

**CITY OF KEEGO HARBOR  
ZONING BOARD OF APPEALS (ZBA)  
MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2019**

**CALL TO ORDER:** Chairman Balutowicz called the meeting to order at 7:01pm

**ROLL CALL:**

***Present:*** Chairperson Balutowicz, Vice Chairman Emerling, Commissioners Trzos, Svaluto and Michael

***Absent:*** Commissioners Bernstein and Reising

*Motion to excuse Commissioner Reising by Commissioner Trzos; seconded by Vice Chairman Emerling*

*Ayes: 5*

*Nays: 0*

*MOTION CARRIED*

**STAFF PRESENT:** Deputy Clerk Lori Gilman, City Planner Jason Smith and Council Liaison Theresa Shimansky

**APPROVAL OF MINUTES**

*Motion to approve the November 28, 2018 Meeting Minutes by Commissioner Svaluto; seconded by Commissioner Trzos*

*Ayes: 5*

*Nays: 0*

*MOTION CARRIED*

**PUBLIC COMMENTS**

No one addressed the Commissioners

**NEW BUSINESS**

Planner Smith indicated the applicant is asking for a dimensional variance to exceed the side yard setback and lot coverage ordinance allowance to allow construction of a new house at 2094 Willow Beach Street. He explained that Section 4.08(4)(a) the applicant proposes to reduce the minimum side yard setback from 30% to 29.1% at the front side yard, and 27.2% at the rear side yard. The proposed variance is 3 inches or less at the lake side, and 11 inches or less at the street side. Section 4.08(10)(a) the applicant proposes to enlarge the permitted lot coverage of 30% to a total lot coverage of 31.86%. The proposed variance is 1.86%. In the 5 findings of practical difficulties for granting a variance, Planner Smith indicated that the applicant somewhat meets the standard on 3 and meets the standard on 2. Mr. Trautman, the applicant's architect, indicated that the home can't fit the ordinance, as it will not be ADA compliant. He added that the neighbors on each side on the home have seen the site plans.

*Motion to approve the dimensional variance request for ZBA-19-001, 2094 Willow Beach Street for Section 4.08(4)(a) to encroach on the side yard setbacks by 3 inches and 11 inches; Section 4.08(10)(a) to exceed the maximum lot coverage by 1.86%. These are beyond ordinance allowance, as the requests meet the specific standards for practical difficulty from Section 17.03(c) of the Zoning Ordinance based on the existing lot dimensions and existing conditions on neighboring properties along Willow Beach Street by Vice Chairman Emerling; seconded by Commissioner Trzos*

*Ayes: 5 (Roll Call Vote)*

*Nays: 0*

*MOTION CARRIED*

### **COMMUNICATIONS**

Planner Smith informed the Commissioners there will be a September ZBA Meeting. He asked that the meeting be moved to Tuesday September 24 due to a scheduling conflict. Planner Smith indicated this will be the 4<sup>th</sup> time in 2 years an applicant will be in front of the ZBA requesting a Zoning Dimensional Variance in the NR Neighborhood Residential District, Section 15.26(d)(1) Site Grading, Slope Away from Building, and Finished First Floor Elevation. Commissioners discussed the procedure with Planner Smith on how to change a Zoning Ordinance.

*Motion to have the City Council consider changing Zoning Ordinance Section 15.26(d)(1) Site Grading, Slope Away from Building and Finished First Floor Elevation due to the fact the Zoning Board of Appeals has had 4 cases in 2 years by Vice Chairman Emerling; seconded by Commissioner Svaluto*

*Ayes: 5*

*Nays: 0*

*MOTION CARRIED*

### **ADJOURNMENT:**

Chairman Balutowicz adjourned the meeting at 8:00pm



Scott Balutowicz

Chairman, Zoning Board of Appeals



Lori Gilman

Keego Harbor, Deputy Clerk