

DRAFT
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES OF SEPTEMBER 18, 2012

Call to Order by Millar at 7:03 p.m.

Roll Call: Benak, Lake, Millar, Bowen, Halstead, Recording Secretary-MacLean, Zoning Administrator-Meyers and 2 in audience

Absent: Lyons/Miller

Public Comment (For items not on the agenda) None

Approval of Minutes of 5/15/12 Regular Meeting. Motion by Lake to approve, seconded by Bowen; all in favor. Motion carried.

Business Session

Notices were sent out and posted in the newspaper.

- 1) Open Public Hearing at 7:05 on Appeal #A12-004, Lunquist Family Partners, 9434 Palaestrum Rd.

Zoning Administrator Presentation: Notice ER News mailed to 17 near properties. Requesting a Variance of Article 12.11, a variance of 25'. This is to establish a building envelope to construct a cottage that will replace the existing structure. Explanation of the background of the property.

Zoning Department Findings: Structure is no longer viable. Requesting a building envelope before designing of structure is done. Recommendation a condition upon the structure that it not be constructed east of the wetland cedar grove. This area can however be used for decking/patio.

Millar: Silt fence is there from the construction of the break wall.

Bowen: Property line right behind the house is more than 15' from the Park property.

Millar: Are they looking at removing the existing deck. Meyer: More than likely.

Bowen: The current building is non-conforming.

Petitioner Presentation: Ray Kendra, architect from TC, hired to design the house. The goal is to do a house that will be 4000 sq. ft. over all. The existing building is a concrete block structure. Looking to improve the building quality. Gosling Czubak called in for input. Existing septic will be utilized and meets the standards. The low ground, wet land area is not suitable and is unusable. Trying to work with what useable land is available. The Lunquists are also trying to keep back from the Park land.

Millar: Removing the old structure that is behind the proposed building area.

Benak and Millar: Building size? Kendra: approx 40x120, may not use the whole space, we are working on just the foot print at this point. Knowing where it is allowed to be built and then design around that.

The swimming beach of the park is just north of the property.

Millar: Roof type? Kendra: Would want to build something that would not have the water roll toward the water. The delineated wetland really caused the most problem. Don't see a straight across the waterfront house.

Bowen: The idea of extra setback is because there is not enough useable land behind the existing structure.

Kendra: That would mean removing more trees in adapting the house to the property.

Millar: What about using the existing foot print?

Meyers: He has made a very good argument about the driveway and turn-around.

Millar: People want to build monstrous houses on properties.

Kendra: Their commitment to preserving the property is extremely important to them. The property has been in the family for a very long time. They do not want to lose what they already have as far as being close to the water (the deck)

Lake: Is the back old building going to come down? Yes.

Report on Site Visit

Lake: The tree is the closest spot to the shore.

Millar: What other properties are along the lake?

Meyers: There are not any houses near it.

Correspondence from Jack Maddox from 9525 Palaestrum Rd. Supports variance. Nearest property owner to the Lunquist Property.

Public Comment: Barb Reese. Just observing. Each variance review is done on a case by case basis.

Close Public Hearing: 7:38 p.m.

Bowen: Why is the 50' from the ordinary high water mark set as the standard?

Meyers: Water protections. Majority of the lake front lots are at grade. This one is different because it has a higher elevation than most. They have already addressed the erosion issue with the natural retaining wall.

Halstead: Controlled water level.

Millar: If we made them abide by the 50' setback could they realistically put anything east of the wetland area? Meyers: No.

Bowen: A long high structure.

Meyers: The building of a skinny house would not fit the character of the area.

Millar: Square the area off; continue using the non-conforming portion. The 25' mark is real close to the water.

Millar: Use the foot print of the existing building.

Kendra: 90' long, along the water and more squared is the likely plan.

Lake: Work in the 90' area.

Benak: Like the idea of the deck out the side.

Bowen: Non compliance but it seems it should not run so long along the lake so close.

There appears to be other options. 4700 s.f. is a large house is to accommodate the family.

Meyers: Hate to lose some of the buffer from the Park. It is a pretty active Park. There are some unique factors and challenges to this piece of property. There were other options that I did not really think were all that great.

Halstead: Squared off more would be better, instead of the length.

Millar: It would reduce the impact of the non-conformity.

Benak: I like the suggestion that it would make it a 30' set back instead of 25'.

Halstead: There is a lot of room on the Park side. There would be more room by the Park. 30' off the water and square it up.

Bowen: A previous appeal was on a septic field on Elk Lake Trail, much smaller lot, the garage was closer to the house and it worked. I can see there are a lot of different things that can happen with that.

Benak: I like letting them go with the 90' with a 30' or 35' set back

Millar: Parallel it up with the property line.

Benak: likes the 35' set back.

Lake: Change the orientation of the building.

Millar: We are designing 2 sides of the envelope. I could live with 35'.

Bowen: That seems like a fair compromise.

Lake: We are establishing the outside boundaries.

Millar: I do not want the envelope to allow for anything closer than the edge of the Wetland.

Motion by Millar: To grant a variance of 15' from the standard 50' setback requirements of Article 12.11 to extend south no further than the edge of the existing wet land as identified on Exhibit A, attached. (Kendra to make drawing of this that can be added to the official record.) Conditioned on complete removal of existing residential. Seconded by Lake. Roll call: Lake – yes; Benak – yes; Bowen – yes; Halstead – yes; Millar – yes. All in favor. Motion carried.

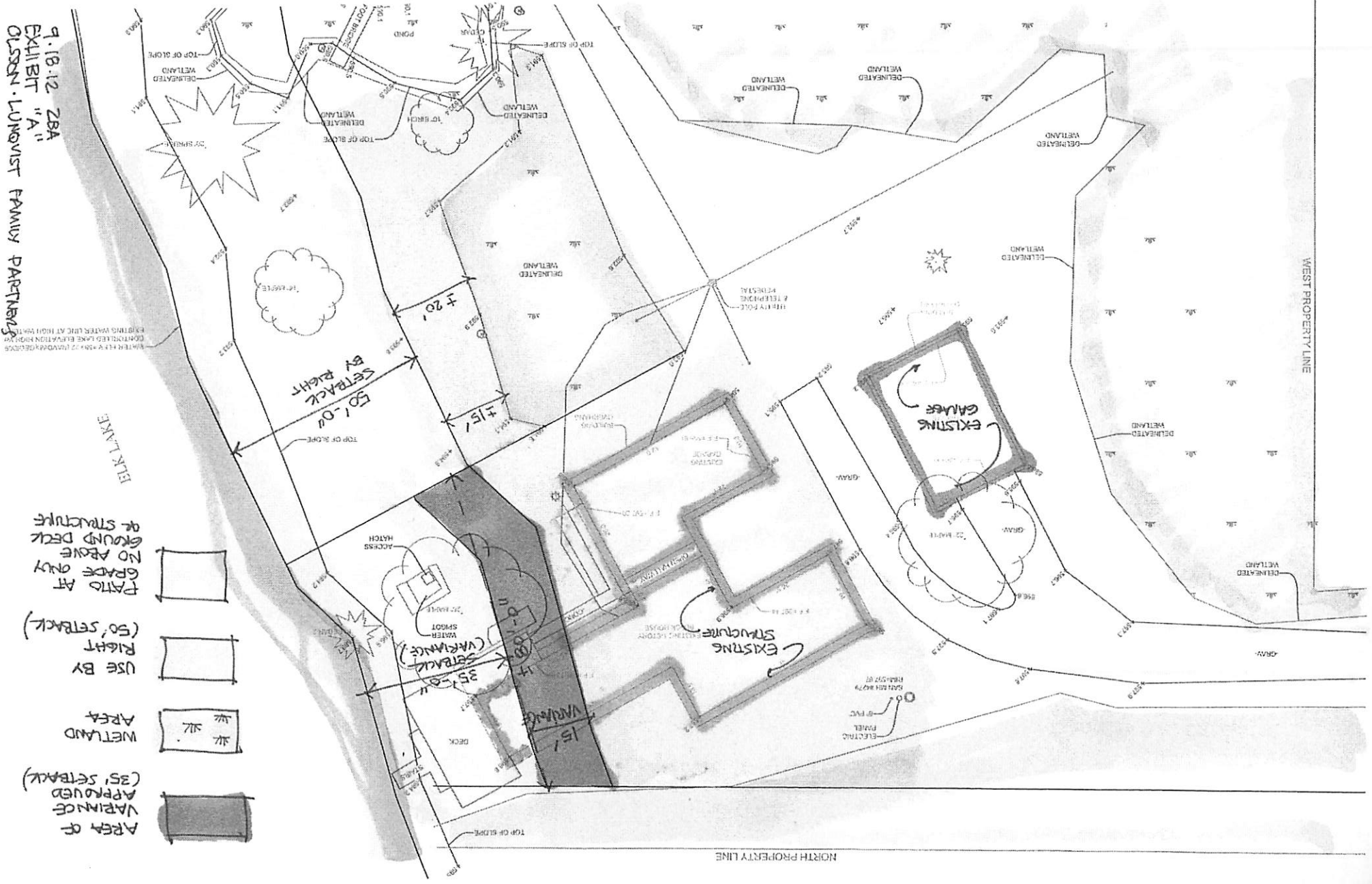
Public Comment: Reese: Really like the way this was handled.

Zoning Administrator Report: Very busy. No meeting planned at this time for October.

Adjournment at 8:20 p.m.

9.18.12 ZBA
 EXHIBIT "A"
 OLSON LUNOVIST FAMILY PARTNERSHIP

- AREA OF VARIANCE APPROVED (35' SETBACK)
- WETLAND AREA
- USE BY RIGHT (50' SETBACK)
- PATIO AT GRADE ONLY
- NO ABOVE GROUND DECK OR STRUCTURE



WEST PROPERTY LINE

NORTH PROPERTY LINE