

**CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS**  
**Minutes of the March 21, 2023, Regular Meeting**  
**APPROVED**

The March 21, 2023, regular meeting of the Zoning Board of Appeals was held at Chikaming Township Hall and called to order at 1:00 p.m. by Acting Chairman (hereinafter Chair) Tom Gold. Roll call of members attending: Doug Dow, Liz Rettig, Bob Beemer, Tom Gold. 4 present - Quorum. Larry Anderson was absent.

Noted that Attorney Hilmer and ZA Kelly Largent (hereinafter ZA) are also present along with many others attending in the audience.

Chair Gold advises that the next order of business is to approve the February 21, 2023, minutes. Chair asks for corrections/additions. Gold notes a typographical error on Page 3 (though should be thought); Dow notes a grammatic correction on page 3 (adding “is require” to make a complete sentence). Rettig notes and makes the changes. **Dow makes a motion to approve the minutes as corrected; Gold seconds. VOICE VOTE: 4 AYES. MINUTES AS CORRECTED ARE APPROVED.**

Chair reads the cases:

***Case #2026 Applicant Richard Padula, represented by Ed Lijewski, 15036 Lakeshore Road, Lakeside, Property Code #11-07-0019-0021-03-0 are proposing a 382.5 first floor garage addition and a 1303.5 second floor garage addition which exceeds the allowable square footage of an accessory dwelling unit. Variance is requested from Section 6.15(G)(4)(b)(iii) of Chikaming Township Zoning Ordinance #144, as amended, which states “The total floor area of the accessory residence shall not exceed eight hundred (800) square feet.”***

Chair asks Kelly (ZA) to give details on this case. Kelly advises that the applicant wishes to table this case and Ed Lijewski will make that request for the owner. Mr. Lijewski advises that the owner is not able to attend because he is in the hospital and asks for a two (2) month adjournment. Kelly advises that a variance may not be needed at all and asks Mr. Lijewski to talk to her after the meeting.

**DOW MAKES A MOTION THAT WE RESCHEDULE VARIANCE REQUEST #2026 TO TWO (2) MONTHS OUT, WHICH WOULD BE THE MAY 2023 MEETING. GOLD SECONDS. Voice vote: All 4 in favor. VARIANCE RESCHEDULED TO MAY 2023 MEETING.**

Gold advises Kelly that he wishes to discuss this and has a few questions for the ZA and would like to do so during the public comment period after hearing the next case.

***Case #2027 David Ernst, representing property owner John Axelberg, 13238 Ravine Road, Harbert, Property Code #11-07-0009-0009-02-5. The applicant is requesting an 18’ front yard setback from the roadway easement and a 6’ 5” side yard setback (South side of existing house). Chikaming Township Zoning Ordinance #144, as amended, Section 4.02 requires a 30-foot front yard setback and a 10’ side yard setback.***

Chair goes to ZA for input. Kelly reminds us that this property should look familiar. It has been before the Board previously on an easement determination. The ZBA determined that an existing easement, because it acts like a road, should be treated as a road and comply with the setback requirements. Kelly shows us on the map the allowed setbacks, and the small building envelope and the shape of this unique lot. The existing house is already in the front yard setback.

Chair: No letters.

Chair asks applicant to speak. David Ernst, architect, representing the owner advises how challenging this property is. The easement runs through the middle of the property. The actual existing roadway is not exactly as shown on the map and the house does not really physically encroach that close to the roadway. Architect describes the new proposed plans for the house.

Chair asks Board if they have any questions for the applicant.

Gold begins Board discussions. This is a very unique lot that has many challenges including a ravine to the South. Gold asks applicant how long he has owned – applicant answers “since 2014.” Beemer asks ZA if this is a single lot and Kelly responds that it is a single lot with an easement for ingress and egress running right through the middle which services other lots, which easement was created in 1929. Dow interjects that the previous interpretation 2 meetings ago was to clarify that our Board came to the conclusion that any easement that acts like a road must be treated like a road. Dow continues, now we are faced with this lot being ridiculously small for building. Dow adds we have two (2) unique situations: an easement cutting through the land and the topography of the land leaves little to work with. Rettig adds that the easement services 3 other property. Beemer says that we must protect that easement for the other homes. Dow adds that the location of the proposed addition seems to be least objectionable and the most with keeping with public safety concerns and maintaining space between homes and the request is minimal. If the building were to be moved forward to the lake, it would be much closer to the existing homes. Dow sums up: This meets all of our criteria.

Public Comment: None.

Chair goes through the criteria:

1. Unique circumstances or conditions exist which apply to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Yes. All agree – the easement and the topography.
2. As a result of the unique circumstances or conditions, strict compliance with the provisions of this Ordinance would unreasonably prevent the use of the property for a permitted purpose, or would be unnecessarily burdensome. Yes. All agree – small envelope.
3. The unique circumstances do not result from the actions of the applicants, including the knowing purchase of a property limited by existing non-conformities. Yes – easement was created 100 years ago and applicant did not realize that an easement would be treated like a road and not the result of the applicant. All agree.
4. The variance requested is the minimum variance which will make possible the reasonable use of the land, building, or structure. Yes - minimal. All agree.
5. The granting of the variance will be in harmony with the spirit and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, and welfare. Yes. All agree – best placement for safety and harmony.

**DOW MAKES A MOTION THAT WE APPROVE THE REQUESTED VARIANCES FOR BOTH FRONT AND SIDE SETBACKS IN CASE #2024 AS IT MEETS ALL OF THE CRITERIA; BEEMER SECONDS. Voice vote: All in favor. 4 – 0 VARIANCE APPROVED.**

Chair asks if there is any further public comment. None.

Gold asks to circle back to Case #2026 asking why Kelly feels this won't need a variance. Gold feels this is not an ADU, but an accessory structure and falls under Section 7.02. Dow interjects that this is the old ordinance – that any accessory structure detached shall not exceed 800 square feet. Kelly will go back and talk to Ed to see if they would attach it to the house, this will have no square footage limitation and would only have to go for special land use and they will not need a variance. The addition is about 15 feet from the house. Lot coverage won't be an issue. Kelly feels that with further discussion, we can work this out.

**GOLD MOTIONS FOR ADJOURNMENT; DOW SECONDS. Voice vote: All ayes.** Chair announces we are adjourned at 1:23 p.m.

Respectfully submitted,

Elisabeth A. Rettig  
Recording Secretary

Date Approved June 20, 2023