

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
MAY 16, 2017  
PAGE 1 of 4**

1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Rintamaki at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Dail, Deeds, Guenther, Lewis, and Rintamaki. Members Heningburg and Parm were absent. Rick Mayernik, Building and Zoning Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

A motion was made by Member Lewis and supported by Member Deeds to adopt the agenda as presented. The motion carried.

4. APPROVAL OF MINUTES

A motion was made by Member Deeds and supported by Member Lewis to approve the minutes of December 15, 2016 as amended. The motion carried.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

A motion was made by Member Guenther and supported by Member Deeds to receive and file letter from Rick Mayernik, Building and Zoning Official, to Blake and Sherri Ratcliffe, dated February 6, 2012.

Motion Carried.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA#17-02 Variances from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing house. The property is located at 3640 North Dixboro Road and is zoned A-2 (Agriculture).

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
MAY 16, 2017  
PAGE 2 of 4**

1. Public Hearing

A motion was made by Member Dail and supported by Member Lewis to open the public hearing. The motion carried.

Blake Ratcliffe, homeowner at 3640 North Dixboro Road, stated that he previously came before the ZBA on December 2, 2009 to appeal the variance from Section 3.101. He explained that once the economy fell, the financial ability to complete the addition went away. He stated that the project has not changed since 2009 and the scope of the project remains the same.

Chairman Rintamaki inquired about the square footage of addition. Mr. Ratcliffe stated that the square footage of the home would be approximately doubled. It was also noted that it would be a two story addition.

Member Guenther asked, if the homeowner purchased the home knowing there was an existing encroachment, would that be an action of the applicant?

Mr. Ratcliffe inquired about the variance that was granted in 2009 and if that would “cure” the issue of a pre-existing non-conformity.

Mr. Mayernik stated that the Building Department records show that permits were issued in 1984 for fire repairs to the home. However, there are no records of permits for the previous addition to the home.

He continued to note that past Zoning Administrators have looked at private roads and not necessarily required the setback that the Zoning Ordinance would require. Homes on private roads have been approved with encroachments into the setback.

A motion was made by Member Deeds and supported by Member Guenther to close the public hearing. The motion carried with voice vote.

Chairman Rintamaki stated that in regards to Member Guenther’s statement, he does not believe that the issue was created by the applicant, but rather the builder.

Member Guenther stated that what they don’t want are homeowners buying structures that are non-conforming and simply coming to the Zoning Board of Appeals for remediation. He inquired where the line should be drawn. He also noted that the applicant could file a complaint with the title company that did the title search.

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
MAY 16, 2017  
PAGE 3 of 4**

Chairman Rintamaki stated that if the homeowner purchases a home that is non-conforming and wants to enlarge the non-conformity, the ZBA will have to make an analysis and see how the large the change is.

Member Deeds agreed that the ZBA must make a reasonable decision in that case.

Member Guenther stated that if he were to buy a property that is non-conforming, that would be an action on his part. Additionally, part of that action is that he may not be able to expand the home.

Sherri Ratcliffe noted that there are two very large oak trees to the west of the home, and another to the north. They are trying to incorporate a footprint that will keep those trees in place.

Member Guenther stated that he is in favor of keeping trees. He explained that the northeast corner of the home is a classic case for a variance. He is still stumbling over the southwest corner however, because it is a significant encroachment into the setback.

Mr. Mayernik explained that the 60 foot setback is being indicated on the plan for historical purposes only, and a 75 foot setback is currently required in the Zoning Ordinance. He added that this parcel fronts on Dixboro Road, so the past logic could have been that the front yard setback fronts on Dixboro Road, and the side yard would possibly be the private road. Now, the front yard setback applies to both public and private no matter where they exist. He reiterated that there were some electrical and plumbing permits for a structure fire in 1984, but nothing in the file for the building permit.

Member Guenther asked if the ZBA has the authority to grant a variance for the existing southeast structure.

Chairman Rintamaki stated that as a Board they will have to look at what was given to them.

Mr. Ratcliffe stated that in 2009, their letter to the Zoning Board of Appeals asked the Board to “grant us a legal non-conformity for our existing home and for our proposed addition.”

Member Guenther stated that if the Board had the authority to grant approval for an existing non-conformity, his concern would go away. He added that if that is what was acted on the first time, what lapsed was the building permit.

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
MAY 16, 2017  
PAGE 4 of 4**

Chairman Rintamaki stated that if the Board grants a variance for both the existing home and the proposed addition, the action at the December 2, 2009 meeting took care of the preexisting non-conformity.

Chairman Rintamaki explained to the applicant that the variance would be approved based on the drawings that were submitted. The proposed addition cannot deviate from what was approved by the ZBA.

Moved by Member Deeds, supported by Member Lewis to approve ZBA #17-02, variances from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing house, having found that the existing non-conformity on the southeast portion of this structure was cured by the request of the applicant of the ZBA at the December 2, 2009 meeting.

Roll Call Vote:

Yes: Dail, Deeds, Guenther, Lewis, Rintamaki.  
No: None.  
Absent: Henningburg, Parm.  
Abstain: None.

Motion Carried.

Members discussed existing non-conformities as well as non-conformities in the future.

9. OTHER BUSINESS AS NECESSARY

None.

10. ADJOURNMENT

A motion was made by Member Deeds and supported by Member Lewis to adjourn the meeting at 7:57 p.m. The motion carried.

Respectfully submitted,

John Rintamaki, Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary Superior Charter Township  
3040 N. Prospect, Ypsilanti, MI 48198