

**TOWNSHIP OF LAKE**  
Huron County, Michigan  
**Zoning Board of Appeals**  
Approved Minutes-March 25, 2014

Meeting called to order by Chairperson, Jeanne Henry at 7:00 P.M.

Pledge of Allegiance recited.

Roll call: Jeanne Henry, Richard Ehrlich, Lou Colletta, Gerald Pobanz, Mike Manenti. Claren Russell, recording secretary. Guests-6.

Minutes of Nov. 6, 2013 for Kovach-per Henry, two typo corrections: misspelled "recuse", and misspelled "Myrtelle". A second set of minutes for Hogerheide, Nov. 6<sup>th</sup>, was reviewed and accepted as presented. Motion made by Pobanz to approve minutes with two corrections on first minutes. Seconded by Colletta. All ayes, motion carried.

Agenda approved with two additions, "Reading of the notice", and "Reading of correspondence". Pobanz made a motion to accept the agenda with additions, seconded by Colletta. All ayes, motion carried.

Notice of hearing read. One correspondence from Victor Rohner read.

Applicant's representative, Jeff Tithoff (builder), presented on behalf of owner, Cheryl Ashlock. Requesting to increase the pitch of the roof from 2/12 to 12/12 as a safety measure as well as to add more storage room to a small house. With the pitch of the roof being corrected, it will actually be less "non-conforming" because the overhang will be decreased by 1 foot on each side. The safety factor is due to increasing the pitch on the roof, thus decreasing the snow accumulation on the present almost flat roof as it is now. Mr. Tithoff also wanted to note that it has taken 5 months since he tried to get this site approved. He started November 7, 2013, and due to many requests by the previous Zoning Administrator and then him quitting, it has taken an abnormal length of time to pass. He hopes the ZBA will take note and offer better service to others in the future. He also stated that he noticed in our ordinance 301.2 that he was supposed to get a written notice stating the reason for denial, and he never did. He also quoted section 1311 which states "None of the following provisions are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure." Thus, what if the current roof collapsed due to the volume of snow? Would that allow him to go ahead and increase the pitch? That question was posed to the Building Inspector, who said it was a good question, of which he was not sure of the answer at this time.

Floor opened to the ZBA members. Manetti asked why the survey did not have a seal on it? Tithoff gave a copy of his survey dated Dec. 5, 2013 with the seal, and stated that we could keep it for our records. Pobanz questioned if this was going to be used for a bedroom because the Health Dept. stated that there was not enough septic system to accommodate another bedroom. Tithoff agreed and stated it would be used for a gathering place for the family, or for more storage only. Colletta asked if this was on stable footing due to the age of the house (built

in 1957) and the previous weather conditions it has been through including a lot of flooding in that area some time ago. Tithoff stated that it was very sound, no cracks, walls are concrete, poured foundation, and that it probably was done by a commercial concrete person since it was built so sturdily. Henry asked if it really is increasing the non-conformity if it is not changing the footprint, and is only going straight up? Much conversation by the Board resulted in Henry asking the Planning Commission Chairperson, Gerald Pobanz, to have the Planning Commission review that ordinance and clarify the wording.

Meeting was open to the public. Short length of conversation ensued.

In the determination facts, Henry stated the parcel does not appear to be increasing its non-conforming status, and in fact, is lessening it by reducing the overhang on the East side by one foot.

Pobanz made a motion to grant the variance due to the status of lessening the non-conforming overhang by one foot.

Manenti seconded it agreeing it is not increasing a non-conforming structure.

Colletta agreed because it is not increasing its non-conformity.

Henry agreed that it should be granted as it is decreasing the non-conformity, but stressed the builder and owner must make every effort to comply with the Health Department's limit of one bedroom only. Variance granted.

Regarding the ordinance 301.2, there should be a standard letter of denial with the reason why it is denied. Per the Building Inspector who helped cover the absent Zoning Administrator, he was told to just note on the site plan "Denied" and the ordinance number. It was suggested that a standard letter should be drawn up with room for an explanation of refusal in the body of the letter.

Henry announced the next Variance request will be heard at 7 P.M. on April 1, 2014 at the Lake Township Hall. Pobanz requested to recuse himself as he owns property within 300 feet of the residence in question. Agreed. Also, Henry asked Board members to consider appointing a vice-chair. for this ZBA incase she is not able to attend a meeting. It could be a permanent appointment or decided at the actual session when needed. It will be discussed at the next meeting on April 1<sup>st</sup>. Pobanz asked if he could be included in that vote, and still not vote at the variance request. Agreed.

No further business. Pobanz motioned to adjourn at 7:55 P.M. Colletta seconded it. All ayes-motion carried.

Submitted by,

Claren Russell, Recording Secretary