

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the May 19, 2020, Regular Meeting
APPROVED

**ELECTRONIC MEETING VIA ZOOM, PER GOVERNOR WHITMER'S ORDER
ACCESS SHOWN ON AGENDA ATTACHED**

The May 19, 2020, regular meeting of the Zoning Board of Appeals (held electronically) was called to order at 1:01 p.m. by Vice Chairman (hereinafter Chair) Doug Dow. Roll call of members attending electronically: Doug Dow, Robert Beemer, Liz Rettig, Tom Gold, and Kathy Sellers. Quorum.

Chair advises of the following also in attendance: Charles Hilmer (Township Attorney), Van Thornton (ZA), Cindy Cook, Cindy Ellis, Jill Underwood, Cary Skahn and Mary Ann Skahn.

Chair advises that the first order of business is to approve the February 18, 2020, minutes. Dow asks if any of the Board members have any corrections; none. **Beemer motions for approval of minutes as presented; Sellers seconds; Chair asks for roll call vote:**

Dow, Beemer, Rettig, Gold, Sellers – all AYES

Minutes are approved.

Case #1179- Property owners Cary and MaryAnn Skahn, 323 Orchard Drive, Sawyer. Property Code # 11-07-0820-0055-02-9. Applicant is asking to increase lot coverage to 25.4% and front yard setback to 18'4". Chikaming Township Zoning Ordinance #144, Section 8.05(D)(1) states maximum lot coverage cannot exceed 20% and Section 8.05(D)(1)(a) states the setback from the front property line must be either a distance equal to the average front yard setback of the nearest two lots or 30', whichever is less in an NCR1-B district.

Chair clarifies that the Zoning Administrator has given further information to advise that based upon a recalculation utilizing the method available in Section 18.05(D)(a) setback is no longer an issue. The only request under the variance is the increased lot coverage (from 20% to 25.4%)

Chair ask for comments from applicants. Applicants, Cary and Mary Ann Skahn, feel that they have provided a good architectural design fitting for the neighborhood.

Chair advises that ZA Thornton has just connected to the meeting and asks for his comments. ZA advises that he has given the Board his comments including calculations for the front setback and calculation of the lot size based upon information just acquired from Attorney Hilmer and he has no further comments.

Chair confirms that front set back requirement is no longer an issue (only lot coverage). ZA agrees. Mr. Beemer interjects that he believes applicant Mary Ann Skahn had an additional comment. Chair yields the floor to Mrs. Skahn who feels that the style and plan of the house is very similar to many of the homes on Orchard and will blend in nicely.

Chair acknowledges a question from Sellers who is questioning the depictions of elevations ("front elevation" shows Orchard – when actually front is Baldwin). Chair explains that the lot runs lengthwise

on Orchard and parking would come off of Orchard and driveway comes off of Orchard, but the front door is on Baldwin.

Chair proceeds to written comments: (e-mail)

Ellis (Shorewood Hills Board) – in support of giving variance

Larson – in support of giving variance

Termini – in support of giving variance

Chair asks for comments from the public (attending electronically):

Cindy Cook – in support of giving variance

Larson – in support of giving variance (plan fits so well)

Chair goes to Board discussion, comments, questions. Seller asks about depth of garage, is there storage or only for cars. Applicant answers that there is some storage and basement. Seller wonders if there is a way to lessen the non-conformity if the garage is reduced in size. Applicant advises that because of the screened in porch, there is not. Further input from the ZA that the screened in porch does count as lot coverage. Beemer interjects that it seems to be included in the plan (14' x 34'). Beemer comments on Sellers' question that the garage is a 2-car garage (26' wide – 13' x 13') being on the smaller side.

Rettig asks if we can address ZA's comment about reducing the total square footage to 1,994. Dow reads the comment: "Possible Alternative: If the house were reduced to approximately 1,994 square feet, the variance request could be eliminated." The current total is 2,612 and reduction to 1,994 (as proposed by ZA) would reduce the square footage by 618 square feet (roughly a 2-car garage). Beemer interjects that the problem is the "footprint" not the total square footage and in his review of the plans, we don't see the extra lot coverage of a deck that many of the homes in the area have; the applicant has also addressed the parking issue by providing 2 spots in the 2 car garage as well as 2 more spots in front of the garage especially since this is an undersized lot. I think they have tried to accomplish a year-round home with a 2-car garage at the minimum level.

Dow interjects that many of the standard and repeated issues that we have come across on these undersized lots by stretching coverage, decks, parking are not present here. While it is a dense neighborhood, 2600 square feet is a reasonably sized house and applicants have provided a reasonable plan and all input from neighbors and HOA are very positive. Our responsibilities are of course to follow rules, but also to deal with exceptions to the rules. This is not something that will alter the neighborhood negatively and my opinion is a reasonable request.

Dow asks for other comments from the Board members. Gold advises that he is having trouble with his internet connection but is definitely in favor of the variance in case his connection is lost.

Chair goes over criteria:

- 1 Are there unique circumstances or conditions that exist? Yes – lot size non-conforming.
- 2 As result of the unique circumstances, strict compliance with the provisions of this ordinance would unreasonably prevent the use of the property for a permitted purpose, or be unnecessarily burdensome? Yes – burdensome because of insufficient space as a non-conforming lot.

- 3 The unique circumstances do not result from the actions of the applicant? Yes – lot of record.
- 4 The variance request is a minimum variance that will make possible the reasonable use of the land, building or structure? Yes. Additionally, the plan is minimal and appropriate parking and a reasonable sized deck. No setbacks are being infringed.
- 5 Will the granting of the variance be in harmony with the spirit and intent of the Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, and welfare? Yes. Neighbors are in agreement as well as HOA.

Beemer makes a motion that the variance is approved specifically as to lot coverage as applicants meet all setback requirements and in accordance with the plans submitted and following the review of criteria, that it complies with Section 17.04(B)(4)(a) of the ordinance. Rettig seconds the motion. Roll call vote: Gold (nods in approval because voice connection lost and has given previous spoken approval); Beemer, Rettig, Sellers, Dow – all AYES. VARIANCE REQUEST GRANTED.

Chair returns to agenda – ELECTION OF OFFICERS. Due to the COVID-19 we were unable to do the election of officers in April.

Current Officers:	Larry Anderson	Chair
	Doug Dow	Vice Chair
	Liz Rettig	Secretary

Chair asks for nominations.

Rettig makes a motion that the same officers be retained for the upcoming year. Seller seconds. Roll call vote: Gold, Rettig, Beemer, Sellers, Dow – all AYES. Officers are elected.

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

Chair declares meeting is adjourned at 1:32 p.m. Meeting adjourned.

Respectfully submitted,

Elisabeth A. Rettig
Recording Secretary

Date Approved: July 21, 2020