

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS  
Minutes of the December 17, 2019, Regular Meeting  
**APPROVED**

The December 17, 2019, regular meeting of the Zoning Board of Appeals was called to order at 1:00 p.m. by Chairman (hereinafter Chair) Larry Anderson. Roll call of members present: Larry Anderson, Doug Dow, Kathy Sellers, Liz Rettig, Tom Gold. Quorum. Also present: Charles Hilmer (Township Attorney) and members in the audience (sign-up sheet attached of those persons who signed in).

Chair advises that the first order of business is to approve the November 19, 2019, minutes. **Chair calls for a vote; Rettig abstains because she was not present at November meeting; Dow motions for approval of minutes as presented; Sellers seconds; Voice vote: – ALL AYE (4). Minutes are approved.**

Dow interjects (speaking to Liz and the Board) as a point of order, Attorney Hilmer has advised us if a member is absent, they do NOT have to abstain from voting on the approval of minutes.

**CASE 1176: Peggy Johnson property owner – 12682 Tower Hill Road, Sawyer, MI 49125. Property Code No.: 11-07-7480-0008-00-1. Applicant is seeking a variance from Chikaming Township Zoning Ordinance Section 14.02 which requires a 30-foot front yard setback and a 10-foot side yard setback. If approved the variance would allow a garage to be built with a 26' front yard setback and a side yard setback of 2' 8" in a NC1-B District. Application is also asking for a variance to increase the permitted lot coverage to approximately 24.26%. Section 4.06(D)(1) of the Chikaming Township Zoning Ordinance permits a maximum lot coverage of 20%.**

Chair advises that there are no comments from the Zoning Administrator (Van Thornton) and he is not present.

Chair asks if applicant is present. Applicant speaks giving a short synopsis of her case.  
Chair asks for comments from the public – none.  
Chair advises that there are no letters.

Chair goes to Board discussion. Gold asks questions to the applicant about moving the garage farther North to minimize the variance. Dow interjects that the setback is already non-conforming and that one of the principles that this Board operates under is that we cannot increase a non-conforming lot to make it more non-conforming. Anderson asks about houses on either side in order to average the front yard. There are no houses on either side to average – so we are back to the “standard” of 30 feet. Both the side yard and front yard setbacks are variance requests and lot coverage is being increased (for a total of 3 variances). Discussions about making garage smaller (to just a 2-car garage with no storage); could the garage be placed in the back yard (eliminating the variance)? Dow says that looking at the proposal in front of us - there is nothing we can do by granting this variance to make it less non-conforming – only more nonconforming. Sellers says that if the garage is moved over and made smaller, they would reduce the coverage and thus this would be a lesser variance. Chair says: The applicant is

currently asking for a 24' x 24' and if they built a 20' x 20' (which is a standard 2 car garage) and move it north a bit, they could almost meet the setbacks and eliminate the variance regarding lot coverage. The feel of the Board is that while the applicant may want a larger garage – we are not allowed to make this house and lot more non-conforming.

Chair (speaking to applicant) advises them that if they listen to the tenor of the group, and if the board ends up voting and the variance requests are denied – the applicant may not come back for one (1) year to this Board. If they chose to withdraw and ask the architect to consider different options, the Board would in effect be tabling the variance requests, allowing the applicant to come back at a future date with their revisions, and there would be no additional cost to the applicant. The applicant could come back and show us the revised plan. It is the choice of the applicant to see how the Board would vote or the applicant could withdraw.

Applicant asks if the most concern to the Board is the side yard? Larry and Chair advises that actually the side yard and front yard are the greatest concerns, with the lot coverage being a fairly minimal concern – but still a variance request.

**Applicant requests a withdrawal.**

**Chair announces that Case 1176 has been withdrawn; the matter has been postponed and advises the applicant to come back in a timely manner working with the Building and Zoning Department to get the matter back on the calendar as soon as they have revised plans and if they want to come before the Board.**

Chair makes an announcement that he has been in contact with MSA Extension Unit regarding training for the Board. There also may be a possibility that the Planning Commission could participate as the training would be at our location, bringing the instructor to us.

Gold asks if the new zoning ordinance will eliminate many of the ZBA's cases. Dow answers that it should.

Chair asks if there is any other business to come before the Board. None.

Chair declares meeting is adjourned at 1:23 p.m. Meeting adjourned.

Respectfully submitted,

Elisabeth A. Rettig  
Recording Secretary

Date Approved **FEBRUARY 18, 2020**