

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the August 18, 2020, Regular Meeting
APPROVED

ELECTRONIC MEETING VIA ZOOM, PER GOVERNOR WHITMER'S ORDER

The August 18, 2020, regular meeting of the Zoning Board of Appeals (held electronically) was called to order at 1:00 p.m. by Chairman (hereinafter Chair) Larry Anderson. Roll call of members attending electronically: Larry Anderson, Doug Dow, Liz Rettig, Phil Bender and Kathy Sellers. 5 present - Quorum.

Chair advises of the following also in attendance: Charles Hilmer (Township Attorney), Van Thornton (ZA), Tom Gold (application in Case 1183 below).

Chair advises that the first order of business is to approve the July 21, 2020, minutes. Chair asks if any of the Board members have any corrections. Dow advises Secretary Rettig of one (1) typographical error on Page 1 (changing no to not); Rettig makes correction noted. **Chair asks that minutes be approved as corrected; Roll vote: Dow, Bender, Rettig, Anderson, Sellers – all AYES. Minutes are approved as corrected.**

Klint case #1182 postponed to September meeting.

Case #1183- Tom Gold, representing property owner UPH LLC, 15603 Lakeshore Road, Union Pier, MI 49129. Property Code # 11-07-4730-0017-00-6. *Applicant is asking to remove and replace 183.54 sq. feet of an existing accessory structure. This configuration will give the structure a 10-foot rear and side yard setback; lot coverage will remain the same which exceeds what is allowed by 198 sq. feet. Chikaming Township Zoning Ordinance #144, Section 8.05(D)(1) states maximum lot coverage cannot exceed 20% in an NCR-1B District.*

Chair has received one (1) letter (e-mail) from Brian and Lori Andre owners of 15604 Nannene Avenue – in full support.

Chair asks for comments from ZA (Van) – no comment.

Chair asks for comments from applicant. Mr. Gold speaks stating that the structure (to be removed) is an old garage built on the North property line and is in bad shape. Proposes to rebuild the same structure keeping the same lot coverage, but the new structure will not be built on the property line; will be decreasing the non-conformity and by doing so increases the setbacks of the structure along both lot lines to 10 feet. This will help the neighbor.

Chair asks for comments from the public.

Bridget Gilmore (lives on Franklin) in full support of the application.

Chair goes to Board discussion, comments, questions.

Dow asks Van about setbacks on corner lot; Van has assigned a yard to be rear and one to be side depending upon location of house on property. Chair interjects that the new plan looks like the existing house has two (2) 30-foot front yards and will have a 10-foot rear and side yard setback where it did not previously have any setback in the rear or side yard. Gold believes he is following the zoning code for a corner lot (2 30-foot front and 2 10-foot side).

Much discussion among the Board about where this section is in the zoning book; all agree that it makes a non-conforming lot LESS non-conforming and a variance is still needed and it is an improvement. Dow points all to Section 4.02, end of table, footnote B. ZA points us to the definition of a corner lot. Discussion leads to consensus among Board that this corner lot has 2 front yards and 2 side yards and everyone recognizes the ambiguity that this lot does not necessarily have a rear yard. The existing condition is being improved and we wish to document that the 10-foot setbacks are accepted for the 2 side yards. Sellers reminds us of a similar case on Berrien Street - Case #1663 - where there were 2 front yards and 2 side yards.

Chair goes over criteria:

- 1 Are there unique circumstances or conditions that exist? Yes – lot size non-conforming and a corner lot.
- 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 – non-conforming and corner lot
- 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.
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 that we approve the variance to accept the same amount of existing lot coverage as is in the existing structures on the lot; further we recognize this is a corner lot with 2 front yard setbacks of 30 feet each; and we recognize and accept that this lot has 2 side yard setback of 10 feet each; Sellers seconds the motion. Roll call vote: Seller – YES; Rettig – YES; Dow – YES; Bender – YES; Anderson – YES; 5-AYES. VARIANCE REQUEST GRANTED.

Chair asks for comments from the public. No public comments.

Chair declares meeting is adjourned at 1:28 p.m. after hearing no other business before the Board.

Respectfully submitted,

Elisabeth A. Rettig
Recording Secretary

Date Approved SEPTEMBER 15, 2020