

**CHIKAMING TOWNSHIP ZONING BOARD OF APPEALS**  
Minutes of the October 18th, 2011 Regular Meeting  
**APPROVED**

The October 18<sup>th</sup>, 2011 meeting was called to order at 1:00 p.m. by Chairman Lee Strohl with members Jeanne Dudeck, Kathy Sellers, Carol Sizer and Mario Zarantenello present. Zoning Administrator Betsy Bohac and Recording Secretary Theresa Priest were also present.

Sizer moved and Dudeck supported to approve the minutes, as proposed, for the September 20th, 2011 meeting. Motion carried.

**Case No. 1014 Property Code No 11-07-0009-0004-53-8 13660 S. Easy Lane, Harbert MI 49115**

Gregory Zrazik, property owner, was in attendance to present 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 structure or building to be located in any portion of a front yard in an R-1 Single Family Residential District and Section 14.02 which requires a 30 ft. front yard setback. If granted, the variance would allow construction of an 18 ft. x 22 ft. 1 ½ story garage to be located off the S. Easy Lane side of the property with the southeast corner of the garage having a front yard setback of 23 ft. 8 inches. The northeast corner of the garage will meet the 30 ft. front yard setback. The property has 3 front yards, one on S. Easy Lane; one on Harbert Rd. and one on Timber Lane. The property is also encumbered by regulated wetlands.

Present to speak against the variance request were S. Easy Lane residents Barbara Ryan and Melissa Wynn. Ryan presented the Board with an additional 3 letters from S. Easy Lane residents against the variance; the ZBA had received 4 letters against for a total of 7 letters against the variance request.

Mr. Zrazik began his presentation by stating that if the property had a Harbert Rd. address as he had originally thought he would be assigned, he felt that he would not need to request a variance on this matter at all. In the planning stage they oriented the home towards Harbert Road assuming that would be his address. Zrazik also stated that he feels that the 1 ½ story garage, if allowed, will be placed in the best location possible as he is also encumbered by the wetlands. When asked by Member Sizer what the upstairs portion of the garage would be used for, he stated it would be attic space, not living space.

Melissa Wynn then spoke to say that she does not feel that the variance request meets the standards of the Zoning Ordinance. Strict compliance with the Ordinance would not unreasonably prevent the use of the property for a permitted purpose as many residents on S. Easy Lane do not have a garage. Most importantly, if the variance is approved, it would cause a serious safety issue to have the garage only 4 ft. from the S. Easy Lane easement. S. Easy Lane is one lane and 2 vehicles cannot pass at the same time; the garage would be placed on the worst blind curve of S. Easy Lane and movement of safety vehicles would be impeded. She stated that there are many pedestrians and bike traffic on S. Easy Lane and the garage would cause an already dangerous curve to become more dangerous.

ZA Bohac then spoke to clarify to Mr. Zrazik that he would have needed a variance request for any structure regardless of his address as he still has 3 front yards.

Zrazik then clarified that the corner of the garage would not be 4 feet from the easement but 23 ft. 8 inches to which Wynn and Ryan disagreed based on the site plan she received. Wynn stated that the confusion is based on the property lines and easement. The proposed structure will be 4 feet from the easement line as the actual property line is past the easement. Zrazik stated that he had measured from the edge of the easement and also because it is not an attached garage he had to maintain the 10 feet of separation between the home and proposed structure. When he was asked by Wynn if he couldn't just attach the garage to the home, Zrazik explained that due to the crawl space under the home that is needed for utilities and the bulkhead doors leading down in to the crawl space he had to maintain the 10 ft. from the edge of the bulkhead doors, not the home itself. He also stated that it would not be cost effective to attach the garage to the existing home.

ZA Bohac then stated that it is the property owner's choice to have the structure attached or detached and that the home is properly placed meeting the wetland setback standards. Bohac then suggested to the Board that Case #1014 be tabled until November's meeting to allow the property lines to be properly staked and the easement of S. Easy Lane properly marked. Member Dudeck agreed that this was a good idea as there does seem to be confusion with the drawings and also in the field. She stated that it is also important for S. Easy Lane to maintain the 20 ft. of width required for a private road.

Dudeck then moved to table Case #1014 until the November 15<sup>th</sup> regular meeting. Chairman Strohl asked if they could add a stipulation as to when the property needed to be staked and it was agreed that it should be done at least one week before the November 15<sup>th</sup>, 2011 regular meeting of the Zoning Board of Appeals and all stakes should be properly marked for property, easement and structure boundaries; and a survey drawing be provided to the Township. Sizer supported the motion with all members voting to officially reschedule this case until next month.

Chairman Strohl and Member Dudeck then read the seven (7) letters against the variance request, which are now part of the permanent record. Letters were received from Paul Gazzolo, Carol & Stephan Mullins, John Foster Lesch, Meg Foster & Christopher Bruns, Sue & Michael Levine, Dean Langworthy & Emily Dixon and Sally & David Lockwood.

**CASE 1015: PROPERTY CODE NO 11-07-0770-0159-00-2 31 1<sup>st</sup> St., Bethany Beach, Sawyer, MI 49125**

Stan Erickson, property owner, was in attendance to present his request for a variance from 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 requires a 30 ft. rear yard setback and allows a maximum lot coverage of 20% on a NCR1-A lot. If granted, the variance would allow construction of a 26'3"x11'8" one story addition that would have a 10 ft. rear yard setback and increase the existing lot coverage from 24% (1652 sq. ft.) to 28% (1966 sq. ft.). This is a corner lot which requires two (2) 30 ft. front yard setbacks and one 30 ft. rear yard setback. No correspondence was received regarding this case and there was no one present at the meeting from the notice area.

Erickson began his presentation by presenting the Board with an aerial photo of the lot showing exactly where the addition would be located, which was not included in his original application, but is now part of the permanent record. He also explained that he has added to his leasehold an additional ten (10) feet which is located on the North side of his lot. The North side of the lot backs up to the Bethany Beach easement which leads to Lake Michigan. He further explained that the hope is to retire permanently to Bethany Beach and the addition will give them much needed space when family members come to visit.

Zarantenello commented that he was glad to see that the applicant had thought to add the additional ten (10) ft. to the leasehold which enabled him to place the addition on the back of the existing home as the front and side yards were already very crowded. Zarantenello then made a motion to approve the variance, as requested, on the finding of fact that the property is encumbered by 3 streets, that it is a reasonable request approved by the Bethany Beach Building Committee and posed no public safety or health issues. Dudeck supported the motion with all members voting aye.  
Motion carried.

**CASE NO. 1016 PROPERTY CODE NO. 11-07-0770-0091-00-304 Woodlawn Ave., Bethany Beach, Sawyer, MI. 49125**

Bob Lindquist was in attendance to present 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 such a way that would increase its non-conformity; and Section 4.06 D which requires a 30 ft. front yard setback and allows a maximum lot coverage of 20% on an NCR1-A lot. If granted, the variance would allow construction of a 19'x22' one story addition that would have an 18 ft. front yard setback on Woodlawn Ave. and increase the lot coverage from 26% (1785 sq. ft.) to 33% (2214 sq. ft.). This lot is a corner lot which requires two (2) 30 ft. front yard setbacks and one (1) 30 ft. rear yard setback. No correspondence was received regarding this case and no was present at the meeting from the notice area.

Lindquist explained that he and his wife want to retire here permanently but would like to add more room for the grandkids. The home currently has 2 bedrooms; the addition will be a new master bedroom. The current garage doors will be relocated to face Woodlawn Avenue and the addition will stay in line with existing exterior walls.

Dudeck moved to approve the variance as requested on the finding of fact that the home is located on a corner lot which requires two (2) 30 ft. front yard setbacks, the request is reasonable with approval from the leaseholder and poses no public safety issues. Zarantenello supported the motion with all members voting aye.

Motion carried.

**CASE NO. 1017 PROPERTY CODE NO. 11-07-0020-0072-01-1 14832 Park Lane, Lakeside, MI 49116**

Jim Vickers, representing the Doralee Vickers Trust, and his Real Estate agent, Kristina Brychta-Alden were in attendance to present their request for a variance from Section 4.02 B of Chikaming Township Zoning Ordinance No. 87, as amended, which does not allow a division of any parcel that would create a lot with an area or frontage less than the requirements of this Ordinance, for the Zoning district in which it is situated; and Section 14.02 which requires 100 ft. of public or private road frontage for a parcel in an R-1 Single Family Residential District. If granted, the variance would allow a division of a 1.68 acre parcel that would create one conforming parcel on Lakeside Road, and a second parcel containing .097 acres with 49.5 feet of frontage on Park Lane. No correspondence was received and no one was present from the notice area.

Member Zarantenello immediately made it known that he is currently an agent for Jon Vickers, who is a principle in the Doralee Vickers Trust and felt he should recuse himself to avoid a conflict of interest. Dudeck moved to allow him to recuse himself from this case, supported by Chairman Strohl with all members voting aye.

Motion carried.

Vickers and Brychta-Alden explained that there are a couple reasons for this request and why the divisions were drawn as proposed. The existing home on Lakeside Road has always shared an asphalt driveway with the neighboring home. Although this worked well for many years with the previous resident, now that the home is for sale, the Trust thought it would be a benefit to both homes (the Trust home and neighboring home) to add the additional 32 ft. to the North side of the home on Lakeside Road which will enable the Lakeside Road home to relocate the driveway if desired or necessary. The home located at 14832 Park Lane that has 49.5 ft. of frontage on Park Lane will continue its historical existing use and access on Park Lane. The end result would be a new conforming parcel and the existing parcel that previously only had 64 ft. of frontage on Lakeside Road will now have 97 ft. of frontage.

Dudeck moved to approve the variance as requested on the finding of fact that the existing use of Park Lane (which is the historical frontage for the property) will remain the same, the request was reasonable and well thought out and poses no public safety issues. Sellers supported the motion with all members voting aye.

Motion carried.

With no further business, Dudeck moved and Sizer supported to adjourn at 2:15 p.m.

Motion carried.

Respectively Submitted,

Theresa Priest  
Zoning Board of Appeals  
Recording Secretary