Kearney Township Zoning Board of Appeals
Special Board Meeting
August 13, 2019
Kearney Township Hall
4820 Aero Park Drive, Bellaire, MI 49615
Minutes

Meeting was called to order at 7:05 p.m.

Roll call: Present – Giar, Bigelow, Hughey, Brown. Absent – VanSice

Motion by Bigelow, supported by Hughey, to approve the agenda with change, carried.

Motion by Bigelow, supported by Hughey, to approve the minutes of the June 18th meeting, carried.

Purpose of Special Meeting: to determine whether a Variance Request 2019-01 proposed by Phil and Bonnie Drick, for a deck to be built on their property located on Golf Meadows Drive, should be approved or denied.

Zoning Administrator, Hiltz, reviewed the initial application presented at the June regular meeting for a variance request for a 40' by 12' deck. The request was subsequently changed to a 28' by 12' deck which resulted in this special meeting. Hiltz summarized his visit to the property to measure setbacks and advised that the front setbacks were proper but the back setback was an issue. Hiltz provided and explained a drawing of the property. Hiltz also advised that the steps on the rear of the home crossed the property line.

Property owner, Phil Drick, agreed that the drawing was a good representation of the request. Drick provided a photo of the stakes that Neil Wade, surveyor, located. Drick provided a chronology of the activity at the property. In 1989 the Condominium Association was approved by the State; in 1995 George Crowe applied for a building permit; and in *2001(?)* Crowe applied for a permit to extend the living room 6'. It is believed that Crowe put the fence on the rear of the property. Drick summarized Neil Wade's findings with regard to the survey markers and provided a copy of the Master Deed showing the property lines, identifying their lots, number 9 and 10, which showed a setback of 15'. Drick also pointed out that the revised deck size keeps the deck within the property lines.

Public Comments: Neighbor adjacent to Drick advised that they had no objections to the deck and requested the Board approve the variance request. Further comments included that improvements to a property can only add value; that the deck would be contained within the property line; there are many instances within Shanty Creek where the setbacks have not been observed; and this situation resulted because of the way the house was built initially.

Board members asked questions regarding Shanty Creek and whether the owner, Trinidad, would provide a letter of approval or would be willing to allow Drick to purchase enough of its property to make up for the 35' setback requirement. Trinidad would allow a purchase but a survey would need to be completed. Due to displaced monuments in the surrounding area and the excessive costs involved Drick was not inclined to pursue this option. Bigelow asked questions regarding whether stairway could be moved and about the fence. Bigelow commented on Drick's taking care of the property and observed that the deck would not affect other properties. Bigelow indicated that these matters should be evaluated on a case by case basis. In response to discussion that the Association in which the

property was located had approved Drick's proposed deck, Hiltz interjected that an association can be more restrictive but not less restritive than the township. The Standards for Dimensional Variances from Article VA of the Kearney Township Zoning Ordinance were reviewed. There was further discussion about moving the steps and Hiltz clarified information with the property owner.

Pursuant to questions from the Board, Supervisor Niepoth clarified that the decision on this variance request may set a precedent and could be applied to any of the other zoning districts.

Motion to approve variance request subject to property owner moving the stairs off of the property line. Roll call vote: Giar – no; Bigelow – yes; Hughey – yes; Brown – yes; carried.

Motion by Bigelow, supported by Hughey to adjourn the meeting at _____ p.m., carried.

Minutes prepared by Michelle Valuet.