

**City of Keego Harbor
Zoning Board of Appeals
Virtual Meeting Minutes
Tuesday November 30, 2021**

Board Member Trzos will fill in as Chairman for this meeting.

CALL TO ORDER

Board Member Trzos called the meeting to order at 6:05pm.

Present:

Board Member Marilyn Svaluto, Keego Harbor, Oakland County, Michigan
Board Member Phil Trzos, Keego Harbor, Oakland County, Michigan
Board Member Corine Streng, White Lake, Oakland County, Michigan
Alternate Board Member Judy Powers, Keego Harbor, Oakland County, Michigan
Alternate Board Member Theresa Shimansky, Keego Harbor, Oakland County, Michigan

Absent: Chairman Scott Balutowicz and Board Member Nick Michael

Motion by Board Member Streng, support by Board Member Trzos to seat Alternate Board Member Powers and Alternate Board Member Shimansky as Board Members for the November 30, 2021, virtual meeting.

Unanimous Roll call Vote:

Motion carried

Staff Present: City Manager Tammy Neeb and City Planner Jason Smith

APPROVAL OF THE AGENDA

Motion by Board Member Svaluto, support by Board Member Shimansky to approve the agenda for November 30, 2021

Unanimous Roll call Vote:

Motion carried

APPROVAL OF MEETING MINUTES

Motion by Board Member Streng, support by Board Member Svaluto to approve the virtual meeting minutes from October 27, 2021

Unanimous Roll call Vote:

Motion carried

PUBLIC COMMENT:

No one addressed the Board Members

NEW BUSINESS

- **Zoning Dimensional Variance Request NR Neighborhood Residential District, Section 4.08(3)(a) Front Yard Setback.**

The City of Keego Harbor Zoning Board of Appeals will hold a public virtual hearing, see ZOOM information below, to review a zoning ordinance variance request at 6:00 PM on Tuesday, November 30, 2021. The variance request is for a dimensional variance to decrease the required front yard setback to allow construction of a new home at 1928 Cass Lake Front. The applicant requests the following:

REQUEST: SECTION 4.08(3)(A) FRONT YARD SETBACK, DECREASE THE REQUIRED FRONT YARD SETBACK REQUIREMENT TO ALLOW FOR A 31 FOOT 6 INCH ENCROACHMENT ON THE FRONT YARD SETBACK REQUIREMENT.

PARCEL NUMBER: 18-02-276-027

PROPERTY ADDRESS: 1928 CASS LAKE FRONT STREET

LOCATION: PROPERTY IS LOCATED ON THE WEST SIDE OF CASS LAKE FRONT STREET, BETWEEN GLENBROKE STREET AND GROVE STREET. CASS LAKE IS TO THE WEST AND THE PROPERTY IS A WATERFRONT PROPERTY.

APPLICANT: LOUIS DESROSIER, DESROSIER ARCHITECTS

Planner Smith indicated that the applicants were requesting a dimensional variance of 31 feet 6 inches to encroach on the front setback requirement. Planner Smith discussed the ways that a front yard setback is determined.

Lou DesRosiers of DeRosier Architects was present to represent the applicants. Mr. DeRosier believes that 1928 Cass Lake Front is the longest and narrowest lot in Keego Harbor. He indicated that the variance request will put the home in line with the neighboring homes. He finished by saying that the angle of Cass Lake Front Road was a part of their hardship and played a role in requesting the variance.

Board Members discussed whether the ordinance allows a non-conforming house to be replaced with another nonconforming house. They went over the five criteria and whether the applicant met these criteria. Board Members discussed the dilapidated garage behind the home, as the applicant failed to include it in the plans.

Public Comment:

Planner Smith: Planner Smith read a letter from Joel Yoder, a property owner in Keego Harbor, which supported the variance request.

David Emerling: Mr. Emerling indicated that he was in support of the variance request, as the setback request followed the other homes along Cass Lake Front. He said that he believed the garage should be torn down as a condition of approval.

John Fletcher: Mr. Fletcher believed that the ZBA needed to follow the five criteria and proposed that the applicant build a smaller house on the property. He appreciated that applicant's intent to beautify the neighborhood, but the criteria must win out in the end.

The Board then discussed the five criteria at length and how they applied to this variance request.

Motion by Board Member Svaluto, support by Board Member Streng to approve the dimensional variance request for ZBA-21-003, 1928 Cass Lake Front for Section 4.08(3)(a) Front Yard Setback to exceed ordinance allowance by 31 feet 6 inches as the request meets the specific standards for practical difficulty from Section 17.03(c) of the Zoning Ordinance based on the existing lot dimensions, existing conditions, and homes on neighboring properties along Cass Lake Front and Engineering drawings be reviewed and approved by the building department and engineering department to protect neighboring properties from soil erosion, damage, and drainage patterns.

Architectural renderings to be submitted and reviewed by the Architectural Review Committee (ARC) in accordance with the City of Keego Harbor Residential Architectural Checklist.

Roll call Vote: Svaluto yes, Trzos no, Shimansky no, Streng yes, Powers no Motion failed

Motion by Board Member Shimansky, support by Chairman Trzos to deny the variance request for ZBA-21-003, 1928 Cass Lake Front for Section 4.08(3)(a) Front Yard Setback to exceed ordinance allowance by 31 feet 6 inches as the request does not meet the specific standards for practical difficulty from Section 17.03(c) of the Zoning Ordinance. This does not meet the 5 criteria as presented and required by state law.

Roll call: Trzos yes, Powers yes, Streng no, Svaluto no Shimansky. Motion carried

Request Denied

- **2022 Meeting Schedule**

Motion by Board Member Shimansky, support by Board Member Trzos to approve the 2022 ZBA Meeting Schedule

Roll call Vote: Shimansky yes, Trzos yes, Svaluto yes, Powers yes and Strang yes. Motion carried

- **Appointments of Officers**

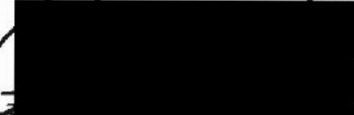
- Chairman and Vice Chairman

Motion by Board Member Shimansky, support by Board Member Trzos to table the appointment of officers to the next meeting

Roll call Vote: Shimansky yes, Trzos yes, Svaluto yes, Powers yes and Strang yes. Motion carried

ADJOURNMENT

Board Member Trzos adjourned the meeting at 8:06 pm.



Phil Trzos
Board Member, Zoning Board of Appeals



Tammy Neeb
Clerk, City of Keego Harbor

Signatures on file at City Hall