

# CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS

Minutes of the July 19th, 2011 Regular Meeting

## APPROVED

The July 19th, 2011, meeting was called to order at 1:00 p.m. by Chairman Lee Strohl with members Jeanne Dudeck, Carol Sizer, Kathy Sellers and Mario Zaranenello present. Zoning Administrator Betsy Bohac and Recording Secretary Theresa Priest were also present. No members were absent.

Sizer moved, Dudeck supported to approve the minutes, as proposed, for the June 21st, 2011 meeting. Chairman Strohl did make note of one misspelled word in June's minutes for Case # 1006. "wadding" pool will be changed to "wading" pool.

Motion carried.

### **Case No. 1009 Property Code No 11-07-5620-0008-00-9 9202 Kruse St., Lakeside MI 49116**

Robert and Barbara Marquart, property owners, presented their request for a variance from Section 4.03.2 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 4.06D which requires a 30 ft. front yard setback and allows a 20% maximum lot coverage on an NCR1-A lot. No correspondence for or against the request was received.

If granted, the variance would allow construction of a 14 ft. x 16 ft. screen porch that would square off the north corner of the existing dwelling. The proposed screen porch would not encroach any further than the existing 22.6 ft. front yard setback and would increase lot coverage to 23%.

Mr. Marquart explained that because there is just no room at the back of the lot, the logical progression would be to expand in the front if possible. He also stated that by expanding in the front the property would be enhanced by squaring off the home and giving it a more cohesive look.

Member Sellers moved to approve the variance on the finding of fact that the home was built before the current Zoning Ordinance was put in place, the request was reasonable, minimal and well presented, and posed no public safety or health issues. Member Dudeck supported the motion with all voting aye.

Motion carried.

### **Case No. 1010 Property Code No. 11-07-4730-0007-01-9 15612 Isobel St. Union Pier, MI 49129 Covington Cove Units # 2 and # 4**

Marc and Ellen Ziegler, owner of Unit #2 and Grace Touhy, owner of Unit #4, 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 it would increase its non-conformity. One letter of correspondence was received from Nancy Valente and Susan Saunders, owners of Units #1 and #5, respectively, stating concern for property encroachments of the proposed variance, but not in opposition to the variance request itself.

If granted, the variance would allow construction of one (1) 7 ft. 1 in. x 12 ft. 10 in. screen porch on each unit, utilizing some of the existing deck and altering the current configuration of the existing steps. Mr. Ziegler explained that the proposed screen porches would be built basically the same as the screen porches on Units 1 and 5, of which both were granted variances before the Chikaming Township Board of Appeals on February 15<sup>th</sup>, 2011. He also stated that he had Chikaming Township Fire Chief Mike Davidson come out to look at the proposed configuration and has followed Chief Davidson's recommendation of the placement of the stairs to avoid any potential safety issues in the future.

Mr. Ziegler also explained that if the variance was approved, the Covington Cove Cooperative as a whole would have a much more cohesive look and also some construction issues from when the units were built would be eliminated.

Member Zarantenello moved to approve, Sizer supported the following for the projects:

1. In response to the encroachment concerns of the neighboring units, the variance is granted but the screen porches may not extend beyond the existing lines of the structures.

This approval was granted on the Finding of Fact that the units were built before the current Zoning Ordinance, that the request is reasonable as they are not expanding the current footprint but only altering it and that it posed no public safety or health issues with all members voting aye.

Motion carried.

**Case No. 1008 (tabled from the June 21<sup>st</sup>, 2011 BOA hearing) Property Code 11-07-4730-0007-01-9 15612 Isobel St. Union Pier MI 49129 Covington Cove Unit #3**

Case # 1008 was tabled at the June 21<sup>st</sup>, 2011 meeting at the request of the Board of Appeals members. This request was made when Members were made aware that the remaining 2 units in the cooperative would be appearing before the Board for the same variance request. At the June meeting, the Board requested a complete site drawing of what all the units would look like if the variances were granted and allowed to have screen porches. Property owner John Fell and his agent Bill Carpenter were not in attendance at July's meeting.

If granted, the variance would allow Unit #3 to enlarge the existing 8 ft. x 21 ft. open deck by adding 30 inches to the deck converting it to a screen porch. The existing ramp would also be extended an additional 30 inches. In discussion at last month's meeting, it was made clear by the property owner's agent that the ramp would actually not be extended, but would be removed and stairs put in place. It was also noted that only the right portion of the deck would be screened although the whole deck would be covered by the roof.

In discussion, Member Zarantenello stated his concern that Unit #3 is actually looking to expand the footprint of the existing open deck while the other units were working within the existing footprints of the decks. Section 4.03.2 of the Chikaming Township Zoning Ordinance No. 87, as amended, clearly states that a non-conforming structure cannot be enlarged or expanded in such a way as to increase its non-conformity and he was not willing to grant the variance as drawn and presented.

Member Zarantenello then moved, Sellers supported to approve the following for the project (see attached drawing):

1. Only the existing deck may be covered, no additional extensions to the deck will be allowed. The deck is to be improved, not enlarged.
2. The existing ramp must be removed.
3. The new stairs that replace the ramp can extend to the current sidewalk and must be built to Michigan Uniform Building Code Standards.

This approval was made on the Finding of Fact that due to the limited space of the Cooperative any enlargement of the current structures is not acceptable. Variance approvals were granted as presented to the owners of Units # 1, 2, 4, and 5 on the finding of fact that the structures were not being enlarged but were just being altered to improve the quality of current construction and the alterations posed no public safety or health issues. All members voting aye.

Motion carried.

With no further business on the agenda, Member Dudeck moved to adjourn at 2:00 p.m. Strohl supported with all members voting aye.

Motion carried.

Theresa Priest  
Zoning Board of Appeals  
Recording Secretary  
July 20<sup>th</sup>, 2011