CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the January 19, 2021, Regular Meeting
APPROVED

ELECTRONIC MEETING VIA ZOOM, PER GOVERNOR WHITMER'S ORDER

The January 19, 2021, 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, Robert Beemer. 4 present - Quorum. Noted that Attorney Hilmer is also present along with many others attending via zoom.

Chair advises that the first order of business is to approve the December 15, 2020, minutes. Chair asks if the Board members have any corrections. Dow advises that he has one clerical/typographical change (Page 1). Rettig notes the correction. **Dow moves that the minutes be approved as corrected; Anderson seconds; Roll vote: Dow, Rettig, Beemer, Anderson – 4 AYES. Minutes are approved as corrected.**

Anderson makes a motion to change the order of cases to allow case #1184 to be presented first; Dow seconds; Roll vote: Dow, Beemer, Rettig, Anderson – 4 AYES. Motion passes.

Case #1184*- *AMENDED APPLICATION: Annette and Reinhard Brinkmeier, 13480 Main Drive, Harbert. Property Code # 11-07-4670-0078-00-8; Applicant is asking to construct an accessory structure in the front yard with no setback from the property line. Chikaming Township Zoning Ordinance #144, Section 7.02(C) states an accessory structure shall not be placed in the front yard and Section 4.02 requires a front yard setback of 30 feet.

Chair asks ZA to walk the Board through the amendment of the application.

ZA responds that the applicant has now provided plans which attach the accessory structure to the principal structure. Also, the zero-foot setback previously requested is now 10 feet from the property line. Dow corrects to clarify that it is only 5 feet off the roadway.

Dow summarizes the issues from the last 2 meetings with this applicant.

1. Utility easement;
2. Lot coverage issue;
3. Road setback;
4. Accessory Structure in front yard.

The applicant resolved the easement, they have consolidated their lots so there is no longer a coverage issue, they have come back with a modified plan which attaches the structure to the house, so there is no accessory structure in the front yard, and they have moved the structure closer to the house. The only remaining issue is an encroachment into the 30-foot front yard setback to allow 5 foot between the structure and the road instead of the original 0-foot setback. The applicants have done what we have asked them to do.

Anderson recalls asking the applicant to bring permittable drawings, addressing ZA. ZA interprets them as a site plan drawing. Prior to being approved, the ZA would not expect them to have design drawings.

Dow points out (Page 5 of the previous minutes) that these drawings provide us with the critical dimensions allowing us to move forward.

Anderson asks if applicant has any additional comments. They have none, expect they feel they have met the requirements requested from the Board.

Chair asks for comments from the public. John Chipman speaks advising he lives down the road and gives a positive comment stating that the applicants have done a good job improving the property and the neighborhood.

CHAIR ACKNOWLEDGES THAT KATHY SELLERS (BOARD MEMBER) HAS ENTERED THE MEETING.

Chair goes to Board discussion.
Dow feels applicants have satisfied the Board's requirements and asks that we move to the criteria. Beemer comments that this is an extreme request (30-foot setback going to a 5-foot setback) and feels there are alternatives. The garage could be built elsewhere on the property.

Anderson comments that he has driven to the property since the last meeting wondering if there are other options, but acknowledges that the applicant has done what the Board has asked. Wondering if this is a self-created hardship?

Sellers is having audio trouble but feels she would approve it if it came to a vote.

Dow interjects that there is an issue with the land. We have all discussed alternatives in the first round three (3) months ago when this was first presented. We all reached an agreement that putting a structure in that low flat area far removed from the house was terribly inconvenient and the slope of the land in that area is not optimal. The time to have told the applicant no, was 3 meetings ago. We worked with them and we came to the conclusion that we could grant the variance based on resolution of the other items. They have now made that variance less objectionable – much improved. In good faith they have done what they have been asked to do. Beemer disagrees and setback is important. Dow continues and asks to move to the criteria.

Anderson feels we should vote on each criteria individually.

Chair goes over criteria:

1 Are there unique circumstances or conditions that exist? Dow: Yes – uniqueness of the land and how the house is situated on the land. Dow moves we say yes to criteria #1; Rettig seconds. Roll: Rettig: Yes; Sellers: Yes; Beemer: No; Dow: Yes; Anderson: Yes.

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? Dow moves that the answer is yes, based on alternate locations of the garage are impractical, Sellers seconds. Beemer asks for discussion: A detached garage is not unreasonable but feels that recessing the garage into the deck area/fenced area is an alternative. Rettig asks where the proposed garage should be located? Beemer feels that the deck should be compromised/moved for the garage, although it is not our job to redesign their house.

Roll: Rettig: Yes; Sellers: Yes; Dow: Yes; Beemer: No; Anderson: No.

3 The unique circumstances do not result from the actions of the applicant including the known purchase of a property limited by existing non-conformities? Dow moves that the answer is Yes, based on there were no existing non-conformities to this property and by situating the car port where they want it situated is a function of the prior criteria as to unique circumstances (this is the only practical place available to put the carport). Rettig seconds: Roll: Rettig: Yes; Sellers: Yes; Dow: Yes; Beemer: No; Anderson: No.

4 The variance request is a minimum variance that will make possible the reasonable use of the land, building or structure? Beemer feels this is not minimum and can be farther off the road putting it where the current deck and fence are. Dow moves that the answer is Yes because the applicants have modified their original request and increased the distance from the road and attached the carport to the house – we are down to 1 variance and this is the only practical place to situate the structure; Seller seconds. Roll: Sellers: Yes; Rettig: Yes; Dow: Yes; Beemer: No; Anderson: No.

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? Dow reminds us of the favorable community support and in harmony and Anderson agrees. Beemer asks us to look at the neighboring properties which are all 30 feet off the roadway. Dow moves that the answer is Yes being in harmony based on the neighborhood support; Sellers seconds. Roll: Sellers: Yes; Rettig: Yes; Dow: Yes; Beemer: No; Anderson: No.

Chair asks for results of voting:

#1. 4 – 1 in favor
#2 3 – 2 in favor
#3 3 - 2 in favor
#4 3 – 2 in favor
#5 3 – 2 in favor

Chair advises that based on the above motions and above votes, the variance has been approved according to the numbers.

Chair moves to next matter:

Request for interpretation: Kristy Putnam, Peacock Place LLC, 13436 Red Arrow Highway, Harbert, Property Code 11-07-0010-0042-04-2. Applicant is asking for an interpretation of *Temporary Lodging* in a Commercial zoned property and for a definition of the term *temporary* as referred to in Resort, Detached unit.

Chair makes the following comments:
As I understand this case, the applicant is operating under a special land use permit dating from 2004 that permitted the rear structure to be a residential dwelling unit and the front structure to be a commercial business not a rental dwelling unit. The current applicant and previous owners were operating with both structures as rental dwelling units. The current Zoning Administrator is aware of

this non-compliance and has stated that this type of operating may continue. The applicant has referred to various state of Michigan regulations regarding various types of lodgings. These state regulations inform a person of how to operate a business. Further, the Chikaming Township Ordinances inform a person as to where they may operate a business. In my opinion I don't think the State of Michigan Regulations are relevant to this discussion today. It is only where can this business be operated. We currently have a business that has no violations, no citations, is operating (albeit as a non-conforming use) in a legal manner and they have been told that they or a future owner may continue to legally operate this business until the use or the building structures are changed.

Chair asks Van for his comment. Van states:

1. The current use, operating two dwelling units on one parcel does not comply with the permissions granted in the 2004 Special Land Use Permit. Nor is it permitted by the CT ZO # 144 unless the use qualifies it as a Detached Unit Resort
2. The current use, as I understand it, is a combination of short term and long-term rentals for one or both of the dwelling units. I define short term as not more than 30 consecutive days to the same tenant. I referenced MI HB 4554 for assistance on this definition.
3. I believe that the current use is a non-conforming use.
4. If my determination is upheld by the ZBA, this use may continue unless any changes, as detailed in Articles 8 and 17 of the CT ZO #144 are proposed or put in place.
5. Multiple prospective purchasers have contacted me regarding this property. I have advised all of them that I believe this is a non-conforming use.
6. Each of these purchasers presented different future scenarios under which they proposed to operate the rentals. Naturally, each different scenario received different responses.
7. Multiple times I advised the individuals that the "proposed" scenario may require a site plan review, as indicated in Article 17 of the CT ZO #144.
8. The applicant has referred to hotels. This parcel does not contain a hotel as defined by CT ZO #144
9. I also believe that any documents received from the applicant after the deadline date of December 15, 2020, and not included in the information file held at the Township Clerk's office, should not be considered in this hearing since both the public, staff, and the board members may not have had a chance to review any such documents prior to this public hearing.

Chair now proceeds to allow the applicant to speak.

Kristy Putnam speaks advising there has been confusion regarding this property when the new ordinances went into effect and took away permitted use of "seasonal resort home". We have not been operating with the special use permit since 2014. Hearings were held 2 years ago to confirm that the use was permitted called "seasonal resort home" which allows for primarily short-term rentals and 2 detached single family dwellings on the same lot. The ZBA clarified the definition of "primarily short-term rental" in December 2018 to mean renting more nights short term than long term in a year. The Planning Commission had us tally our rental history data for 2 years prior in January 2019 and ZA made a statement in the minutes that use was indeed mostly short-term rentals which was the definition of the permitted use and it can continue. The problem is that the recently the ZA did not tell the prospective buyers that they can continue this formerly permitted use under the new ordinances. (Renting both short term and long term so long if they don't stop doing so for 12 months consecutively. The second single family dwelling also became grandfather non-conforming under the new ordinances.) The definition of "single family dwelling" was changed by the new ordinances so that it is no longer allowed 2 dwellings

on the same property. However, under ordinance 87 the definition did not say that we could not have 2 single family dwellings. This issue was resolved at the hearing 2 years ago when we were given 2 rental licenses to rent 2 single family dwellings.

Applicant advises that she never asked for this interpretation of "commercial lodging" term. ZA asked the ZBA (at the December 15 meeting) to define temporary commercial rental because the Planning Commission asked him to do so in 2019.

Applicant continues, to summarize, our request was initially to ask the ZA write a letter to describe the potential uses on our property to give as a boiler plate response to all zoning inquiries to avoid confusion and contradiction because this property is made very complex by the new ordinances grandfathering our use and our second dwelling. A draft of letter was given. Since then, a modified draft was presented because new issues have come up where the buyers want to live on the property permanently and also do rentals on the other house and that they would have to transition to the newly permitted use of resort detached unit and that definition has the term "temporary commercial/temporary rentals" in it and it is not defined. There is no definition of commercial lodging. It is a category header in the chart of permitted uses. ZA has responded stating that potential buyers could only rent both houses to the same person whereas the definition allows more than 1 detached unit to be rented in a resort if they choose to transition to that use. That is not our intention because it does not match the definition of what we have been doing since 2014. Until we are able to sell, we intend to continue our current historical use and have submitted our entire rental history to prove we have been doing primarily short-term rentals since 2014.

Anderson addresses applicant: At the December 9, 2018 regular meeting of the ZBA, the applicant is asking for an interpretation of a dwelling detached units/multiple family (Section 9.02 and Section 15.05), the Board answers this as it is beyond the scope of the authority of the Board. The Board did not offer an opinion or give a definition. Just to be clear.
Applicant answers that this was a different request – this was for a special use permit for multi family and I've come to learn that multi family does not qualify – this is actually 2 detached single family dwellings. Multi family is dwellings in the same buildings. The only use in the old and new ordinances that matches for renting 2 single family dwelling is "seasonal resort home."

Chair: I am still trying to figure out what you are asking us to do. You are currently operating in a legal fashion (per the ZA), your use while not in current compliance with the old ordinances or new, you are being grandfathered in and you can continue that use as long as you like as well as a future owner, unless they change the use classification of the property. What are you asking us to do?

Applicant: I am here because the ZA has not told 3 potential buyers that they can continue the use and given them contradicting information. (Both short term and long-term rentals). As a result of contradicting information 3 potential buyers have backed out. I am asking that the letter be approved so that it can be sent out (without more Township time) saying these are the uses and if you want something different you have to have a formal site plan review hearing with the Planning Commission to start a different business.

Chair asks if the Board has any questions to the applicant.

Rettig asks a question to Van on his comments – specifically #1 – "the parcel does not comply with the permissions granted in the 2004 Special Land Use Permit." ZA answers saying that the SLU permit of

2004 allowed for the rear dwelling unit to be used as a dwelling unit and the front structure to be used as a business. Because we are aware of the way that it has been used for an extended period of time, I agree that it is a non-conforming use. I wanted to state that the use of 2 dwelling units is not permitted by the SLU permit, but the fact that she has been operating 2 dwelling units with the Township's knowledge, makes it a non-conforming use and that she may maintain the same method of use until someone wants to change it. Anderson adds: The Township has granted rental permits for both units. The Township is clearly aware of the SLU permit of 2004 and the applicant is operating not in compliance but operating 2 rental units and their permits have been granted. They are currently "legal" and they may continue. I am still unclear why we are here.

Applicant: We are not operating under the SLU since 2014. We are operating under what was formerly a permitted use "seasonal resort home." The SLU permit is permanent and goes with the land, but it is not what we are utilizing. Future owners could reutilize the SLU if they wanted to – that would be the change – rent both houses to the same family permanently rather than on a primary short-term basis. One of biggest problems, ZA has told buyers they can only rent for a maximum of 29 nights. 3 contacts have fallen through.

ZA: I disagree with Ms. Putnam's comments. The reason I have not presented a letter as requested is I don't think it's my job to interpret the ordinance by making a blanket statement. It sounds like Ms. Putnam wants a letter that says: 1) It is a non-conforming use and 2) it may continue as it is, until the use has changed reference Article 8 and Article 17 in the ZO #144 to indicate that compliance with those two Articles would be required if the use were changed. If that is acceptable to the Board and Ms. Putnam, that may help resolve. We have already established that she is using it both short term and long term and we have permitted it. Applicant asks the ZA why he is stating that rentals can only be 29 nights – short term only. ZA answers: I have never said short term only, what I have said was "if they want to operate as a detached unit resort", it does use the term short term rentals. Applicant interjects that it says "temporary" – this is the confusion. ZA references MI HB 4554 rental terms and the term in the bill reads and defines short term rental as "not more than 30 consecutive days". Therefore 29 is incorrect.

Chair now tries to summarize by stating that Ms. Putnam may continue to operate as she is currently operating and any future people may continue to operate that way as long as they recognize that they are a non-conforming use and they are not going to change to a different use classification which would reduce the amount of time they can rent. ZA: That is correct. I apologize for the 29 days; it should be 30. I have told people that if they change and go to short term rental, they may not go back to a combination of long term and short term, because the ordinance says once you make it less non-conforming you may not return to the previous use.

Applicant: That's why we are here. If they change to resort detached unit, that definition says temporary basis. There is no short-term limitation in the ordinance.

Rettig: Isn't temporary basis synonyms with short term? Applicant: We also came up with the definition we came up with 2 years ago of renting primary "short term" meaning more nights short term than long term, the longest rental in the history to prove compliance was 7 months.

Anderson: I keep coming back to the fact that you are operating legally, you are renting short term and long term. If you or a future owner continues that use, there are no changes. It is when someone makes

a change, they need to comply with the ordinances or as ZA has stated if you reduce the non-conformity, you cannot go back to a higher non-conformity.

Applicant: The question from them has been if they want to live permanently on the property, ZA is telling them that they have to transition to "resort detached unit" and then they could only rent short term, but the definition is actually "temporary."

ZA – that is one of the reasons I have requested an interpretation. We need to know what temporary is. When we refer to our rental ordinance, we indicate short term and long-term rentals. We need to get some collaboration between the ordinances to have continuity and we don't have a definition for temporary.

Applicant: there is also no definition of private vs. public – that may also add clarity. Rentals held out to the public are commercial use, whereas, private rentals in residential housing is defined by the state of Michigan as vacation rental.

Chair: This is all very interesting. You want to operate as you have been continuing to operate – no one is stopping you. The minutes of our meeting will reflect that ZA has said you may continue as you are operating and a future person may continue – until the use changes or they try to reduce the non-conformity. We have it in the minutes, clearly, what is allowed.

Chair directs question to Attorney Hilmer – who states he agrees with what Chair is saying. Chair continues, I don't believe a letter is necessary. The minutes can be referenced.

Rettig: continued use is the operative word. No more needs to be said or done.

Chair: The Planning Commission can certainly look at the definitions, but for this applicant, there is no assistance in doing that.

Applicant: I just need something written that clearly says primarily short term is more nights short term than long term – it's a temporary transient use rather than a permanent primary residence.

Chair asks applicant how has she been operating? Applicant: exactly that – primarily short-term rentals. Chair confirms that she may continue to operate that way. Applicant disagrees and says that ZA has told new buyers they cannot.

Chair states he does not believe that ZA has done so, he has told them that if they change the use or the non-conformity, then they will have to comply with new regulations.

ZA advises that he has never told anyone that they cannot continue the use. Multiple people have asked multiple questions.

Dow comments that he thought this was all solved in 2018 and 2019. Yes, seasonal home went away with the new ordinance, but the whole notion of "detached unit resort" was not only in the new ordinance, but the solution to Ms. Putnam's situation. Provisions were made in the Zoning Ordinance to allow for 1) an owner or manager to live on site and b) the term "temporary" was put in place to cover a mix of long-term rental. The detached unit resort was always what we had told Ms. Putnam was the next step to cover her under the new ordinance. I would suggest that we do define temporary – less than

1 year. This does not conflict with our short-term rental ordinance. Temporary will mean rentals of less than 1 year.

Chair interjects that while this is a good start, it will require a larger conversation. I would redirect us to our applicant- Peacock Place is currently operating as a non-conforming use and ZBA and ZA recognize the use while non-conforming may continue as long as Peacock Place owns the property or as long as a new owner does not make changes to the use classification or the structures of the buildings. Applicant adds the Ordinances says (Article 8) if it is stopped for 12 consecutive months. ZA states that those words are in the ordinance and does not need to be repeated. If we do write a letter, we should make it short and clear. This question is now directed to Attorney Hilmer. No answer – audio trouble.

Chair asks for other Board comments. Sellers also confirms that she does not understand what the applicant wants – more than what she already has. I do believe a definition of temporary would give more clarity.

Rettig agrees that applicant may continue her use but doesn't feel that a letter is in order. Whether we definite temporary now or when the ordinance is amended, her use may continue until the use changes.

Sellers wonders what is the harm of defining temporary? ZA feels that is would be the task of the ZBA to definite temporary, but it need not be done necessarily today, but Ms. Putnam's issues should be resolved by confirming 1) she is operating as a non-conforming use and 2) as long as the operation stays the way it is, it may continue to be permitted as a non-conforming use.

Chair says that we need to formalize. Applicant says she needs it to say short term and long term.

Rettig asks ZA if we are able to do so. ZA says that definitions don't have anything to do with it, just the fact that it is a non-conforming use and may continue. Applicant: May it include 2 detached single family dwellings with short term and long-term rentals under Ordinance 87? ZA – we are not under Ordinance 87.

Sellers: This property has had a special land use and it is being rented under seasonal resort home with short term and long term – this property has 3 possible designations? Applicant answers: seasonal resort home and special use permit. Sellers: So, what was grandfathered? Applicant: The season resort home use the 2nd single family dwelling has been grandfathered by the new ordinances – 2 on a single lot. Sellers continues asking ZA – So she is allowed to use any one of these?

ZA answers that seasonal resort home was modified to "detached unit resort" and if she wants to operate under that designation, she will have to comply, and I certainly wouldn't tell anyone that they have to do that – currently they have the benefit of the existing non-conformities and that benefit stays until someone make a decision to change it. It is in our ordinance that they may stay that way. The 2004 SLU still exists, but our new zoning ordinance has allowed for that and we are hoping to correct in our amendment of the ordinances. But Ms. Putnam has indicated that she is operating as a season resort home.

Chair – and to continue a seasonal resort home can operate short term and long-term rentals up to …..

Sellers: Can an owner live there in 1 of the properties?

ZA: Yes – 1 would be a rental for temporary and the other would be their residence and that's in the definition of a detached unit resort.

Chair: A detached unit resort does not comply because the verbiage says it must comply with the requirements of multi family housing which says that each individual building must contain multiple dwelling units. So, we have a situation where 2 homes each is 1 dwelling unit.

Dow reads the definition. Resort, Detached unit – a facility consisting of a number of detached dwelling units as well as accessory uses such as an office or recreational facilities, where the dwelling units are offered for temporary accommodations and are not available for permanent residence, other than the owner's and/or operator's primary residence, or separate ownership from the overall facility. This replaces the former "seasonal resort home"; we made modifications to cover Peacock Place; the problem ZA is running into is "temporary" and let's go back to the agenda – define temporary.

Applicant: I too thought this was solved by creating resort detached unit. State law only issues 15 license for resort for all of the townships under 50,000. All are competing for these licenses.

Dow asks Applicant: Detached Unit Resort will not work for you? We have done all we can to help you.

Chair: Somehow our minutes need to reflect that Ms. Putnam may continue to operate as she has been a non-conforming use and she may continue in the same manner until the use has changed or the buildings are modified. Instead of she, let's make it the "use" may continue. Chair turns to Mr. Hilmer for guidance.

Mr. Hilmer: You are on the right path – put it in the minutes that the use as it has been may continue in the manner it has been.

Applicant – both short and long term… that's been the major conflict…

Dow: In ZA's defense every time the short-term issue came up it was in the context of new owners wishing to switch to detached unit resort. You have just taken detached unit resort off the table. The issue in short term was detached unit resort. Let's get the points down stating that short term and long term are accepted as part of the current use.

Sellers – I totally agree – the description can be in our minutes.

Chair: Secretary Rettig please read what we have and the members will vote to approve:

Rettig: The ZBA confirms that 1) the land currently has non-conforming use which consists of short term and long-term rentals 2) the use for this property may continue in the same manner until the use is changed or the buildings are modified.

More discussion about single family dwelling units, recognizing the nonconformity, renting the houses to the same family, which was agreed upon was misinterpreted; 30 days meaning short term. 2 dwelling units do not have to be the same tenant in both units.

Public Comments:

Jill Underhill – lives next to Peacock Place and questions the applicant's original request of years ago under future resolution that 5 houses may be built.

Dow answers: my memory of the discussion in 2018 ZBA and 2019 Planning Commission, Ms. Putnam was originally going to split the lot and then the application was withdrawn because there was not enough property to split the land and there was no road access to the rear of the property. The property is too small to be split – other than accessory structures – no other structures may be placed on the property. ZA: Density would have to be looked at.

Chair reigns everyone in and asks Rettig to again read the verbiage which will be placed in the minutes:

The interpretation of this Board as it pertains to Peacock Place is that

1) **It is currently a non-conforming use including short term and long term rentals;**
2) **The use for this property may continue in the same manner until the use is changed or the buildings are modified.**

Anderson makes a motion that we approved the above verbiage which will be placed into the minutes for Ms. Putnam's use in attempting to sell the Property. Dow Seconds.
Roll vote: Rettig: Yes; Sellers: Yes; Dow: Yes; Beemer: Yes; Anderson: Yes.

Chair asks for any further comments from the public maximum of 3 minutes per person. None.

Chair notes for the record that **Case #1190 was withdrawn.**

With no further business to come before the meeting, the Chair declares meeting is adjourned at 2:32 p.m.

Respectfully submitted,

Elisabeth A. Rettig
Recording Secretary

Date Approved: APRIL 20, 2021 **

**

ADDITIONAL COMMENTS FROM ZBA MEMBER BOB BEEMER (WHO WAS PRESENT AT THE JANUARY 2021 MEETING) WERE APPROVED TO BE ATTACHED TO THESE MINUTES.

ZBA Chairman Larry Anderson,

1. Please submit two corrections to the 1/19/2021 minutes. Case #1184 Annette and Reinhard Brinkmeier – 13480 Main Drive, Harbert MI.

Page 2, Paragraph 7 "Beemer disagrees and setback is important." Please add my other comments as follows - " I was not involved in prior meetings and "promises" which may or may not have been made. This issue of meeting the front yard setback requirement stands on its own. This is not a negotiation about satisfying 2 of 3, or 3 of 4 requirements. Allowing 25 feet into a 30 foot setback is extreme. I don't understand why this is being considered as acceptable by this board."

Page 3, Criteria #4. Correction: "Beemer states this is not the minimum variance to make this possible. 25 feet into a 30 foot setback is not minimal. There is adequate space to move the structure further back into the owner's property where the current deck and fence is located, reducing the size of this variance."

2. Please include my additional comments concerning our zoning standards into the minutes of TODAY'S 4/20/2021 ZBA Meeting, as written below.

Chikaming Township Zoning Ordinance - Section 7.12 Streets Roads and other Means of Access
A. Intent. Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services and other public services and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.
D. Road and Driveway Standards 2d. – Private Roads shall be located within an easement or right-of-way at least 66 feet wide. The road shall have a minimum width of 24 feet.

Many of our older neighborhoods have private roads which do not meet the above safety standards. Main Drive in Harbert Woods has a narrow right-of-way width measuring only 25 feet. The road width measures approximately 15 feet. For this reason the 30 foot front yard setback requirement on these older narrow (non-conforming) roadways is even more important to allow for emergency services and to promote the health, safety and welfare of the public, as stated above in our Zoning Ordinance Document.

The ZBA's 3:2 decision on Case #1184 - to ignore these standards and allow a variance of 25 feet into a required 30 foot setback is highly unusual. I served on the Township Planning Commission for eight years and have served on the ZBA for four years. I have seen a front yard setback variance approved for 4 inches, 6 inches, and sometimes a bit more with good cause. I have never seen approval for a 25 foot front yard variance.

Main Drive is a narrow 25 foot width road right-of-way which services many homes in a high density neighborhood. The township standard is a front yard 30 foot setback, with 66 foot width road right-of-way. The ZBA vote on January 19th to reduce the required 30 foot setback to a 5 foot setback, on a 25 foot road right-of-way is irresponsible at best.

Respectfully, Bob Beemer
Chikaming Township ZBA
4/20/2021