

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the November 15, 2016, Regular Meeting
APPROVED

The November 15, 2016, regular meeting was called to order by Chairman Lee Strohl at 1:00 p.m. with the following regular members present: Lee Strohl, Liz Rettig, Mario Zarantenello, Carol Sizer, and Kathy Sellers.

Also in attendance were the following (on sign in sheet): David Bunte, Jill Underhill, Marcia Anderson, Mary Almer, Ms. Almer's Builder, Linda Miller, Robert Mille, Glen _____(illegible), Kris __ (illegible), Sarah Doty, Leo & Sue Krusak. It is also noted by secretary that Attorney Hilmer is present.

Before we begin the meeting Chairman Strohl introduces our new Zoning Administrator (Van Thornton). All welcome him and look forward to working with him and Strohl thanks him for coming. Sellers asks what days are his regular hours. Van answers that his regular hours are Tuesdays, Wednesdays, and Thursday, 8:30 a.m. to 4:30 p.m.

The first order of business is to approve minutes from the October 19, 2016, Zoning Board of Appeals meeting. Sizer notes minor word corrections on Page 2 (application changed to applicant) and "little" changed to few; Page 3 add Woods Lane to Herron; Page 4 year should be yard; page 4 required to requirements; Zarantenello notes the variety of ways his name is spelled and asks it be corrected throughout the minutes; Strohl notes that Beacon on Page 4 should be capitalized; Page 2 (It is to Is it); Rettig notes on Page 4 that Case #1120 should be 1122. Zarantenello motions to accept minutes as corrected; Strohl seconds. All Ayes. Motion carried and minutes are approved as corrected.

Case 1123 at 1:00 p.m.: May Almer, property owner, Property: 315 Woodlawn, Bethany Beach, Sawyer MI 49125 Property Code No.: 11-07-0770-0133-00-3

The request is from Section 4.06(D) which allows a maximum building height of 18 feet on an NCR-1 lot. Applicants propose to build a new dwelling with a height of 20 feet.

Chairman Strohl asks if anyone is here on behalf of applicant. Mary Almer (with her builder) are present. She goes on to say that they started this process in June and had her plans approved by Chris Miller in September. Further, that it wasn't until the lady from New Buffalo (Estelle Brinkman, the interim zoning administrator) saw a problem with the 2 feet over the allowed height that she had to get a variance and that she has been delayed in the completion of her building. Many letters from the neighbors. In her estimation this would be a hardship because the upstairs would be cramped and she would have to duck because of the height of the ceiling if the variance was not allowed.

Strohl asks Board if there are any questions for the applicant.

Sellers asks the contractor if 1 foot of the 20 feet is for insulation. Builder says that the rafter is 2 x 12 so yes part is for insulation. Sellers goes on to say we have allowed 19 feet for the 1 foot

of insulation. Sellers also asks about the height of the ceilings, 10 feet? Builder advises that some are 9, some are 8 and some are 7. It is a unique design. Sellers goes on to ask if applicant were allowed 19 feet of height, would it work in the bathroom and she would not have to duck and it would be a normal doorway? Builder says it could.

Sizer goes over Article 4 and is there an accommodation that considers height of neighboring parcels. Rettig states that she asked Mr. Thornton if there was anything in the ordinance that says we can do an average of the height of the neighbors' houses? He said there is nothing in the zoning to that affect (front yard setbacks, yes). Mario: I will bring that up to the Planning Commission because we are currently making some zoning changes to bring variances to a more reasonable number.

Sellers: When we look at the 5 points of the application, does she meet all of the criteria? The board has some general discussion regarding the unique circumstances, is the new house on the old house footprint, are the new plans making the house "better," what were the old setbacks and are they different now, are the setbacks being improved? Rettig notes that the survey from 2015 shows that old structure was within the setbacks. The Board continues and notes that the new building is still within the proper setbacks. Sizer asks why the house can't be set down lower so that the total height does not exceed. Owner advises that they were granted a temporary permit and their foundation is already in based on the plans that were supplied to the building department. The plans that were submitted were approved by Chris Miller and after the fact, the interim zoning administrator said they needed a variance. Further discussion regarding zoning changes to allow for insulation and new R-45 insulation for roofs and height. Board looks at neighboring pictures of houses that are all in excess of 18 feet but not enough information provided to determine if they are on conforming lots, non-conforming or when they were built and if they did or did not get a variance. The Board in general feels that the 20 feet has more to do with insulation allowances. Sellers speaks that Chris Miller set the tone and whose mistake this was is not going to be talked about and this is the practical difficulty including misinformation at the time the building permit was issued and an issue not of the applicant's making and the application was approved to go forward and it is too late to change the foundation. So Question 3 on the application – no the circumstances are not of the applicant's making. Further discussion regarding Question 5 – will the variance be in harmony with the spirit and intent of this Ordinance and not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare. Yes in harmony and not injurious.

Chairman Strohl now reads the letters from the neighbors who are all in favor and give their support: Rabe; Yetterberg; Peterson, Schaub, and Arnold Almer.

Chairman Strohl asks if there is anyone from the floor. None.

Zarantenello makes a motion to approve Case #1123 based on the finding of fact that the practical difficulty does exist and it is not self imposed; no health or safety issues are involved, and it is in keeping with the spirit and intent of the Ordinance and neighborhood, this is a minimum request, and it otherwise meets all other requirements and setbacks; Sellers seconds. All Ayes. APPROVED.

Strohl: Is there any other business for the Board/comments from the public?

Leo Krusack asks if there is a height restriction in our Township. Board says it is dependent on many factors and is in our zoning ordinance book which is on line at our Township website.

Jill Underwood asks about the payment of \$2700 on the Sidrys matter per the Judge's order. Sellers comments that there is a special hearing in January on this matter. This board has no comment on this matter at this time.

Zarantenello speaks regarding an update on the last Planning Commission meeting. The Planning Commission made a recommendation of one (1) year for a moratorium on new development along Red Arrow Highway. Rettig corrects that the general Board only approved the moratorium of one (1) month. Planning Commission will also be looking at the Zoning Ordinances that continuously come up (2 side yards, etc.). Sizer asks why the moratorium? Zarantenello comments that much work went into the Master Plan and the green corridor for Red Arrow Highway and that the Master Plan and the Zoning Ordinance are not running hand in hand and this needs to be looked at. Also the Red Arrow Study was discussed and needs to run hand in hand with the Ordinance. Strohl asks if the Township has the authority regarding changing the configuration of Red Arrow. Zarantenello advises that the new road commissioner is more amenable to looking at and someone to talk to and it is up to the County to decide on any changes to the road. Zarantenello talks about the study from Roma's Pizza to Sawyer done some time ago.

Sizer motions for adjournment at 1:32 p.m. Zarantenello seconds. All ayes. Motion carried.

Respectfully submitted,

Elizabeth A. Rettig
Recording Secretary
APPROVED: 12/20/16