

ZONING BOARD OF APPEALS
June 23, 2021 4:00 P.M.

Call to order by Chairman Ken Rathje.

ROLL CALL: Ken Rathje, Teresa Calkins, Dave Havrilla and Joanne Vander Meulen
Others present: Zoning Administrator Terry Kelly and Secretary Dena Withey

Chairman Rathje read the variance request, File #2021-02, Michael Mihora

Date application filed: **5-28-21**
Date Notice of Hearing mailed to petitioner: **6-03-21**
Notice of Hearing in Newspaper: **TRIBUNE** Date: **6-08-21**
Notice of Hearing to Utility Companies: **6-04-21**
Notice of Hearing to residents within 300' of site: **6-04-21**
Distributed to Board Members: **6-18-21**

READING OF VARIANCE REQUEST -

Mr. Mihora is requesting a variance on the rear setback to allow for the replacement of a sunroom and deck. Located at 7226 Nancy Street. Parcel # 3253-864-027-10. Zoned Residential

PRESENTATION BY PETITIONER-

Michael and Laurie Mihora gave the members the background story on how they came to live in Caseville. They moved to area full time in April of this year. The home is a seasonal cottage that they are updating to a year-round home. In an attempt to fix the sunroom floor, they discovered that there was not a foundation under it, just sitting on a few blocks. The home is at least 75 years old. Not knowing that because the building does not meet the current rear setback ordinance, one wall has to remain standing to use the same footprint, they proceeded to remove the whole sunroom and deck. They are requesting a variance to rebuild the sunroom using the same footprint and making the deck small, as to stay farther away from the easement that runs along the back property line. They gave reasons why they feel they meet the four circumstances.

PUBLIC COMMENTS - None

CORRESPONDENCE - None

BOARD MEMBER QUESTIONS

Havrilla asked about a tree, which sits close to the deck area. He also asked about the overhangs on the sunroom.

Vander Meulen stated that the home with the sunroom attached is in line with the neighboring houses.

MOTION by Havrilla and second by Calkins to Close the Public Hearing, all ayes, motion carried.

OPEN AND CALL TO ORDER REGULAR MEETING

MOTION by Havrilla and second by Vander Meulen to approve the minutes from February 24, 2021, all ayes, motion carried.

OLD BUSINESS- None

NEW BUSINESS

Members reviewed and discussed 1264.07 Standards for Variances the four circumstances, reviewing each of the four circumstances. Due to the age of the original cottage and the location it was placed on property, a practical difficulty unique to the property exists.

- 1) Members stated due to the age and placement on property of the original cottage, this shows an unnecessary hardship or practical difficulty unique to the property.
- 2) Members stated due to the condition of the sunroom and the unfortunate mistake of removing and not leaving one wall of the room creates a unique circumstance peculiar to the property.
- 3) Members stated the proposed use is consistent with neighboring structures, cottage staying in line with existing houses.
- 4) Members stated that the age and how poorly the original sunroom was built, that this problem was not self-created.

Members felt that all four circumstances exist.

MOTION by Havrilla and second by Vander Meulen to approve the variance request by Mr. Mihora for a variance on the rear setback, to allow for the replacement of a sunroom and deck, located at 7226 Nancy Street, under Ordinance 1286.11(b), due to unnecessary hardship and demonstrating that all four of the circumstances exist, all ayes, motion carried.

It was stated that anybody in the City can appeal this variance in circuit court within 21 days of granting the variance.

OTHER BUSINESS- None

Adjournment-

MOTION by Havrilla and second by Calkins to adjourn at 4:21 p.m.

Dena Withey
Secretary