

**ARCADIA TOWNSHIP ZONING BOARD OF APPEALS**  
**MINUTES OF June 22, 2021**  
**VARIANCE FOR MINIMUM SQUARE FOOTAGE REQUIREMENTS**  
**NICKEY AND JUDY HODGES**

The Arcadia Township Zoning Board of Appeals held a Public Hearing on Tuesday, June 22, 2021 at 7:30pm at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan.

Chairman Rich McClelland called the meeting to order at 7:30pm.

MEMBERS PRESENT: McClelland, Bonesteel, Ostrom, Johnson, Jostock.

MEMBERS ABSENT: None

OTHERS PRESENT: Joseph Kaltz, Harve Kaltz, Matt Kaltz, Nickey Hodges, Mike Aliano, Kimberly Aliano, Recording Secretary Teresa Gormley .

APPROVAL OF AGENDA: Moved by Jostock, Seconded by Ostrom to approve the Agenda as presented. Motion carried.

NEW BUSINESS – VARIANCE for Minimum Square Footage – Nickey and Judy Hodges

Chairman McClelland opened the floor to Nickey Hodges.

Nickey Hodges, 3515 N. Lake Pleasant Road. Hodges stated that he has 20 acres and lives in the middle of the property, which includes a cabin and a storage building. He is here because he is short of the required square footage on the home asset by the township ordinance and is requesting a variance.

The house is 5' short = 80 square feet. He says he has two options: 1) to build on to add 5' out. It is currently 16x48 so it needs to be 5' longer, or 2) to get an approved variance to keep the house the same size.

Bonesteel stated that she visited the property today around noon, and wondered when it was built.

Michael Aliano, (son-in-law to Hodges), 2516 E. Sutton Road, Metamora, stated that it was built about three years ago.

Jostock – Was it a pre-fab?

Hodges – yes.

Jostock – is it on a crawl space or basement?

Kimberly Aliano, 2516 E. Sutton Road, Metamora, interrupted that they did not know that permits were needed.

Michael Aliano stated that the county (Construction Code Authority) is asking for a variance before they will consider a permit.

Johnson – that is understandable.

McClelland – looks like someone gave you (Hodges) bad information.

Ostrom- Is well, septic installed?

Hodges – yes.

Bonesteel – do solar panels power your house totally?

Michael Aliano – it has a back up generator.

Hodges – when I came here I talked to the property owner who sold it to me. I lived overseas for 22 years. I am from Texas and worked in Latvia and didn't have such things.

I didn't do my due diligence. I thought I had everything correct until I had a code violation and talked with Mike at CCA (Construction Code Authority). I take full blame. I thought I had done enough but guess I didn't. I do have a permit for the well.

McClelland addressed Michael Aliano – you live in the county – you should have known.

Michael Aliano – I was out of the loop until recently.

Jostock – Is this one parcel or two 10 acre parcels?

Hodges – I bought it as two parcels. I thought the kids would put a house on it. When they decided not to, we just brought in the house.

Jostock – You can come to the township and have John (Supervisor John Howell) combine them. How far are you from the back neighbor?

Bonesteel – He meets the setback requirements.

Michael Aliano – I know there is a farm back there but you can't see it.

Public time was opened at 7:44 pm. Chairperson McClelland laid out the rules for the public.

Harve Kaltz, 4345 Welch Road. I have a problem with this. They never pulled a permit – is it up to code? Has it been assessed (correctly) for the last five years for taxes paid? I want to know if it is up to code? Before you allow this you need to see it and CCA needs to see it. If you give him a variance, you are opening up a can of worms.

Matt Kaltz, 4364 Kings Mill Road. I own the farm he (Aliano) says he can't see. There are woods and wetlands. There is a drain from the 1950s. Has a perc been done? This is wetland. We are in a dry time now but I see problems with wetlands. I have heard solar but I live ½ mile from there and I have heard a generator for years. I hear the noise especially in the winter time. Is it intended to be a cabin? Is electricity being put in?

McClelland (addressing Hodges) – are you running on electricity?

Hodges – propane to run solar, if I don't get enough sun that turns on if energy gets low. Before we got solar completely done, we ran the house from portable generator that sat in a small shed which was vented away in a safe manner – but that has not been used in some time.

McClelland – we want this to be safe. I know there is a gate across which might prevent the fire department from getting to your home.

Michael Aliano – there were two perc tests done.

Hodges – I have a gentleman lined up, Chris Duckworth (?). I was told the soil was good. My wife had surgery and composting toilet was too difficult so I am putting in a regular (toilet).

Joe Kaltz, 2672 Fish Lake Road. I own property off Welch Road. This is after the fact and we should not set a precedence in the township. I feel people will do what they want but there are procedures to follow. I am not for a bunch of government overreach but this could open up a lot.

Harve Kaltz – like Joe said, shouldn't allow this precedence but we should go back –

McClelland – what you're saying is this should be reassessed.

Harve Kaltz – yes.

Kimberly Aliana – We coulda, shoulda, woulda all day. We are asking for the approval from the township not to answer to everyone in the township. We didn't know better...mistakes were honest mistakes. We are applying for a variance, not to get everyone's approval. My parents were missionaries to Russia for 20 years and their dream is to have this little place which is completely cared for by my dad and mom. He has all his permit applications...we cannot make everything right. He (Hodges) has had several heart attacks and strokes and works tirelessly everyday to try to bring it up to code. All work done is by professionals and done well.

Jostock – the professionals should have told you to pull permits.

Kimberly Aliano – this has been Murphy's Law over and over again. Even getting the permits, one person says one thing and the next says something different.

Michael Aliano – either he is going to be given the variance or he has to add 5' to the house, including roof, electrical, ... He (Hodges) spent 20 years building children's youth camps for about \$1,000.00 per month – he inherited some money and took most of it to buy this land and bring this building up to code and for permits. This was not intentional – mere ignorance.

Matt Kaltz – I have been here a long time – part of the 69 acres next to me sold and was divided by an attorney, part of the original Smoke Estates. This was only supposed to be stick built houses.

Jostock – That should have been on a deed.

Harve Kaltz – there have been no permits...there is nothing through the health department. A variance should be BEFORE the fact. Is it up to code? Is it on stilts? This needs to be found out and brought back to the township.

Johnson – That’s why we are going to give the variance.

McClelland – if Code Authority gets involved they will bring it up to code.

Jostock – Mike at CCA will not give green sticker until the variance gets approved.

Public time closed at 8:05pm.

Bonesteel – First, I take exception to Mr. Johnson stating “that’s why we are going to give the variance.” (Johnson responded that he meant ‘why we are going to consider this variance.’)  
Second, this is a very, very long driveway. As I neared the house I did go through some boggy areas, I could feel it splatter.

Hodges – I have had some gravel laid all the way back but since I moved there I got dirt and filled holes but then I had to go to Texas. I have been back three days. I will have fresh gravel – originally it was 3” of gravel.

McClelland – did you get a driveway permit?

Hodges – yes.

Jostock quickly went over some points of the driveway ordinance.

McClelland – if we give a variance, there is a lot to be done.

Jostock – the Road Commission only cares about 33’ from the road.

Kimberly Aliano stated that CCR did inspection of footings with cameras .

Jostock – is this modular or stick built?

Michael Aliano – shell was prefab but inside was built or finished.

Johnson – CCA is involved.

Jostock – under the variance guidelines set by the state, under #1 that the situation was not self created.

Ostrom – I was out there today and I understand what Joyce was saying about the driveway.

Jostock – The fire department should get back in there with no problem.

MOTION BY Jostock, SECONDED BY Bonesteel, to deny the variance based on it was self created whether they knew about it or not, it is not unique to the property, and the land can be built on in conformance with the zoning ordinance.

ROLL CALL VOTE:

Ostrom, Yes; Bonesteel, Yes; Johnson, No; Jostock, Yes; McClelland, Yes.

Yes (4) No (1) Abstain (0) MOTION CARRIED.

NEXT MEETING DATE: Another Public Hearing is scheduled for Monday, July 12, 2021 at 7:30 pm.

MOVED BY Ostrom, SECONDED by Johnson to adjourn the meeting at 8:20 pm. Motion carried.

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Richard McClelland  
ZBA Chairman

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Teresa M. Gormley  
Recording Secretary