

CHKAMING TOWNSHIP ZONING BOARD OF APPEALS
Minutes of the February 15, 2011 Regular Meeting

The February 15, 2011 meeting was called to order at 1:00 p.m. by Chairman Lee Strohl with members Jeanne Dudeck, Carol Sizer and Mario Zarantenello present. Kathy Sellers was not present as she stated at the January meeting.

Zarantenello moved, Sizer supported to approve the minutes, as proposed, for the January 18, 2011 meeting. Motion carried.

Case No. 997 Property Code No 11-07-4730-0007-01-9 15612 Isobel Street, Union Pier, Michigan

Susan Saunders, Unit 5 and Nancy Valente, Unit 1 explained their request for a variance from Section 4.03 of Chikaming Township Zoning Ordinance No. 87, as amended, which does not allow a non-conforming structure to be enlarged or expanded in such a way that would increase its non-conformity; and Section 4.06 D which allows a 20% maximum lot coverage on a NCR1-A lot; and Section 14.02 which requires a 30 ft. front yard setback. If granted, the variance would allow construction of a 7 ft. x 10 ft. screen porches on Unit 1 and Unit 5 of the Covington Cove Homeowner Association cottages. Both porches would have a 12.5 ft. front yard setback and encroach no further than the existing dwelling units. A portion of the porch would be built over existing deck and the entrance stairway would be relocated directly across from the front entrance door. The porches would have access only from the dwelling for security reasons.

Chairman Strohl read the January 29, 2011 letter from Marc and Ellen Ziegler, Unit 2 which stated various reasons for their opposition to the request.

Dudeck moved, Sizer supported to approve the variance as requested, allowing the construction of the porches which would increase the lot coverage from the current 40% to 42% on the finding of fact that this was a reasonable request being these were existing structures before zoning requirements, the construction would improve the safety by relocation of the stairway and another exit door from the dwelling. Motion carried.

Case No. 998 Property Code No 11-07-0003-0006-35-3 12585 Oak Park Drive, Bethany Beach, Sawyer, Michigan

Architect Chris Brooks and property owners Norman and Stephanie Frees presented their request for a variance from Section 4.03 of Chikaming Township Zoning Ordinance No. 87, as amended, which does not allow a non-conforming structure to be enlarged or expanded in such a way that would increase its non-conformity; and Section 4.06 D which allows a 20% maximum lot coverage on a NCR1-A lot; and Section 14.02 which requires a 30 ft. front yard and 30 ft. rear yard setback. If granted, the variance would allow construction of an 8 ft. x 22 ft. covered front porch and a new 14 ft. x 30 ft. rear screen porch, and replacing an existing deck with a new roof and deck over the existing foundation. The proposed construction would increase the lot coverage from the existing 19% to 25.3%. The front yard setback would be reduced from the present 29 ft. to 26.75 ft. and the rear yard setback would be reduced from the present 24.5 ft. to 19.66 ft.

Brooks explained the need for a handicapped accessible entrance for a family member being the dwelling is located on a steep incline which resulted in the redesigned front porch. The

construction would also provide an additional exit at the back of the property and additional outdoor living space with the screen porch construction. The area to the west of the dwelling was considered for the porch construction but the family wanted to maintain the open park view with their property and the Bethany Beach property. After careful consideration, it was decided the area at the rear of the house was the best location.

Chairman Strohl stated the request has been approved by the Bethany Beach Corporation Association. The December 4, 2010 letter from Pearl Glauser, property owner to the northwest and December 15, 2010 letter from Rick and Holly Blake, property owners to the east were read into the record. Both were in support of the project.

Sizer moved, Dudeck supported to approve the request and allow the construction as requested on the finding of fact that this was a reasonable minimal request to address the handicap accessibility issue, the undersized lot of record, no public safety issues and the approval given by neighbors for the rear yard reduction. Motion carried.

Case No. 999 Property Code No 11-07-0019-0059-02-0 9182 Pier Street, Lakeside, Michigan

Brian Kidd, architect, Sally Taylor, attorney and Pablo Denes, property owner all provided information on the request for a variance from Section 14.02, of Chikaming Township Zoning Ordinance No. 87, as amended, which requires 10 ft. side yard setbacks and Section 15.30 B, which does not allow an accessory building or structure in any portion of a front yard in an R-1 Single Family Residential District. If granted, a new 1 ½ story home would be located on the property with a 5 ft. 3 inch side yard setback on the Northwest side of the house and 6 ft. 7 inch side yard setback on the Southeast side of the house on a lot with 48 ft. of road frontage. Also proposed is an 8 ft. x 16 ft. 7 inch one-story detached carport that would be located in the front yard and have a side yard setback of 7 ft.

Zoning Administrator Betsy Bohac explained that the variance for the replacement dwelling on a non conforming lot was not necessary as this issue had been addressed in Case No. 947, August 19, 2008 and approval had been given for buildable lot status and rebuilding of a dwelling that will meet all zoning ordinance requirements for an NCR1-B lot. She further stated that correct first floor area is approximately 1,300 square feet not the 632.5 ft. she used in the notice letter. The 632.5 ft. was the elevation of the first floor and not clearly identified on the site plan.

Attorney Taylor provided information on the history of the property which was a lot of record before zoning and Case No. 947 which addressed approval for dwelling construction.

Architect Kidd provided details on the challenges of meeting his client's requests on the non conforming lot; maintaining views from the upper story bedrooms and an eastern exposure for the lower level to provide natural light into the structure on this narrow lot. Kidd also explained the topography of the southern end of the property as it nears the ravine. The design also took into account the existing home on the property to the west and addressed the privacy for both properties by placing windows in carefully selected locations.

Property owner Denes stated that he is planning on retiring at this property and needs a year round house. He is very happy with the neighborhood and wants to stay if possible.

Chairman Strohl read the February 14, 2011 note from Charles Burke who stated that setbacks should be maintained and the February 10, 2011 letter from Charles and Patricia Herbst, the property owners to the northwest, who were not in support of the proposed plan.

Discussion was held with the Board members and all parties involved on the possibility of turning the second story from the proposed east west location to a north and south location to soften the impact and shifting and resizing the entire structure to provide 10 ft. side yard setbacks. Kidd responded that the turning the second story would be possible but the window views would be lost and the windows would look into the neighbor's house which was not desirable. A compromise would be necessary from all parties to allow this project to go forward. Board members all agreed the accessory structure in the front yard was a reasonable request due to the 48 ft. width of the property which would make it very difficult to locate the structure in the side or rear yard.

Zarantenello moved, Dudeck supported to approve the following for the project:

1. The first story will meet the 10 ft. side yard setbacks and other R-1 required setbacks.
2. The second ½ story only would be allowed to have 5 ft. 3 inch northwest side setback and a 6 ft. 7 inch south east side setback. This location as shown on the drawing provided.
3. The carport could be located in the front yard which would need to remain an accessory storage shed only and carport for 1 car. This structure would meet the 10 ft. side yard setbacks and also a minimum of 30 ft. front yard per R-1 District requirements.

Finding of fact:

This is a lot of record, the topography at the south of the lot and the width of the lot make it very difficult to design a serviceable dwelling meeting all required setbacks, the location of the carport is reasonable as it would be very difficult to locate this structure at the rear of the property. The decision takes into account the needs of the property owner and the concerns of the neighbor's property by addressing the privacy issues for both parties to the best means possible.

Zoning Administrator Bohac asked the Architect if the Building Codes would allow the cantilever of the second story. He assured her the design was possible.

On roll call vote: Zarantenello – yes; Dudeck –yes, Sizer – yes and Strohl – yes.

Motion carried.

Being there was no further business to come before the Board, Dudeck moved, Strohl supported to adjourn the meeting at 3:00 P. M. Motion carried.

Jeanne Dudeck, Zoning Board of Appeals Secretary