

**CITY OF KEEGO HARBOR
ZONING BOARD of APPEALS MEETING MINUTES
Thursday, November 16, 2023**

CALL TO ORDER

Mayor Kalman called the meeting to order at 6:00 PM.

ROLL CALL

Present: Mayor Kalman, Mayor Pro Tem Shimansky, Council Member Karson, Council Member Lampl, Council Member Ross

Staff Present: City Manager/City Clerk Tammy Neeb, Deputy Clerk Stacy Goodall, City Attorney Ann Gabbert, and City Planner Stephanie Osborn

APPROVAL OF AGENDA

Motion by Council Member Lampl; supported by Mayor Pro Tem Shimansky to approve the November 16, 2023, ZBA meeting agenda.

Unanimous Vote Ayes: 5 Nays: 0 Motion Carries

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Shimansky; supported by Council Member Karson, to approve the Zoning Board of Appeals meeting minutes from August 17, 2023.

Unanimous Vote: Ayes: 5 Nays: 0 Motion carries

PUBLIC COMMENTS

No one addressed the Board Members

NEW BUSINESS

1788 Cass Lake Front – Pool Setbacks

Brandon Bertrang from Ventures Design and Build addressed each of the five criteria as they pertain to the requested variances. Eagle and Oakland County require a permit to drain any water. These will need to be obtained and filed with the city as a requirement. The unspecified variance is a Ground Level Unenclosed Projection and was not called out on the plans. A two-foot variance was specified to allow for a one-foot walkway. A privacy screen will be installed to cover the pool equipment on the north side of the home.

1. A variance from the requirements of section 15.11(c) to permit a projection into the waterfront yard of 54' instead of the permitted 30' for a variance of 24'.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The topography of the property could render conformity unnecessarily burdensome.

- b. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.**

The applicant has provided approval from their neighbors and board members feel this variance would not have a significant impact on the neighboring properties. It will also allow the applicant to use the property in the way they desire.

- c. The plight of the applicant is due to the unique circumstances for the property.**

The topography of the property will not allow for anything else.

- d. The problem is not self-created.**

The topography is creating the issue. It is not self-created.

- e. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

Extending the waterfront yard projection respects the spirit of the ordinance by enhancing the property's use without impacting the neighbors.

2. A variance from the requirements of section 15.11 (c) to have a 3' setback from the south side lot line is needed (variance needed is unknown and undeterminable from the survey provided; the distance from the proposed patio to the side lot line should be provided on the survey).

Amended to specify a 2' variance request for the flush ground-level patio and walkway from the south lot line.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The lot is narrow and strict compliance with the ordinance would be burdensome.

- b. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.**

The neighboring property owners support the proposed project.

- c. The plight of the applicant is due to the unique circumstances for the property.**

The plight of the applicant is due to the topography of the land.

- d. The problem is not self-created.**

The problem is the topography of the land. It is not self-created.

- e. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

The fire department will be able to walk through in case of emergencies.

3. A variance from the requirements of section 15.13(i) to permit a 4'x 8' pool equipment/pad to extend closer than the required setback of 3' from the north side lot line. The pad is proposed to be 4' wide and extend from the house to the lot line. This is a variance of 3'.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The pool equipment will be placed next to existing utility units and there will be approximately a foot to get around it. There is room to get around and there is no other place for the equipment. Strict compliance would be burdensome.

- b. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.**

The neighbors have agreed to the placement of the equipment. Per city ordinance, the equipment will need to be properly screened.

- c. The plight of the applicant is due to the unique circumstances for the property.**

The topography of the property is the issue.

- d. The problem is not self-created.**

The topography of the property and its layout is not self-created.

- e. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

This was already discussed. The board members have found all variances to be true.

Motion by Mayor Kalman; supported by Council Member Karson to approve the requests for 1788 Cass Lake Front as outlined and predicated upon complying with Keego Harbor Zoning Ordinances as well as permits from Eagle and Oakland County Water Commission.

Roll Call: Mayor Pro Tem Shimansky yes, Mayor Kalman yes, Council Member Lampl yes, Council Member Karson yes, Council Member Ross yes

Motion Carries

1709 Maddy Lane- 2nd Story Addition

TJ Crouch summarized his request to put a 2nd story addition on his home.

1. The lot width is 60', requiring 18' total inside setbacks with a minimum setback of 6'. The north side setback is 4'6", requiring a 1'6" variance to meet the minimum 10%. No changes affecting the south side setback are proposed.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The property is already non-conforming.

- b. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.**

Granting this variance will improve the property and enhance the property value without disproportionately impacting the neighbor's property based on the existing non-conformance.

- c. The plight of the applicant is due to the unique circumstances for the property.**

The property's existing conditions including the building footprint and waterfront location contribute to the unique circumstances. These conditions are not common to all properties in the area are justified and require the necessary variance.

- d. The problem is not self-created.**

The issues requiring variance appear to arise from the existing location of the property's location rather than any actions taken by the property owner. Therefore, the problem is not self-created.

- e. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

It does not appear to compromise the overall intent of the zoning ordinance. The proposal maintains public safety and does not adversely impact the welfare of the community. It will provide substantial justice. Therefore, it maintains the spirit of the ordinance.

2. The total side setbacks proposed is 11'6", requiring a 6'6" variance to meet the minimum total side setbacks required.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The property is already non-conforming. The restrictions would be burdensome.

A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

Granting the variance will do substantial justice and any lesser variance would not give proper relief.

- b. The plight of the applicant is due to the unique circumstances for the property.**

The property was already non-conforming. Granting the variance will not make it any more non-conforming.

- c. The problem is not self-created.**

The problem is not self-created as it is a non-conforming property.

- d. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

It does not appear to compromise the overall intent of the zoning ordinance. The proposal maintains public safety and does not adversely impact the welfare of the community. It will provide substantial justice. Therefore, it maintains the spirit of the ordinance.

3. The average waterfront setback based on the two neighboring properties to the north and south is 49.8'. The existing and proposed rear setback is 42.0'. A variance of 7.8' is needed to meet the required waterfront setback.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, or density will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The same response for the prior requests would apply here as well. The property is already non-conforming.

- b. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.**

The same response for the prior requests would apply here as well. Granting this variance will do substantial justice and will not disproportionately impact the neighbors.

- c. The plight of the applicant is due to the unique circumstances for the property.**

Based on the building footprint, the non-conformance, and the waterfront location all contribute to the unique circumstance.

- d. The problem is not self-created.**

Non-conformance was in existence prior to the applicant taking ownership of the property. Therefore, the problem is not self-created.

- e. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.**

The spirit of the ordinance will be observed and will not compromise the overall intent of the ordinance, as stated in the prior two requests.

Resolution by Council Member Lampl; supported by Council Member Karson to adopt a resolution based on the information presented and the variances requested

as presented. The criteria outlined in the zoning ordinance and the variance requests for 1709 Maddy Lane parcel id#18-01-161-004 are justifiable and meet the necessary criteria for practical difficulty as per section 17.03(c)B. The proposed changes respect the spirit of the zoning ordinance while addressing the unique circumstances of the individual property.

Roll Call: Mayor Kalman yes, Mayor Pro Tem Shimansky yes, Council Member Lampl yes, Council Member Karson yes, Council Member Ross yes.

Resolution Carries

ADJOURNMENT

Mayor Kalman adjourned the meeting at 6:50 p.m.

Robert Kalman
Robert Kalman (May 8, 2024 01:01 EDT)

Robert Kalman
City of Keego Harbor, its Mayor

Stacy Goodall
Stacy Goodall
City of Keego Harbor, its
Deputy Clerk

November 16, 2023 ZBA Meeting Minutes

Final Audit Report


2024-05-08

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|-----------------|--|
| Created: | 2024-05-07 |
| By: | TAMMY NEEB (goodall@KEEGOHARBOR.ORG) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAABYwVGCfh1yK9QGhgmj2KqSDSJFXIULLA |


"November 16, 2023 ZBA Meeting Minutes" History

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 Signer khcouncil@gmail.com entered name at signing as Robert Kalman

2024-05-08 - 5:01:22 AM GMT

 Document e-signed by Robert Kalman (khcouncil@gmail.com)

Signature Date: 2024-05-08 - 5:01:24 AM GMT - Time Source: server

 Agreement completed.

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