

CHKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the December 18, 2007 Meeting

Proposed

The December 18, 2007 meeting was called to order at 4:00 p.m. by Lee Strohl, who was the acting chairman for Carl Anderson while he was on vacation. Members in attendance were Jeanne Dudeck, Mike Livengood and Kathy Sellers, who recorded the minutes while Marisue Hojnacki was on vacation.

Also in attendance was Zoning Administrator Betsy Bohac.

Livengood moved, supported by Dudeck, to approve the minutes of the November 20, 2007 meeting, Motion carried.

Case No. 926 Property Code No 11-07-0002-0007-02-5 12850 Super Drive, Sawyer Michigan 49125. (4:00 p.m.) Chimen Patel read a letter, that is included in the record of this case, for his brother Peakash Patel, who is requesting a variance from Section 15.03 paragraph B of the Chikaming Township Zoning Ordinance No. 87 which does not allow for an accessory building or structure in any portion of the front yard and Section 15.03, paragraph D, which requires 10 ft between any accessory structure and principle building in a Commercial District and Section 14.02 which requires a 25 ft front yard setback. If granted, the variance would allow construction of a 1 story, 20' by 26' detached garage located in the front yard which will encroach 5 feet 4 inches into the front yard setback and be approximately 5 feet from the primary structure.

The letter stated that there is already a pad existing that had been granted permission for the parking of the owner's vehicles. The garage's placement would be on this pad. To place the garage elsewhere is impossible because of a retention pond, fire hydrant, gas and other utilities, and would block the swimming pool windows as well as the emergency exit. The garage would only be used by the manager, and it will be five feet from the door. The garage will be unheated.

Betsy Bohac had three inspections done prior to this meeting. Fire Chief Davidson went out to the property. He stated that if the garage is to be 5.5 to 6 feet from the main structure instead of the required 10 feet, there were the following conditions which must be met. Material with a one hour fire rating must be used on the ceiling and walls that are adjacent to the building and a smoke detector installed that is directly hard-wired to the alarm system in the motel. Mechanical inspector Ed Wainwright looked at the exterior vents and the A/C condenser and stated there would be no impact on these from the garage construction. And, electrical inspector Pinkston went out to the site on two occasions in October. He stated that the two metal sheds on the property be brought up to code, the new garage has to meet all codes, including that the electrical work be done by a Michigan licensed contractor. He will need a building permit from Building Inspector Mr. Gaul who can also advise the owner about requirements and specifically wants stamped and signed construction documents by a licensed architect or engineer.

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Kathy Sellers noted that the building was already started and Mr. Patel explained that there was confusion in the beginning of the process but immediately ceased construction in order to obtain the proper approval. Dudeck expressed her gratitude to Bohac for gathering these resources before this meeting, thus helping the board to come to its' conclusion.

Dudeck moved to approve the variance request for Case No 926 and allow construction of a 20' x 26' detached one story garage that will be located in the front yard, encroaching 5 feet 4 inches into the front yard setback and be approximately five feet from the primary structure. This will be allowed with adherence to the conditions set forth by the fire Chief, the mechanical and electrical inspectors and permits from Mr. Gaul. The practical difficulty in this case is that there is no other place to put the garage due to the reasons stated. Smoke detectors will be added and an alarm installed in the garage which is directly linked to the motel.

Livengood seconded the motion. On roll call vote all members voted aye. Motion carried (4:15 p.m.)

Case No 927 Property Code No: 11-07-0840-0055-00-7 149 Hillside Shorewood Hills, Sawyer Michigan 49125 was withdrawn. (4:15 p.m.)

Donna Morgan had requested for a variance from Section 15.03, paragraph B, of Chikaming Township Zoning Ordinance No.87, which does not allow an accessory building or structure in any part of the front yard in an R-1 Single Family Residential District.

If granted, the variance would have allowed for construction of a one story, 20' x 20' detached garage in the front yard. The proposed garage would have met all required setbacks. The board received a letter from Architect Christopher Brooks on behalf of Ms. Morgan stating that they now intend to attach the garage, it will not be considered an accessory building and therefore no variance is requested.

Case No 928 Property Code No: 11-07-0770-0120-00-9 115 Woodlawn Ave Bethany Beach Sawyer, Michigan 49125 (4:30 p.m.)

Mr. Walker is requesting a variance from Section 4.06D of Chikaming Township Zoning Ordinance No.87, as amended, which allows for 20% maximum lot coverage in an NCR1-A District and Section 14-02 which requires a 30 foot front yard setback. And, if granted, would allow a 26' x 14.5' addition with a front yard setback of 18.3' off Woodlawn Ave., and a 15' x 30' addition in the front yard setback of 19.5' of Second Street. The total lot coverage would be 23.5%, (77.60 square feet) on a lot with 10,937 sq. ft.

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The floor was opened and Warren Jensen represented Mr. Walker.

Dudeck stated that the plat map provided did not show a lot split that lot 120 and one half of lot 119 had been joined as one lot. Mr. Jensen said he would look into this and see if it had been done and recorded. He would notify Bohac of his findings. Right now it is showing lot 120 as a stand alone lot. Per Bohac, lot 118 is showing that the other half of lot 119 does go with it.

The current house has non-conforming setbacks. The proposed addition to the east is to be 19.5' from Second Street and will be 18.3' from Woodlawn. The addition from Second Street will reduce the existing non-conformity and also reduce the non-conformity from the garage. In the end the total non-conformity will be reduced. There is no problem with the back setback, He is asking for a small variance in regards to land coverage, only 3.5%. The board received a letter of approval from the Bethany Beach Corporation Association signed by Robert Kallberg and Harvey Kallberg.

Dudeck moved to grant the variance as presented and allow the construction of 26' x 14.5' addition with front yard setback of 17.3' off Woodlawn Ave and a 15' x 30' addition with a front yard setback of 19.5' off Second Street with a total lot coverage of 23.5% (77.60 sq. ft) on a lot with 10,937.50 sq ft.

The findings of fact are that the property is a corner lot, having two front yard setbacks and the non-conformity of the existing house on the property. There are no public safety issues and they are making a reasonable request to accomplish their building goals.

Kathy Sellers seconded the motion. On roll call vote, all voted aye, motion carried (4:45 p.m.)

Livengood moved, Dudeck supported to adjourn the meeting at 4:46 p.m. Motion carried.

Kathy Sellers,
Zoning Board of Appeals Secretary