

## **MINUTES OF THE SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS**

### **MEETING ON APRIL 1, 2021**

A meeting of the Zoning Board of Appeals of Schoolcraft Township was held on April 1, 2021, virtually.

Members Present: Terry Blodgett, attending virtually from Schoolcraft Township, MI  
Ray Hocevar, attending virtually from Schoolcraft Township, MI  
Steve Fryling, attending virtually from Schoolcraft Township, MI

Members Absent: Gary Steensma, John Gardner

Also Present: Applicant, Steve Slesinski, Zoning Administrator, Chris Hamilton;  
Township Attorney, Leslie Dickinson.

Chairman Blodgett called the meeting to order at 7:00 p.m.

#### Review and Approval of Minutes

A motion was made by Comm. Hocevar to approve the minutes of the December 3, 2020 meeting, supported by Comm. Blodgett. Motion carried 3-0-2.

#### Public Hearing on Zoning Variance Request of Steve Slesinski.

Chairman Blodgett opened the hearing and asked the applicant to describe the request. Steve Slesinski stated that he is requesting a variance for an alteration to a non-conforming building to raise the ceiling height from 7 to 9 feet of his property, and a variance from the 20 foot setback requirements. Mr. Slesinski explained that he would like to replace the roof structure on a concrete block building that is currently considered non-conforming according to Article 27 Section 27.3 due to its close proximity to the front and left property lines. According to Mr. Slesinski the property located at 14881 North Barton Lake Drive is situated close to the property line along Barton Lake Drive in a similar fashion as many other properties. Historically properties were situated closer to Barton Lake Drive due to the topography of the area around the lake.

Mr. Slesinski added that he is requesting to alter the structure without changing the footprint of the existing home. Mr. Slesinski believes that reusing the current structure is an environmentally responsible tactic to take. If the variance request was denied, Mr. Slesinski remarked that the current structure, the non-conforming garage, the well, and septic systems would all need to be demolished and rebuilt to comply with all current zoning ordinances. Mr. Slesinski asked the Board to consider the potential for soil and environmental issues to arise during demolition and reconstruction was larger than if he were allowed to improving the current structure. Additionally, the new structure would not be as handicap accessible due to the steep slope of the property if brought into compliance with the all of the current codes and ordinances. Building a new structure would also diminish open space between structures, restrict access between the non-conforming properties to the South, and impede the visibility of the lake. Mr. Slesiniski also added that the proposed structure would be more compliant than the current building because it would have a raised ceiling height and additional storage in the attic area with little impact on the surrounding properties.

Comm. Hocevar asked if there needed to be a unanimous approval for the variance since only 3 Commissioners were in attendance. Comm. Fryling mentioned that he thought they needed a majority of the quorum present to approve.

Township Attorney, Leslie Dickinson stated that according to the Michigan Zoning Enabling Act a concurring vote of the majority of the Members of the Zoning Board of Appeals is necessary to reverse an Order, Requirement, or Determination of the Administrative Official or to decide in favor of the applicant on a matter on which the ZBA is required to pass under the Zoning Ordinance, or to grant a variance. Township Attorney, Dickinson added that under the plain language of the Act she would interpret that to mean that a majority vote of the entire board would be needed to pass a variance request. Therefore, all of the Board Members in attendance would need to unanimously support the variance request for it to be approved.

Mr. Slesiniski stated that he would assume that absent members would be able to review and approve the request at a later time. Comm. Blodgett stated that absent members would not be able to review and approve the variance request outside of the public meeting.

Township Attorney, Dickinson mentioned that the ZBA is allowed to table the vote on the variance until a meeting where more of the members could be present.

Chairman Blodgett remarked that he would like to hear the rest of the variance request prior to making a decision to table the vote. Additionally Chairman Blodgett asked Zoning Administrator Hamilton if a variance was necessary to raise the roof height, as well as an additional variance for the setbacks from road and neighboring properties, since the Applicant is not changing the footprint of the property. Zoning Administrator, Hamilton responded that a variance regarding the roof height for a non-conforming building and for the setbacks both on the road and side lots were required.

Zoning Administrator Chris Hamilton stated that the zoning ordinance was written to slowly eliminate non-conforming structures and did not allow her to approve the building permits without a variance from the Zoning Board of Appeals. She also said that that the Board may want to consider air flow with the proposed structure being a taller building situated close to the neighboring property and the road, but that airflow may not be that big of an issue.

Comm. Fryling asked Chairman Blodgett what the height of a modern ranch home would be built today in comparison to the proposed build. Chairman Blodgett stated that a typical ranch house would be somewhere in the range of 15 to 16 feet tall. Comm. Fryling remarked that the current non-conforming property is already several feet shorter than a conforming structure to which Chairman Blodgett stated the he did not think that the height of the proposed structure was anything to be concerned with.

According to Comm. Fryling, even with the proposed roof height this home would still be lower than many of his neighbors. Additionally Comm. Fryling stated that there are no homes behind the applicant's property and the building would not be blocking anyone's view of the lake, therefore he doesn't see any issue with granting the requests.

Comm. Hocevar mentioned that he understands the request, but that the Board has a set of standards that they have to meet to justify a variance request. The building rules are written and established by the Planning Commission, and it isn't within the ZBA's wheelhouse to grant variances without meeting the standards. With that being the case Comm. Hocevar stated that as things stand, he would vote to deny the request.

Comm. Blodgett explained that variances are granted on the basis of hardships, and just because the neighbors have something the applicant wants does not make that a hardship. Most of the multiple story homes built along the lake were built in the 1990s and are for the most part conforming to current building and zoning ordinances.

Zoning Administrator, Hamilton asked if the homeowner had looked into the type of foundation that the home is currently sitting on, and if that would be sufficient for the remodel. Zoning Administrator, Hamilton pointed out that the homeowner may want to look into what is required for the foundation and the expense to alter it if necessary to support a second story.

Mr. Slesiniski stated that the builders he consulted with felt comfortable with the proposed addition without altering the foundation considering that it has been in place since 1930 and hasn't shifted since.

Zoning Administrator, Hamilton stated that the building department hadn't finished its approval process, and that there may be other hurdles in regard to the foundation, or other building code requirements that may need to be addressed regardless of the ZBA's decision.

Comm. Blodgett stated that at this time he would recommend the property owner ask to table the decision until he can gather more information on the building department's requirements, and decide if he would still like to proceed with the project prior to a ruling being made on the variance request. Additionally he added that Comm. Hocevar already stated that he is not in agreement with the variance request, so the Board does not have enough votes for approval at this time.

Zoning Administrator, Hamilton informed the Board that they shouldn't make the variance approval based on the foundation; she was providing that information to the property owner so that he could make an informed decision on what to expect when it came to additional hurdles the property may need to remove prior to building.

Comm. Fryling also suggested tabling the hearing until more members could be present to review the variance requests, and to allow the property owner more time to consult with the building inspector regarding the expectations to meet building code.

A motion was made by Comm. Fryling, supported by Comm. Hocevar to table the consideration of Mr. Slesinski's variance requests to allow time for the owner to consult with the building officials, and for more members of the ZBA to be present to hear the request. Motion carried 3-0-2.

Zoning Administrator, Hamilton asked if the Board was going to set a date for the next meeting. Township Attorney, Dickinson recommended that the Board set the next meeting as a Public Hearing since there were no public comments and notice the meeting in the same manner as the current one.

Mr. Slesinski's remarked that he may not want to move forward with the project and approval if he is just going to meet additional hurdles at the building department level, which is why he approached the building department first.

#### Public Comment

Comm. Blodget opened the meeting up to public comment.

Chris Snow, of \_\_\_\_\_ asked if there was a rendering or drawing of the proposed structure that the public could see. Mr. Snow additionally asked Comm. Fryling if he could specify which property to the east had the garage on the property line. Comm. Fryling was unable to share his screen to show the attendees the property he had mentioned, but stated that he would look into finding the address for a future meeting.

#### Adjournment

There being no other business a motion to adjourn the meeting was made by Comm. Hocevar, seconded by Comm. Fryling. Motion carried 3-0-2.

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Date: 5-13-21

Signed: Z. W. Blodget