Milton Township

Zoning Board of Appeals

August 27, 2025

Special Meeting

Present: Chairman Anderson, Hefferan, Kopkau and Jankowski

Absent: Kingon, excused.

Also present: ZA Sara Kopriva, and three audience member.

1. Call Meeting to Order: Anderson called the meeting to order at 5:01 pm.
2. Pledge of Allegiance
3. Roll Call
4. Public Comment: None
5. Approval of Agenda: Correction: Remove #6 Election of Officers. Motion to approve the agenda as corrected by Hefferan/Jankowski. Motion carried.
6. Approval of minutes dated July 15, 2025: Motion to approve by Kopkau/Jankowski. Motion carried.
7. Old Business: None
8. New Business: #2025-01 Mario and Annette Sciberras, 4557 N. West Torch Lake Dr. Parcel # 05-12-430-016-00: Appeal of Zoning Administrator’s decision regarding dock length to allow for a 130 ft long dock (Section 117.320 Item C. #2 General Regulations).

Mario Sciberras has prepared information and provided a presentation. He highlighted areas in his information packet. He provided comments from sources throughout the USA. There are two pages of references provided for his information. It’s data driven material he’s provided.

Their home has a 120 foot dock. At that time I bought it, there was no violation. We have 9 grandchildren. We’ve experienced people hitting the bottom when they are jumping off the dock. I put a 10 foot extension on the dock to prevent this. At that point, that is when the violation occurred. Vessel drafts are 4 feet. When we have everyone at our home, we can’t get our boat off the dock. When we added the 10 feet, we could get the boat out because it adds one foot of draft. Michigan inland lakes experience water height variations. It’s seasonal depending on the time of day and the season. The extra feet on the dock has made the draft safer. Diving into shallow water can create a safety hazard and this creates issues with his family and guests. Propeller strikes on the lakebed are also a hazard with the reduced draft and create environmental issues with digging up the lakebed. In the zoning guidelines, there is a clause that is consistent with the “unless necessity”. Please consider our children and their safety when you take this into consideration. We are taking an approach that with that clause, unless necessary, we feel it is necessary from a safety standpoint.

Jankowski said the purpose of the ZBA is to determine if an adjustment to the ordinance because of one particular need. This is not about whether or not the ordinance is justified. Mario said his family is in danger if we move the dock back to 120 feet. Jankowski said you would need to come to the planning commission to get them to change the ordinance. Mario said he is asking for the ZBA to see this as something that is necessary due to safety. Anderson said this issue hasn’t come before the ZBA previously as a concern from other lakefront homeowners. Mario said there are other docks that are longer than his. Anderson said then they are also in violation. Anderson explained the criteria that must be met for this request to be granted. Anderson said if we deny the variance, you still have the option to present your case to the planning commission and if they would like to change the ordinance.

Mario said it’s confusing to him to see diving boards or floating docks and those aren’t in violation. Anderson said it’s not in our purview to make suggestions for fixing the situation. Mario said he wasn’t aware that there was a violation when he bought the house. Kopkau said this is the due diligence that must be done on the part of the home buyer.

Those speaking for or against the proposed variance request: Chris Hinds is a neighbor to the north. It is shallow in that area and many houses are beyond 80 feet. He spoke in support of the variance.

Jankowski asked for clarification regarding the ordinance from Kopriva. Board members discussed measurements regarding the length of the dock and the depth of the water. The dock could be longer than 80 feet to get to a depth of 4 feet. At 120 feet, he’s at 4 feet, so that would be acceptable under the ordinance. Anderson said we will discuss the safety concerns when we go into closed session.

Annette asked when the ordinance was made, it addresses environmental and safety concerns. What are the criteria. Anderson read from the criteria for approval of variances. She asked about the who writes the ordinance. Anderson clarified the planning commission writes the ordinances. Mario said if someone does get hurt, and we don’t get the variance, who is liable? Anderson said you can put up signs that say no diving. You know the dangers of your property; that would not become liability for the township. Kopkau said you should explain to your family members that there is a risk. Mario said they do understand there is a risk for using their dock in a way that is unsafe.

Mario said he would like to add to the minutes that he presented a document that discusses a national standard for a four foot draft.

Motion to go to into board deliberations by Kopkau/Jankowski. Motion carried.

Hefferan said we were just handed this packet at 5 pm today. We didn’t have an opportunity to review this packet which was referenced by the applicant.

Jankowski said the planning commission has established an ordinance that a dock can be to a depth of 4 feet and that applies to everyone. The applicant should comply to the ordinance.

Kopkau said he agrees with Jankowski. I understand the safety concerns. As far as the boating issue to have 5 feet of draft for their boat, it’s not necessary. I’ve worked marine patrol and if you operate a boat in shallow water in an unsafe matter, this is operator error. It’s not the fault of the dock. I’m not convinced that we should approve this variance or that the conditions have been met.

Hefferan had no further comments.

Anderson said he agrees with Jankowski and Kopkau. It’s been in the ordinance and we’ve had no other issues with this.

Motion to deny the variance request 117.320. This is based on 117.2205 by Kopkau/Jankowski.

Jankowski: Yes based on 117.2205:

A. That strict compliance with area, setbacks, frontage, height, bulk or density requirements of this ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome. Compliance with the ordinance wouldn’t prevent the owner from reasonable use of the property.

B. That the requested variance, or a lesser variance, would do substantial justice to the

applicant as well as to other property owners in the district and give substantial relief and be more consistent with justice to others; provided, however, that existing non-conforming conditions on nearby properties shall not be regarded as a basis for granting a variance that would not otherwise meet the requirements of this section. If he feels this is unsafe for diving or boating, he should put up signs and make his guests aware of the safety concerns.

C. That the need for the variance is due to unique circumstances characteristic of the

property. No. There are no unique circumstances of this property.

D. That the need for the variance is not occasioned by the actions of the current and/or previous owners. The need for the variance is created by the current homeowner wanting to extend their dock from 120 feet, where they have four feet of draft to 130 feet where they have five feet of draft.

E. That the granting of the requested variance, or a lesser variance will ensure that the spirit of the Ordinance is observed and public safety secured. This is a matter of complying with the existing ordinance. If anything, the applicant can ask the planning commission to see if they would like to change the ordinance. We just have to determine if compliance is fair or not.

Hefferan: Yes 117.205 all of the standards are not met. Subsection C has not been met.

Anderson: Yes. 117.2205 for the same reasons listed by Jankowski

Kopkau: Yes based on 117.2205.

Motion carried 4-0.

Mario said we have been denied this opportunity to bring safety to our family. There is a clause in the existing ordinance to determine necessity. Safety is necessary. Anderson said the safety of your family and is in your hands.

Kopriva said there is a lot of information provided in the applicant’s packet and she will discuss it with the applicant if they would like to discuss changing the zoning ordinance with the planning commission.

1. ZBA Member Comments: Information was provided on member training. Kopriva said she’s working on member training when everyone is here.
2. Report from Planning Commission Representative: None
3. Adjourn: Motion to adjourn by Kopkau/Jankowski at 5:50 pm.