

CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS

Minutes of the June 21st, 2011 Regular Meeting

APPROVED

The June 21st, 2011, meeting was called to order at 1:00 p.m. by Chairman Lee Strohl with members Jeanne Dudeck, Carol Sizer and Mario Zaranenello present.

Zoning Administrator Betsy Bohac and Recording Secretary Theresa Priest were also present.

Kathy Sellers was absent.

Sizer moved, Dudeck supported to approve the minutes, as proposed, for the May 17th, 2011 meeting.

Motion carried

Case No. 1005 Property Code No 11-07-0700-0005-00-4 Vacant Lot, Sun's End, Harbert, MI 49115

Rick Brown, owner of RR Brown Architects and agent for property owner John Trinta, (who was not in attendance), presented his request for a variance from Section 14.02 of Chikaming Township Zoning Ordinance No. 87, as amended, which requires a 30 (thirty) ft. front yard setback in an R-1 Single Family Residential District. No correspondence for or against the request was received.

If granted, the variance would allow a total front yard setback of 21 ft. for the small triangular section of the two-story attached garage. Case #991 was heard on October 19, 2010 and granted a 27 ft. front yard setback for the same corner of the garage. The property is located within a High Risk Erosion Area and a Critical Dune Area. The Michigan Department of Natural Resources and Environment (MiDNRE) has determined the structure must be located an additional 6 feet toward the landward side.

Mr. Brown presented his drawings and explained to the board that although they would have to move the encroachment an additional 3 ft. closer to the road, the original blueprint has not changed except for 3 ft. that he has shaved off the living space of the home. The encroachment will still only be a small section of the 2 story attached garage. Although the lot is over an acre, only 7% of it is buildable because of its location.

Dudeck moved to approve the variance as requested to allow the small triangular section of the 2 story garage to have a front yard setback of 21 ft. on the finding of fact that the lot is only 7% buildable, the architect has made reasonable effort to minimize the square footage of the structure and that it is a reasonable request that posed no public safety or health issues. Member Sizer supported the motion, with Chairman Strohl and Member Zaranenello voting yes.

Motion carried.

Case No. 1006 Property Code No. 11-07-2870-0002-03-8 16096 Lake Ave. Union Pier, MI 49129

Mike Schaap, owner of Mike Schaap Builders and agent for owner John Graham Maager (who was not in attendance), presented his request for a variance from Section 15.03 B of Chikaming Township Zoning Ordinance No. 87, as amended, which does not allow an accessory building or structure to be located in any portion of a front yard. The property is a through lot having two front yards, one on the Lake Avenue side and one on the Lake Michigan side. No correspondence was received either for or against the variance and one person, Sam Milius, was in attendance to voice opposition to the variance.

If granted, the variance would allow construction of a 16 ft. x 20 ft. in ground swimming pool to be located on the Lake Michigan side of the lot. Mike Schaap explained that this would only be a 3 ½ ft. to 4 ft. deep wading pool. The fence would be constructed with cable rails to minimize blocking the view. In discussion, Mr. Milius stated his concern for building a swimming pool on the edge of a bluff and inquired how it would be supported. Mr. Schaap then explained to him that the pool floor and walls would be sitting on footings and piers with the weight evenly distributed.

Member Zarantenello inquired as to whether or not Engineering Studies were done on the property and Zoning Administrator Bohac responded that this property was not in a DEQ regulated area and not necessary. Chairman Strohl asked who determines whether or not a Civil or Structural Engineer was needed, and Zoning Administrator Bohac stated that Building Inspector Clark Streicher would make that determination if it was required by the Michigan Building Codes.

Member Dudeck moved to approve the variance as requested to allow a 16 ft. x 20 ft. in ground swimming pool to be built in the front yard of the Lake Michigan side on the finding of fact that the property is a through lot having two front yards and no rear yard, the variance request was reasonable and posed no public safety or health issues. Member Zarantenello supported the motion, with Members Strohl and Sizer voting yes. Motion carried.

Case No. 1007 Property Code 11-07-0770-0101-00-4 202 Woodlawn Ave, Bethany Beach, Sawyer, MI

Daniel Eckstrom, property owner, presented his 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, expanded, or altered in any way that would increase its non-conformity; and Section 4.06 D which allows a 1 ½ story structure with a maximum building height of 18 ft; and requires a 30 ft. rear yard setback and a 10 ft. side yard setback on a NCR1-A lot. Bethany Beach Association approved the site plan and no correspondence was received for or against the variance.

If granted, the variance would allow construction of a second story over an existing 15 ft. x 12 ft. first floor area that would have a 20 ft. 6 in. building height and an existing 18 ft. rear yard and 3 ft. side yard setback. Mr. Eckstrom explained that the home was built in 1947 and the part of the home where he would like to add the second story has a flat roof that seems to have been leaking for a substantial amount of time. This was discovered in 2010 when he was in the process of replacing some windows and siding. He will stay within the existing footprint and the new hip roof will actually be lower than the existing roof.

Member Zarantenello moved to approve the variance as requested to allow construction of a second story over an existing 15 ft. x 12 ft. first floor area that would have a 20 ft. 6 in. building height and an existing 18 ft. rear yard setback and a 3 ft. side yard setback on the finding of fact that the home has a bad design feature with the flat roof, the improvements will not increase its non-conformity, the request is reasonable and poses no public safety or health issues. Member Dudeck supported the motion with Members Sizer and Strohl voting yes.

Motion carried.

Case No. 1008 Property Code No. 11-07-4730-0007-01-9 Unit 3 15612 Isobel St. Union Pier MI, 49129

John Fell, property owner, and Bill Carpenter, agent for property owner, 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, expanded or altered in such a way that would increase its non-conformity and Section 4.06 D which allows a 20% maximum lot coverage and a 10 ft. side yard setback on a NCR1-A lot. One letter of correspondence was received from Mr. Pedro Dapkus in support of the variance, and approval from the Covington Cove Cooperative was given.

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 and converting it to a screen porch. The existing ramp would also be extended an additional 30 inches. In discussion, Bill Carpenter made it clear that the ramp actually would not be extended, it would be removed and stairs would be put in place. These stairs would not extend the 30 inches into the common area. When asked by Zoning Administrator Bohac how much would be screened, Mr. Carpenter made clear that only the right portion of the deck would be screened, although the entire deck would be covered by the roof.

The Board was then informed that the property owners of Unit 2 and Unit 4 have filed their applications for the same variance requests for the July 19th, 2011 Zoning Board of Appeals Hearing. Member Dudeck moved to table Case No.1008 until the July meeting and requested a new site plan drawing showing the desired alterations of the remaining 3 units. Units 1 and 5 appeared before the ZBA on February 15th, 2011 and were granted their variance requests. Member Zarantenello supported the motion with Members Strohl and Sizer voting yes.

Motion carried.

Member Dudeck then moved to adjourn the meeting with Member Sizer supporting and Members Zarantenello and Strohl voting yes.

Motion carried.

Meeting was adjourned at 2:15 p.m.

Theresa Priest
Zoning Board of Appeals
Recording Secretary
June 21st, 2011