave a presentation. He indicated that the Stewarts don't have a lot of options to make additions to the house. In every other direction, there is an obstacle. He doesn't feel that this is a tremendous request. There is a new house to the north with a new garage that had to have a variance. The approval of the request wouldn't impact the health, safety and welfare of the township. It wouldn't prevent the fire department or any emergency vehicle from getting down Wall Street.

Public Comment: There was no public comment as there was no one else in the audience.

Motion to go into closed session by Jankowski, seconded by Bryant. Motion carried.

Jankowski asked what is unique about this property that says that the ZBA should grant

the variance. Peterson said that the lay of the land makes the parcel unique due to the topography. Jankowski said there is another alternative and that is going to the second story. Peterson said that the age of the home would make it difficult and costly to bring the whole home up to current construction standards to carry the load of the second story. The home was constructed in 1963 and in that time the standards weren't as stringent. The load requirements weren't up to today's standards. You would have to upgrade all of those basic things. Peterson said that a second story could be done, but he would need to further investigate the costs associated with that.

Anderson asked if the basement is finished. Peterson said it is semi-finished. The house is 1200 square feet. The septic is about 10 feet away from the house. Peterson said using that wall would make it such that the kitchen would have to be torn out to do that. He also said he would be concerned about the septic failing and needing a new septic, would there be enough room on the parcel to put in a new septic.

Atkinson said that the ordinances are very clear. This is a case of not wanting to comply with the ordinance. There are other options.

Mrs. Stewart said she is unable to do stairs because of a heart condition. Adding a second story is not an option.

Bryant said there are other options available.

Llewellyn also said there were other options.

Luckett said it looks like there is an option to go off the kitchen. Peterson said he has had the land re-surveyed to see how close the house is to Wall Street. Construction costs would be much greater due to the set up of the home.

Anderson said there are certain criteria that the request must meet before a request can be granted. Each request has its own specific needs and there are no two alike. It's hard to compare one with another one down the street, for example the home with the garage on Wall Street.

Peterson said that this addition would add to the curb appeal of the home.

All the board members have visited the site.

The home is currently zoned R-1 and all surrounding parcels are zoned R-1.

Atkinson said in the past few years, the board has been consistent with its granting of variances. There are other options available and granting this variance would dilute the resolution of the board and the ordinance.

Jankowski said this is a non-conforming lot of record. Because of the lot size, it is limited. If the lot was larger, the applicants would have more room for an addition.

Motion by Atkinson to deny the variance based on 117.802. Seconded by Jankowski.

Roll Call:

Luckett: yea; based on 117.802
Jankowski: yea; based on 117.802
Bryant: yea; based on 117.802
Atkinson: yea; based on 117.802
Lewellyn: yea; based on 117.802
Anderson: yea; based on 117.802
Motion carried. 6 yea, 0 nay, 1 absent

The applicant voiced his displeasure with the ruling.

Anderson said the applicant has the right to dispute the ZBA finding in circuit court.

New and Old Business:

No new business

Lewellyn asked regarding pending violations. Weinzapfel was unavailable for comment at this time. It will be discussed with him at another meeting.

Motion to adjourn at 7:40 by Llewellyn, seconded by Atkinson. Motion carried.

Respectfully Submitted,
Lori Luckett

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