

**Zoning Board of Appeals
Special Meeting Minutes
Date: August 17, 2022 at 7:00 p.m.
Hartland Township Hall**

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Vice Chair Mitchell.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

Members Present: Douglass, Mitchell, O'Connell, Seguin
Members Absent: Falter
Also present: Troy Langer, Township Planning Director.

4. APPROVAL OF THE BY-LAWS AND ELECTION OF OFFICERS

a. By-Laws

Planning Director Troy Langer stated there were no changes to the Hartland Township Zoning Board of Appeals Rules and Procedures (By-Laws) from the previous year.

Move to Approve the Hartland Township Zoning Board of Appeals By-Laws.

Motion: Mitchell Second: O'Connell Voice Vote: Motion Carried 4-0-1

b. Election of Officers

Director Langer stated that Alberta Falter is the current Chair and Mike Mitchell is the Vice Chair.

Move to approve Bruce Douglass as Chair and Mike Mitchell as Vice Chair.

Motion: O'Connell Second: Seguin Voice Vote: Motion Carried 4-0-1

5. APPROVAL OF THE MEETING AGENDA:

Move to approve the August 17, 2022 Zoning Board of Appeals meeting agenda as presented.

Motion: O'Connell. Second: Mitchell. Voice Vote: Motion Carried 4-0-1

6. APPROVAL OF MEETING MINUTES:

Move to approve the May 19, 2021 ZBA meeting minutes.

Motion: Mitchell.

Second: O'Connell.

Voice Vote: Motion Carried 4-0-1

7. PUBLIC HEARING:

A. Zoning Board of Appeals Application #22-001.

Applicant: Sanford Cook

Property Owner: Sanford Cook

Present: Tim McCotter, McCotter Architectural and Design, PLLC

Location:

The property is located at 5989 Mabley Hill Road, Fenton, MI 48430 (Parcel ID# 4708-02-101-058)

Variance Requested

The applicant is requesting a variance from Section 7.2.4.C of the Zoning Ordinance, to add onto a non-conforming structure. The applicant intends to remove an existing sunroom and construct a new sunroom to an existing non-conforming residential structure. The following is a summary of the non-conformity (existing and proposed sunroom):

Location	Required Side Setback	Existing/Proposed Side Setback	Amount of non-conformity
Existing sunroom	10 feet	9.0 feet (existing)	1.0 feet
Proposed sunroom	10 feet	9.0 feet (proposed)	1.0 feet
Existing House	10 feet	7.0 feet (existing)	3.0 feet (*)

(*) Existing House was approved for a variance in 1997.

Open the Public Hearing at 7:05 p.m.

Director Langer provided a summary of the Planning Department Memorandum of July 13, 2022 giving a brief description of the location of the house and the Site plan that was submitted by the applicant. He stated the house was built around 1945 and there was an addition built in 1997 to the street side, and the garage. The area being discussed is on the lake side and he presented photos of the house showing the existing sunroom with a deck on top of the structure. He stated that the foundation under this sunroom is failing and there are no repairs that can be made. He noted that they would have to tear down this portion of the home and install a new foundation and then reconstruct this portion of the house. The applicant wants to do this and have a deck on the second level. Director Langer stated the existing house is considered non-conforming and the house is seven feet from the side property line where the requirement is ten feet. He stated that the photographs show that the current sunroom bumps in a bit and is nine feet from the property line which still does not meet the ten foot requirement. The applicant wants to rebuild this structure but extend it out four feet. As indicated on the survey the proposed addition would

require a one foot variance on the south side of the proposed structure. He stated the current deck on the ground level would be removed and replaced with a patio and that this area would not require a variance.

Douglass: Thanked Director Langer for the overview and his work on this matter and stated what he always wants to know is how much the Planning Department worked with the applicant to try and make things work out. He stated that they work a lot with the lakefront homes as most of them are non-conforming and that they understand the lot limitations.

Seguin: Stated he drove out to the house to view it first hand.

Douglass: Invited the applicant forward to present his variance request.

Tim McCotter of McCotter Architecture and Design, PLLC came forward.

McCotter: Apologize for the applicant not being present but a death in the family took him out of state at the last minute. He stated the applicant purchased the house about a year ago and at the time did not realize that the neighboring homes drained into his yard. He stated the house is actually a slab on grade house and the main house was built in the forties and that he cannot raise the slab as someone has already invested the money to renovate the house on the slab. He stated the applicant was fine with that and that he was doing some other things to remediate the foundation and stabilize the main portion of the house. This spring he had water coming in to the finished front room of the house and upon investigation found that this was a sunroom that was one half built on a slab on grade and the other half on just wood on dirt. The water was coming through under the slab right on to the floor and when they dug under the slab they found there were no footings and the walls were damage to about four feet up. He stated there was not enough left of this structure to salvage and they would have to pull the structure down. The applicant inquired that if he had to spend the money to pull the structure down and have it rebuild, could he get an extra couple of feet added to the structure to make the room usable. Mr. McCotter stated that this would put them one foot over the setback requirement. He stated that they understood that if they don't expand and that they are just rebuilding an existing structure they would be fine. If they were to expand they looked at how they could shrink back the one foot variance. When they looked at this, the upstairs windows lined up and the inside of the house lined up and a one foot movement would change a lot of things inside the house.

Douglass: Stated the photograph shows three or four posts that were cut off just outside the lower level patio door and inquired as to what was previously there at that spot.

McCotter: That was what was holding the deck. The deck was removed to figure out why there was water leaking into the house. He stated the applicant had taken the deck out already with the intentions of putting a patio back in later.

Director Langer: Stated that we had talked with the applicant about if they were to reconstruct this structure why not bring it in a foot to comply with the requirements. He stated that from the photos, if you bring the railing system of the structure in a foot there are upper level windows that complicate the situation. You would have to consider pulling out windows, and to figure out how to work around all of these types of issues. There was not a cheap reasonable solution to bringing it in a foot and this why the applicant is here requesting a waiver.

Douglass: Stated that this was a non-conforming house anyway and the least we have given would be a foot in the past. As much trouble as they are having, we try not to make it worse than it is and if you are only doing this once it will make it last longer. He asked the remaining members of the Board if they had any questions.

O'Connell: Not at all.

Seguin: No, it is clear to him.

Mitchell: Stated he had no questions and felt the applicant had quite a mess on his hands.

Douglass: Stated the applicant probably didn't have the vision that Mr. McCotter or himself would have had when he bought the place.

McCotter: Stated he felt the same way the minute he walked out onto the site.

Seguin: Inquired as to whether the applicant had a home inspection done.

McCotter: Stated on the main portion of the house they had to go around and excavate down to lower the grade and put in a drain cup system to get the water away and put insulation to protect the footings because the footing were all shallow. They then had to put in retaining walls to essentially hold the neighbors water back and put padding in to protect the insulation to keep the house dry and from moving.

Mitchell: Stated he sees the trenching.

Seguin: Inquired as to whether the applicant had a home inspection when he bought it.

McCotter: Stated he did not know if he did or not.

Douglass: Inquired if there were any further question and if not he will call for a motion.

Closed the Public Hearing at 7:16 p.m.

Move to approve Zoning Board of Appeals application #22-001, a request for a variance to add onto a non-conforming structure, as outlined in Section 7.2.4.C. of the Hartland Township Code of Ordinance, for the property addressed as 5989 Mabley Hill Road, Parcel ID #4708-02-101-058, based on a finding of the following:

- 1. Strict compliance with the zoning standard would be unnecessarily burdensome to the owner and his ability to construct a similar structure in the same location with minimal impacts to the house.**
- 2. Building the sunroom in the same location as the current sunroom will provide substantial justice to the owner as it will provide additional living area and maintain the connection to the main house with minimal impacts to that structure. Alternate designs**

are not practicable to be considered that could provide compliance with the required setbacks and still provide substantial justice to the applicant.

3. Granting a lesser variance will limit the size of the floor area/living space and will not give substantial relief to the applicant or be consistent with justice to other property owners.
4. Unique circumstances exist on the subject site that would restrict the applicant from meeting the required setback standards. The lot is a non-conforming lot regarding lot area and the existing structure/house is non-conforming relative to the side yard setback.
5. The circumstances are not self-created as the lot was created in 1948 and the building was constructed in 1945 in its current location. The size of the lot and placement of the existing structure limits the options for an addition to the existing building that would be in compliance with the required setback.

Decision of the variance request:

The approval of the variance was based on the site plan, prepared by McCotter Architecture and Design dated June 13, 2022, and materials submitted by the applicant and presented before the Zoning Board of Appeals. Any modification that would affect the intent of the variance would require approval by the Zoning Board of Appeals. The effective date for the variance is August 17, 2022, the date the Zoning Board of Appeals approved the variance.

Motion: Douglass

Second: Seguin

Voice vote: Motion Carried 4-0-1

8. OTHER MATTERS TO BE REVIEWED BY THE ZONING BOARD OF APPEALS

Move to approve the 2022 ZBA Calendar.

Motion: Douglass

Second: Mitchell

Voice vote: Motion Carried 4-0-1

9. REPORT OF THE PLANNING COMMISSION REPRESENTATIVE

Commissioner Mitchell reported that there are several new businesses going in citing the building near Meijer's that will be a two tenant building with Starbuck's as one tenant and an unknown tenant at this time, and the three tenant structure on the former Dairy Queen site of which Dairy Queen will be one tenant with two unknown tenants at this time. He also mentioned the two tenant building being constructed in front of the Bella Vita Senior Living location with one of the tenant being Hungry Howie's and the other unknown at this time. He stated several housing developments have come before the Planning Commission and the Township Board. These include Redwood Homes on the original 18 holes of the Hartland Glen golf course, the northeast corner of M-59 and Hacker Rd., and a 36 home development behind Bella Vita Senior Living. There was also a gas station approved for the US-23 and Clyde intersection. Commission Douglass inquired as to the property located next to the Target and Commissioner Mitchell stated they have come in with a revised site plan that indicated proposed additional anchor stores. Commissioner Douglass also inquired as to the condominium project behind Target and

Commissioner Mitchell stated that a third developer has taken over this project. Director Langer stated there is still a lot of building to be done at this project. Commission Seguin inquired about Mayberry Homes at M-59 and Pleasant Valley. Commissioner Mitchell stated the Planning Commission has not seen any plans for this site recently. Commissioner Douglass inquired as to the black pipe out on M-59 and Commissioner Mitchell stated this was the water line that would extend to Hartland Glen.

10. CALL TO THE PUBLIC:

No one came forward

11. ADJOURNMENT:

Move to adjourn the meeting at 7:30 p.m.

Motion: Douglass. Second: Seguin. Voice Vote: Motion Carried 4-0-1

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Larry N. Ciofu".

Larry N. Ciofu, Clerk
Hartland Township