

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the November 19, 2019, Regular Meeting
APPROVED

The November 19, 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, Bob Beemer, and Kathy Sellers. Absent: Liz Rettig; Recuse: 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 October 15, 2019, minutes. **Chair calls for a vote; Dow abstains because he was not present at October meeting; Voice vote: – ALL AYE (3). Minutes are approved.**

CASE 1175: Tom Gold (Builder) representing owner Horton Family Trust – 15236 Lakeshore Road, Lakeside, MI 49116. Property Code No.: 11-07-0019-0088-01-1. Applicant is seeking a variance from Chikaming Township Zoning Ordinance Section 4.06(D)(1) which allows a maximum roof height of twenty-two (22) feet. If approved the variance would allow a structure with a maximum height of 29.6 feet which requires a variance of 7’ 6” for height in an NCR-1 District.

Chair advises there is one (1) letter (e-mail):

1. Sam Darrigrand of Gordon Beach Inn – objects to the 7’ 6” variance stating that this is almost an additional story on a house and this property has already been allowed a variance of 5’ closer to the road.

Chair reads into the record comments from ZA (Van Thornton – who was unable to be present). ZA advises that the application has complied with the agreed upon definition to determine “average grade”. Previous calculations I made were erroneous in that I did not realize the full extent of the roofline based on the drawing being used (Page 2). Upon further review of the recently submitted drawings (Page A 3.3 with a revision date of 10/29/19) the roofline shows as 24’ 9-7/8”, a variance of 2’ 9-7/8” from the permitted height of 22’ as indicated in the Ordinance table in section 4.06(D)(1).

Chair asks applicant Gold to present his case. Mr. Gold begins discussion on calculations. Dow stops applicant from speaking any further about how calculations were arrived upon stating that the Board’s interpretation at the October meeting regarding calculations will be used.

Beemer comments that NCR-a has specific requirements for a reason and it would be very easy for the applicant to change the roof height to comply with the height requirements thus making this variance unnecessary.

Applicant Gold asks the Board to review Page 2 – specifically the roof lines.

Discussion among Board regarding lowering the roof by lowering the ceilings inside the house by 1 foot per story. Applicant Gold has a discussion with the owner (who is also present) and as

a compromise they propose to lower the ceilings by 6” per story to make the variance minimal - 1’ 9-7/8”.

Chair asks for public comment – Jill Underhill comments that the variance rules are in place for a reason and feels they should be adhered to.

Chair closes the public comment portion.

Chair begins to go through the criteria:

- 1 Are there unique circumstances or conditions that exist? Yes – NCR1 District and the slope of the lot causing restrictions on what height of structure can be place on the property.
- 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 slope and height of building.
- 3 The unique circumstances do not result from the actions of the applicant? Yes.
- 4 The variance request is a minimum variance that will make possible the reasonable use of the land, building or structure? Yes. (1’ 9-7/8”)
- 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.

Dow makes a motion based on all five (5) criteria having been met, to grant the variance by reducing the ceiling of each story by 6” thus having a minimum variance of only 1’ 9-7/8” height variance; Beemer seconds. ROLL CALL VOTE: Anderson – YES, Sellers – YES; Dow -YES; Beemer - YES. Variance Passes 4 – 0. VARIANCE REQUEST GRANTED.

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

Chair declares meeting is adjourned at 1:40 p.m. Meeting adjourned.

Respectfully submitted,

Elisabeth A. Rettig
Recording Secretary

Date Approved December 17, 2019