

**City of Keego Harbor
Zoning Board of Appeals
Virtual Meeting Minutes
WEDNESDAY FEBRUARY 24, 2021**

CALL TO ORDER: Vice Chairman Emerling called the meeting to order at 6:04pm

ROLL CALL

Present: Vice Chairman Emerling attending remotely from Oakland County, City of Keego Harbor, State of Michigan
Board Member Svaluto attending remotely from Lee County, Fort Myers, State of Florida (Arrived at 6:17 pm)
Board Member Trzos attending remotely from Oakland County, City of Keego Harbor, State of Michigan
Board Member Streng attending remotely from Oakland County, City of Keego Harbor, State of Michigan

Absent: Chairman Scott Balutowicz, Alternate Board Member Nick Michael

Motion to excuse Chairman Balutowicz by Board Member Streng; seconded by Vice Chairman Emerling

Roll Call Vote - Ayes: 3 Nays: 0 MOTION CARRIED

APPROVAL OF THE AGENDA

Motion to approve the ZBA Virtual Meeting Agenda for February 24, 2021 by Board Member Trzos; seconded by Board Member Streng

Roll Call Vote - Ayes: 3 Nays: 0 MOTION CARRIED

APPROVAL OF MEETING MINUTES

Motion to approve the ZBA Virtual Meeting Minutes for November 24, 2020, by Board Member Streng; seconded by Board Member Emerling.

Roll Call Vote- Ayes: 2 Nays: 1 MOTION FAILED FOR LACK OF SUPPORT

The Meeting Minutes for November 24, 2020 will be placed on the Next ZBA agenda.

PUBLIC COMMENT:

No public comments

NEW BUSINESS

Zoning Dimensional Variance Request NR Neighborhood Residential District, Section 4.08(4)(a) Side Yard Setback

REQUEST: SECTION 4.08(4)(A) SIDE YARD SETBACK, DECREASE THE REQUIRED SIDE YARD SETBACK REQUIREMENT FROM 12 FEET TO 10 FEET (A 5 FOOT SETBACK ON EACH SIDE IS PROPOSED). THIS REDUCES THE SIDE YARD SETBACK PERCENTAGE FROM THE REQUIRED 30% OF THE WIDTH OF THE LOT TO 25% OF THE WIDTH OF THE LOT.

PARCEL NUMBER: 18-02-276-016

PROPERTY ADDRESS: 1828 CASS LAKE FRONT STREET

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

APPLICANT: ALAN ALLAWERDI, OWNER

Planner Smith read the memo addressing the applicants concern...

1. The applicant states that due to the width of the lot that the variance is needed to make for a more workable, reasonable, and functional home.
2. The applicant states that substantial justice will be done to the neighbors because they will be building a structure that is more in conformance than the previous development.
3. The applicant states that request is in line with other homes on Cass Lake Front.
4. The applicant states that the need for the variance has not been self-created as the existing conditions and lot width are out of the applicant's control.

Then Planner Smith indicated the finding of fact...

1. The subject site is zoned NR, Neighborhood Residential.
2. The proposed new house construction conforms to some, but not all the minimum bulk and area standards of the Zoning Ordinance.
3. The applicant will be required to meet the architectural design standards for any new house construction.
4. A visual inspection via aerial photograph shows evidence that previous setbacks were non-conforming with a non-conforming accessory structure.
5. The proposed side yard setbacks are non-conforming on one side.
6. The proposed front yard and waterfront setback appear to be in compliance.
7. The proposed lot coverage percentage appears to comply with the 30% maximum coverage.
8. The previous structure on the property has been demolished and cleared.
9. The existing lot (Tax ID #, 18-02-276-016) is shaped similarly to the immediately adjacent lots to the north and south.
10. Although the existing lot is not uniquely shaped, the lot width is 43 feet on the Cass Lake Front side and 40 feet on the waterfront side. This lot is similar in width when compared to many other waterfront lots on Cass Lake Front.
11. Cass Lake Front runs diagonally.
12. The West side of the lot has a frontage on Cass Lake.
13. The applicant proposes to build and construct a two-story single-family home.

Public Comment:

Larry Sherman – Mr. Sherman, a resident living on Cass Lake Front, representing three families who also live in Keego Harbor, indicated his general disapproval of the variance. He stated that there was: No proof of practical difficulty and that the owner had brought this hardship upon himself. Mr. Sherman recognized that the lot at 1828 Cass Lake Front was a unique size, however, other lots with the same dimensions had been able to build houses without a variance. He also asked that the fence in between the 2 properties be fixed and maintained. Mr. Sherman ended his comments with concern over soil erosion and requested that a retaining wall be put into place.

Board Members discussed Mr. Sherman's comments. It was proposed that a retaining wall should be put into place by the applicants, alleviating the problem of soil erosion effecting the neighbors. Smith indicated that all new building plans go to Hubble Roth and Clark, (HRC) the City's engineering firm before approval of a new build. It was suggested that HRC could aid the architect of 1828 Cass Lake Front in building a retaining wall to code. Also necessary, the applicant must ensure the existing fence to meet all of Keego Harbor's requirements.

Motion to approve Dimensional Variance request for ZBA case 21-0001, 1828 Cass Lake Front for section 4.08 for a side yard setback to exceed 5% or 2 feet on one side as the request met special standards for practical difficulty from section 17.03(c) of the Zoning Ordinance based on existing lot dimensions, existing conditions of the home on neighboring properties with the stipulation that engineered drawings are submitted and approved by HRC and the fence repairs are done in accordance with the Keego Harbor ordinance requirement. by Vice Chairman Emerling; seconded by Board Member Svaluto

Roll Call Vote - Ayes:3 Nays: 1 (Trzos) MOTION CARRIED


Appointments of Officers

Motion to table the Appointment of Officers until the next Zoning Board of Appeals meeting by Board Member Streng; seconded by Board Member Trzos

Roll Call Vote - Ayes:4 Nays: 0 MOTION CARRIED

ADJOURNMENT

Meeting Adjourned at 7:17 pm



David Emerling
Vice Chairman, Zoning Board of Appeals



Jennifer Gilman
Administrative Clerk, City of Keego Harbor