

THE CHARTER TOWNSHIP OF HARRISON  
HARRISON TOWNSHIP, MI 48045  
ZONING BOARD OF APPEALS MINUTES  
TUESDAY, JANUARY 8, 2008  
**APPROVED ZBA MINUTES – MAY 13, 2008**  
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A regular meeting of the Charter Township Zoning Board of Appeals was held on Tuesday, January 8, 2008 at 7:00 P.M. at Rosso Memorial Hall located at 38255 L'Anse Creuse Road, Harrison Township, Michigan 48045.

**A. CALL MEETING TO ORDER:**

Meeting was called to order at 7:00 p.m.

**ROLL CALL:**

<b>MEMBER:</b>	LAWRENCE MISLINSKI	Present
<b>MEMBER:</b>	JAMES SENSTOCK	Present
<b>MEMBER:</b>	JAMES ULINSKI	Present
<b>MEMBER:</b>	MARIA ZINGAS	Present
<b>MEMBER:</b>	ARCHIE LYTLE	Present
<b>ALSO PRESENT:</b>	WILLIAM SERVIAL	Member - Present
	KENNETH VERKEST	Member - Present
	ROSEMARY DAVIS	Township Attorney
	CYNTHIA CHAMBOS	Recording Secretary

**B. ELECTION OF OFFICERS:**

Motion by Member Mislinski to nominate James Senstock for Chairman. No support for this motion.

Motion Failed.

Motion by Member Ulinski supported by Member Senstock to nominate Archie Lytle for Chairman. Member Lytle accepted.

Ayes: 5      Nays: 0      Motion Carried.

Motion by Member Mislinski supported by Member Senstock to nominate Maria Zingas for Secretary. Member Zingas accepted.

Ayes: 5      Nays: 0      Motion Carried.

Motion by Member Mislinski supported by Member Ulinski to nominate James Senstock for Vice Chairman. Member Senstock accepted.

Ayes: 5      Nays: 0      Motion Carried.

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C. **APPROVAL OF MINUTES:** December 11, 2007.

Motion by Member Ulinski supported by Member Mislinski to approve the meeting minutes of December 11, 2007 as presented.

Ayes: 5 Nays: 0 Motion Carried.

D. **OLD BUSINESS:**

1) **CASE #21-06ZBA:** MAUREEN MULLIN – PETITIONER – TIME EXTENSION OF GRANTED VARIANCES  
27890 Riviera, Harrison Twp, MI 48045– Lot 26 - Riviera on the Lake Subdivision (R-1-C)  
Property No. 0710 0023 00, Sidwell No. 12-30-233-016

**Purpose of Request:** Requesting an extension of the following variances for a period of six months or 180 days.  
1) Requested a front yard variance of 21 feet, four inches to construct a 10 foot deep covered porch.  
2) Requested a 17 foot, 4 inch variance to add to front of garage.  
3) Requested a rear yard variance (south side of home) of 21' feet 6" inches from the required 30' foot rear yard setback to construct a 14' foot 6" inch wide garage (adjacent to existing garage).  
(4) Requested a variance to exceed the maximum lot coverage by six (6%) percent from the required thirty (30%) percent.  
(Approved w/conditions on June 12, 2007 – Minutes included in package)

Maureen Mullin was present to address her case.

A brief discussion ensued between Board members and petitioner relative to time line for work to begin and the Ballard-Murdock Drain issues.

Ms. Mullin stated it is her intent to proceed with her plans and she should be able to get everything in order within the next six (6) months.

Motion by Member Mislinski supported by Member Zingas to approve CASE #21-06ZBA, MAUREEN MULLIN, PETITIONER, FOR TIME EXTENSION OF GRANTED VARIANCES, 27890 Riviera, Harrison Twp, MI 48045– Lot 26 - Riviera on the Lake Subdivision (Zoned R-1-C), Property No. 0710 0023 00, Sidwell No. 12-30-233-016, and grant a six (6) month or 180 day extension for approved variances from the ZBA on June 12, 2007.

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<b><u>Roll Call Vote:</u></b>	<b>Member Mislinski</b>	<b>Yes</b>
	<b>Member Zingas</b>	<b>Yes</b>
	<b>Member Ulinski</b>	<b>Yes</b>
	<b>Member Senstock</b>	<b>Yes</b>
	<b>Chairman Lytle</b>	<b>Yes</b>

**Motion Carried.**

2) **Case #24-07-ZBA:** **Edward Winowski – Petitioner**  
**31731 South River Road, Harrison Twp, MI 48045**  
**Lot 17, Gloucester on the Clinton Subdivision**  
**Property #0320-0005-00, Sidwell #17-12-15-301-004.**

**Purpose of Request:** **Existing house width is twenty-two (22) feet. Required house width is twenty-four (24) feet. Requesting a two (2) foot house width variance. (Petitioner requested his case be tabled at the December 11, 2007 ZBA meeting date specific to January 8, 2008, for a full Board.)**

Mr. Larry Scott, Attorney, 12900 Hall Road, Clinton Township, MI, representing Edward Winowski was present to address this case. Mr. Scott is taking the place of Mr. Clark Andrews, Attorney for Mr. Winowski, from the same firm, this evening. Mr. Edward Winowski was also present.

Mr. Scott stated that he has had several discussions today with the Township Attorney, Mr. Huth. There were also conversations with Member Ulinski and others. It is his understanding that we have agreed – and I have a drawing, if I may step forward and give you copies of what we did – but, it is my understanding that we are going to add a two (2) foot build out over the kitchen on the west side of the house, which would then bring the house to twenty-four (24) feet, and therefore, there would no longer be the need for the variance. This would be the last issue with regard to the Consent Judgment, so we could hopefully go forward and Mr. Winowski could build his house and finish his house, and everyone can go on with their lives. I have a copy, as I suggested, of that plan that was drawn this afternoon. I have had conversations with Mr. Huth's office about trying to resolve it on that basis. He suggested at some point that perhaps I didn't even need to come here tonight because that was what we were going to do, but when you all have taken the time and given the consideration that you have, I thought it would be better if I at least came here and explained to you what we were doing. I don't want anybody to suggest or think that I was trying to go around anybody. This was the resolution that we talked about today and hopefully that will resolve this last issue. And, like I said, everyone can move on.

Mr. Scott continued stating that it's with that understanding, we are no longer seeking the request for the variance for the two (2) feet because my understanding is that the conversations between Mr. Huth, the Building Department and others in the Township, this will resolve that issue.

Chairman Lytle: Since we have Counsel here this evening, Ms. Davis, what is your understanding of what was discussed today?

Rosemary Davis – Township Attorney: Exactly what Mr. Scott has relayed to the Board members. They have had conversations with Mr. Huth, Mr. Ulinski, and Mr. Parakh in the Building Department and they are all in agreement that the variance would no longer be required if the applicant proceeds with these plans to build the two (2) foot build out on the west side of the home. I believe this idea was also presented by Mr. Servial the last time he sat on the Board.

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Chairman Lytle: Just to close this case, would there be any reason why we couldn't just deny the variance?

Rosemary Davis – Township Attorney: Mr. Scott is withdrawing the request. So, there is no need to deny the variance.

Mr. Scott: Because of the language that is in the Consent Judgment, I would have an objection to denying the request because it would resolve this issue and there is key language in it about what would happen if this were to be denied and sent back up to Judge Viviano. We're trying to put this case to rest and we don't want it held up because of some technicality. We have resolved the issue and want to move forward.

Member Senstock: The opinion of the Building Official and our Attorney is that this does meet the requirements of the Ordinance?

Rosemary Davis: Yes, that is my understanding.

Member Mislinski: The fact of the matter is, if it doesn't he'll be back here. It sounds like they're going out of their way to resolve the issue so they'll have a decision by this Board.

Mr. Scott: We wanted to address the Board and tell you why we did it this way so that no one would think we just didn't show up and then have someone ask what happened and why the house is still there and why we did what we did.

Chairman Lytle: Do we have any other questions for the applicant this evening?

Member Zingas: When this is approved what is the next step – what is your schedule?

Mr. Winowski: The Code Enforcement Agency, a third party agency that was hired to review the plans, has given me, which we have brought copies of also, has eleven (11) items for us to address or correct. Items such as switch covers, type of materials used, in depth details, etc. When we have done these items we will send it back to Code Enforcement for review and approval.

Member Zingas: Did you also see the December 13, 2007 Wade Trim letter outlining three issues?

Mr. Winowski: These issues have all been addressed.

Mr. Scott: All Township rules and regulations will be followed as per the Ordinances applies to them. This is all part of the Consent Judgment.

Member Senstock: Is there any action required by us tonight?

Rosemary Davis: Just a note to receive and file that the Petitioner has withdrawn his request for a variance.

Member Senstock: So we should just make that a motion to dismiss and that he's withdrawn his application?

Rosemary: Correct. It's not dismissed, he's just withdrawing his application. He no longer needs an appeal, he's just withdrawing the request.

Chairman Lytle: Any other questions for the petitioner this evening? Any other comments?

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Chairman Lytle: Is there anyone else who would like to speak on this issue this evening?

Chairman Lytle: Is there any other discussion from the Board members?

Member Senstock: I think it's great that it has been resolved and that both parties have been able to resolve the problem this way. That is what the system is all about.

**Motion by Member Senstock supported by Member Ulinski to accept the withdrawal of Case #24-07-ZBA, Edward Winowski – Petitioner, 31731 South River Road, Harrison Twp, MI 48045, Lot 17, Gloucester on the Clinton Subdivision, Property #0320-0005-00, Sidwell #17-12-15-301-004, at the petitioner's request.**

Member Zingas: It does look like the petitioner is making progress to take steps to clear up all these issues – including going to the PC and following recommendations.

<b><u>Roll Call Vote:</u></b>	<b>Member Senstock</b>	<b>Yes</b>
	<b>Member Ulinski</b>	<b>Yes</b>
	<b>Member Mislinski</b>	<b>Yes</b>
	<b>Member Zingas</b>	<b>Yes</b>
	<b>Chairman Lytle</b>	<b>Yes</b>

**Motion Carried.**

**E. ANNOUNCEMENTS:**

Chairman Lytle brought up the issue of a Citizen's Planner Conference being held in February up in Lansing. If anyone is interested in going let Cynthia Chambos know as soon as possible. It has a lot of information especially on leadership.

**Motion by Member Senstock supported by Member Ulinski to authorize any members of the Board to attend this Conference.**

<b><u>Roll Call Vote:</u></b>	<b>Member Senstock</b>	<b>Yes</b>
	<b>Member Ulinski</b>	<b>Yes</b>
	<b>Member Mislinski</b>	<b>Yes</b>
	<b>Member Zingas</b>	<b>Yes</b>
	<b>Chairman Lytle</b>	<b>Yes</b>

**Motion Carried.**

**F. NEW BUSINESS: None**

**G. PUBLIC COMMENT:**

Cynthia Chambos, Recording Secretary, stated that there were no cases on record for February.

Member Ulinski stated that we should leave open the option for a second meeting next month, in the case that someone comes forward and wants to be heard in February and not wait until March.

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It was agreed by all the members to wait until the March meeting to hear any new cases and cancel the February meeting.

H. **NEXT MEETING:** Tuesday, March 11, 2008 at 7:00 pm in Rosso Memorial Hall

I. **ADJOURNMENT:**

**Motion by Member Ulinski support by Member Zingas to adjourn the meeting at 7:25 PM.**

**Ayes: 5      Nays: 0      The motion carried unanimously.**

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Maria Zingas, Secretary  
Harrison Township Zoning Board of Appeals

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Cynthia Chambos, Recording Secretary

Date Approved: \_\_\_\_\_