

**CITY OF KEEGO HARBOR
ZONING BOARD of APPEALS MEETING MINUTES
Thursday, April 20, 2023**

CALL TO ORDER

Mayor Kalman called the meeting to order at 6:30 pm.

ROLL CALL

Present: Mayor Kalman, Mayor Pro Tem Attisha, Council Member Karson,
Council Member Shimansky

Absent: Council Member Lampl

*Motion by Council Member Shimansky, Supported by Council Member Karson to
excuse Council Member Lampl*

Unanimous Vote

Ayes: 4

Nays: 0

Motion carries

Staff Present: City Manager/City Clerk Tammy Neeb, Deputy Clerk Stacy
Goodall, City Attorney Tony Chubb, City Planner Stephanie Osborn

PLEDGE OF ALLEGEANCE

APPROVAL OF MINUTES

*Motion by Council Member Karson, Supported by Mayor Pro Tem Attisha to
approve the March 16, 2023, Zoning Board of Appeals meeting minutes.*

*Roll Call: Mayor Kalman, yes, Mayor Pro Tem Attisha, yes, Council Member
Karson, yes, Council Member Shimansky, Yes*

Motion carries

PUBLIC COMMENTS

No one addressed the Board Members

OLD BUSINESS

2190 Willow Beach St. – Case #ZBA 22-004

Mr. Daryl Stefanski has returned with the revisions to his plan as requested by the City Council. City Planner Stephanie Osborn reviews the applicant's variance requests. At the March ZBA meeting the applicant originally was asking for 4 variances. The height variance is no longer needed due to adjustments made by the applicant, and it is now compliant at 8 feet.

Section 17.03(c) of the Zoning Ordinance authorizes the Zoning Board of Appeals to grant dimensional variances. In order to grant a dimensional variance, the ZBA must record its determination that all five of the standards for practical difficulty have been met.

1. Variance from Section 15.15(c)2 to permit the building to have an area greater than 100 square feet. At 103.5 square feet, the request is now for a 3.5 feet variance.

- The applicant discussed with the city planner and made a miscalculation.
 - 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.**

Yes, due to the non-conforming side of the lot.

- 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.**

A lesser variance would give substantial justice to the applicant.

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

Yes. The plight of the applicant is due to the unique circumstance of the property.

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

Yes

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

Yes.

The applicant thought the calculations were correct so he will make the correction to be compliant.

2. Variance from Section 15.15(c)2 to permit an accessory building to be constructed in the waterfront yard within 25 feet of the seawall.

- The previously requested setback was zero feet, a 25-foot variance.
- The city planner clarifies that if the first variance is compliant it will reduce the requested set back variance to 21 feet.

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.

Yes

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.

Yes

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

Yes

d. The problem is not self-created.

Yes

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

Yes

The Zoning Board of Appeals granted variance at a 21-foot set back.

3. Variance from Section 15.15(b) to permit the building to be located in the clear vision triangle.

- The lot is small, and the house is so close to the lot line there is not much property that is not in the clear vision triangle. This will primarily block his own view. The applicant has no immediate neighbors.

- 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.**

Yes, due to the size of the lot.

- 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.**

Yes

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

Yes

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

Yes

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

Yes

The Zoning Board of Appeals granted variance for structure to be in the clear vision triangle.


Motion by Council Member Shimansky; Supported by Council Member Karson to approve the variances with the amendment to the length of 11.5feet being changed to 11feet creating a 4foot set back from the seawall.


Roll Call: Mayor Kalman, yes, Mayor Pro Tem Attisha, yes, Council Member Karson, yes, Council Member Shimansky, Yes

Motion Carries

ADJOURNMENT

Mayor Kalman adjourned the meeting at 6:52 pm.


Ashley Attisha (Aug 9, 2023 12:04 EDT)
Ashley Attisha
City of Keego Harbor, its
Mayor Pro Tem


Stacy Goodall
City of Keego Harbor, its
Deputy Clerk







April 20, 2023 ZBA Meeting Minutes

Final Audit Report

2023-08-09

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