

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the August 16, 2022, Regular Meeting
APPROVED

The August 16, 2022, regular meeting of the Zoning Board of Appeals was held at Chikaming Township Hall and called to order at 1:00 p.m. by Chairman (hereinafter Chair) Larry Anderson. Roll call of members attending: Doug Dow, Liz Rettig, Larry Anderson, Bob Beemer, Phil Bender. 5 present - Quorum. Bob Beemer (Alternate Member) is substituting for Paul Rook; Phil Bender (Alternate Member) is substituting for Tom Gold).

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

Chair Anderson advises that the first order of business is to review and approve the July 19, 2022, minutes. Dow has presented three (3) minor typographical corrects; Beemer presents 2 and Anderson 1 to Secretary Rettig; changes noted.

ANDERSON ASKS FOR A MOTION TO APPROVE THE MINUTES AS CORRECTED; DOW MOVES; ANDERSON SECONDS. VOTE: 5 AYES. MINUTES APPROVED AS CORRECTED.

Case #2013 Applicants, Maile Solis and Vilmar Arias, 8722 East Road, Lakeside, Property Code #11-07-0020-0038-01-8 is requesting a variance from Chikaming Township Zoning Ordinance #144, as amended, Section 7.02 (C)(4) which states in part “square footage of an accessory structure shall not exceed 50% of the footprint of the principal building (NOTE: THIS APPLICATION WAS AMENDED FROM ITS ORIGINAL REQUEST OF NO MORE THAN 3 ACCESSORY BUILDINGS ON ONE PARCEL).

Chair ask Kelly to give details. Kelly reminds the Board that the original request was requesting a 4th accessory structure (pool house). The Board asked the applicant to consider connecting 2 of the existing structures; applicants have come back with a proposal to combine the pole bard and shed with a breezeway which would be 5’ x 11.5’ which brings them over the total square footage allowed (less than 500 square feet). They are asking for a variance of the square footage of the proposed new combined accessory structure so as to allow the current 3 accessory structures to remain.

Chair asks Kelly to clarify – each building cannot be over 50% or combined cannot be over 50%? Kelly answers that each building cannot be over. The pole barn is 24’ x 32’ equaling 768 square feet which is at the maximum allowed because the main structure is at 1,536 square feet.

Chair continues – we have gone from a 4th accessory structure to going over on the square footage of one? Kelly affirms stating that is what the Board at last month’s meeting said they would entertain. Dow reads the minutes from July and adds that the total lot coverage is not at issue (40% coverage), and we are not even close to that; Kelly affirms and states the new structure would be 1,209.5 square feet where the maximum allowed is 768 square feet.

Chair asks applicant to speak. Vilmar Arias states that Kelly has summed it up very well and has no further comments.

Chair advises there are no letters; no public comment.

Board discussion begins. Dow states that they have done what was asked and the analysis is that because it is a large parcel and they are not even close to lot coverage, and the primary structure is very small, this is the better solution. Beemer, Rettig, Bender all agree. Chair points out that the site plan submitted says “not to scale.” The Ordinance at 17.04(C)(2) states, “A plot plan seven copies, minimum size 11 inches x 14 inches shall be required with all variance requests. The plan, which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures.” I would propose that if we approve this, that the plan be a requirement prior to permitting – following the ordinance.

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. No.
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. All Board members agree - yes.
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. All Board members agree – yes.
4. The variance requested is the minimum variance which will make possible the reasonable use of the land, building, or structure. All Board members agree – yes.
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. All Board members agree – yes.

DOW MAKES A MOTION THAT WE APPROVE VARIANCE #2013 TO ALLOW A DETACHED ACCESSORY STRUCTURE TO EXCEED 50% OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE. ANDERSON AMENDS TO INCLUDE THE REQUIREMENT OF A PLAN IN COMPLIANCE WITH 17.04(C)(2) OF THE ORDINANCE. DOW ACCEPTS THE AMENDMENT; ANDERSON SECONDS. ROLL VOTE – 5 AYES. VARIANCE IS GRANTED.

Chair – addressing applicant – asks if he is clear on what we are requiring? Chair continues speaking to applicant: Before you get your permit, you need a plot plan per the requirement of the ordinance. Applicant nods his head in affirmation.

Case #2014 Applicant, Ann Krusl (Architect) representing property owner Raymond Weber, 14693 Meadow Lane, Lakeside, Property Code #11-07-4900-0002-00-0 is requesting a variance from Chikaming Township Zoning Ordinance #144, as amended, Section 7.02 (C)(1) which states “a detached accessory structure shall not be placed in the front yard.”

Chair asks for input from the ZA. Kelly states this is a unique lot in that it has road frontage on 2 sides (all front yard) and the roads come to a point, making this a triangular parcel, and has a side yard lot line situation on the North. The original plan shows the location of the garage. The proposal is to demolish the garage and relocate it farther South on Meadow Lane. Our Zoning Ordinance does not allow for accessory structures in the front yard. They would be meeting the front yard setback of 30 feet from the road right of way for the new garage.

Chair states that there is one (1) letter from Frank Sims – in support of variance.

Chair asks applicant to speak. Ann Krusl (architect) reiterates that the property basically has 2 front yards, applicant is complying with the front yard setback, and there's quite a hardship. The current location of the garage is not good, and the new location would be much more appropriate and would be in the style of the house and an enhancement.

Comments from the public. None.

Board discussion. Dow says that the property is unique. It's a triangle with 2 front yards and no back yard to work with. No space between the house and rear lot line. Given they are meeting the 30-foot setback, I think it is a reasonable proposal.

Beemer: It meets setbacks, height requirements, and the area proposed is already being used for driveway purposes.

Anderson (to Kelly) we have no lot coverage issues? Kelly: none.

Beemer: The oddity of this property is there's a neighbor's garage that seems to be on this property. Kelly affirms that this is the case, and the neighbor's garage crosses this parcel's property line. If the neighbor's garage ever got demolished, it would have to be moved to their own property.

Rettig adds this is a reasonable and minimal request.

Chair goes through 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 – 2 front yards; triangular lot. All Board members agree.
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. All Board members agree - yes.
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. All Board members agree – yes.
4. The variance requested is the minimum variance which will make possible the reasonable use of the land, building, or structure. All Board members agree – yes.
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. All Board members agree – yes.

DOW MAKES A MOTION THAT WE APPROVE VARIANCE #2015 TO ALLOW A DETACHED ACCESSORY STRUCTURE TO BE PLACED IN THE FRONT YARD ACCORDING TO THE PLANS AND SPECIFICATIONS WHICH HAVE BEEN SUBMITTED; BENDER SECONDS. ROLL VOTE – 5 AYES. VARIANCE IS GRANTED.

Chair asks if there are any comments from the public on topics that would come before this Board. None.

Beemer wants to address the study packets the Board receives. If last month's meeting had included the permit that was issued (referring to Case #2012), it would have cleared up a lot of confusion and anger.

The builder's drawings were also not part of the packet. Also, Mr. Hilmer provided a Plat map at the meeting (on a different case), which should also have been in our packet. I wanted to voice my concern. Also, at last month's meeting it was discovered there were some issues in the Building Department which made our life difficult.

Chair asks Kelly to speak to the Board on what has been discussed with the Building Department on these concerns. Kelly gives input as to the case regarding permits and drawings and what was presented by the builder to the Building Department and what actually happened in the way of construction – they were not the same. The permit talked about expansion, but the builder said it was only interior remodel and window replacement, but the project expanded out into the sunroom. When Ted went to do his inspection, he noted there was expansion and advised the contractor to come and get zoning approval. It took until May (even though this project was started the previous fall) for the builder to come in. Chair: Was there a work stoppage issued? Kelly: No, the builder and I went back with e-mails for a few weeks on getting drawings on the expansion. Chair: On a going forward basis, how will they be handled? Kelly: We will identify if there is construction without a permit, and if so, the project will be flagged and there will be a work stoppage.

The Board agrees that the problems seem to be recognized and going forward there will be changes.

Chair asks if there is any further business to come before the meeting, Anderson announces we are adjourned at 1:24 p.m.

Respectfully submitted,

Elisabeth A. Rettig
Recording Secretary

Date Approved: September 20, 2022