

**Minutes of Burt Township
Zoning Board of Appeals meeting
December 10, 2010**

The regular meeting of the Burt Township Zoning Board of Appeals was called to order by Chair, Walt Lindsay on December 10, 2010 at 2 p.m. at the Burt Township Hall, 7029 Birchwood Rd., Cheboygan Michigan.

Members Present: Walt Lindsay (Chair), Gary Street, Harold Koviak, Katie Parker, Kim Kihkne. Also attending: Dan Swantek (Burt Township Zoning Administrator), Joyce Hutto-Nolan (Recording Secretary).

Dave Poxson passed away December 2, 2010 at age 92. Dave was one of those who helped establish zoning in Burt Township (1976), and he served on the Zoning Board of Appeals as an active member until his death. Board members shared fond memories of Dave. He will be missed.

Approval of Minutes of the September 24, 2010 meeting

Moved by Katie Parker and seconded by Harold Koviak to accept the minutes of September 24, 2010 with the following corrections:

Under the heading, **Motion**, for Burt Lake Springs Resort, second sentence; add “Burt Lake Springs Association” after the word “and”.

Under the heading, **Board Discussion**, for Ed Terris; third sentence; delete the word “is” before “verifying with the road commission”. Change the word “closer” to “approximately”.

Under the heading **Motion**, for Ed Terris, delete the words “but Dan said in the R-1 district, 14 ft. is the height limit for an accessory structure”.

Motion unanimously approved

Public Comment Period

There was no public comment.

Public Hearing

Drake Pendleton, 2229 Peach Trail, Topinabee. Case #256

Subject of the Public Hearing

This is continuation of a request by Drake Pendleton, 2229 Peace Trail, Topinabee for a dimensional variance in the 75 foot waterfront setback to allow construction of an addition and other modifications to the existing residence. The property is located in the waterfront residential (WR) district. Following agreement at the Zoning Board of Appeal’s September 2010 meeting to table this request, Mr. Pendleton submitted a revised plan for consideration. A master suite and guest bathroom addition proposed on the north side of the existing residence has been moved 5’7” further away from the water but continues to encroach in the 75 foot waterfront setback. This addition, which includes a covered porch, measures in total approximately 1,450 square feet. Also proposed is enclosing what is now an upper level covered porch on the lakeside of the existing residence as well as converting to living space the area at ground level below the porch;

the entire footprint of this area is located within the 75 foot waterfront setback. The existing structure includes a deck on the lakeside which is totally within the waterfront setback. According to the revised plan, the proposed detached garage no longer encroaches in the 75 foot waterfront setback and measures less than 1200 square feet of useable space.

Drake Pendleton presented his request to the Board

The builder has revised the drawing plans for modifications to the house and construction of a proposed detached garage. The addition to the house on the north has been made narrower and stretched 10' from the original plan; this moves the proposed new construction farther away from the water's edge. The garage has been moved back from the waterfront to comply with the 75' waterfront setback, and the useable space has been reduced to less than 1200 square feet.

Comments by Dan Swantek, Burt Township Zoning Administrator

Dan Swantek said he understood the deck on the lakeside of the existing structure (all deck surfaces located within the 75 foot waterfront setback) will be removed. Drake Pendleton said a neighbor indicated the decks have been a part of the house since before 1976.

Open Discussion Period

Harold Koviak asked when the house was constructed. Pendleton said according to the neighbors it was approximately 35 years ago (1975 or earlier). Walt Lindsay commented that Mr. Pendleton's establishing the date the decks were constructed was not an issue if the decks were removed. Mr. Pendleton said he is agreeable to removing the decks if a variance to allow construction in accordance with his revised plan drawings was approved.

As to the garage plan revisions, the proposed garage is not in the 75foot waterfront setback and there are no side variance issues. The size of the proposed garage is 36' x 26' (i.e. less than 1200 square feet), and there will not be any living or other useable space above the ground level of the garage. Board members agreed that no variances are required to construct the detached garage based on the revised plans.

Mr. Pendleton is asking for a variance of 11 feet in the waterfront setback for the proposed house addition to the north which measures 67 feet from the high water mark at its closes point to the lake.

It was confirmed that the Pendleton's are responsible for establishing and maintaining a natural vegetation strip at the lakeshore as defined in the Burt Township Zoning Ordinance, if the variance is approved. In addition, it was pointed out that no stairs from/to the elevated deck (second level) to the ground level may be constructed within the 75 foot waterfront setback, and all construction relating to what is now a second level covered porch on the lakeside must be confined to the existing footprint of this area which is within the waterfront setback.

Public Hearing Closed

Motion

Moved by Gary Street and seconded by Katie Parker to grant Mr. Pendleton an 11 foot variance in the 75 foot waterfront setback to complete modifications to the existing residence in accordance with the package of revised drawings dated November 9, 2010. It is noted for the record that Mr. Pendleton has agreed to remove all existing decks in the 75foot waterfront setback.

Reasons for supporting variance.

1. Steep, sloping topography of the land (unique to this property and the immediate surrounding area) creates a hardship regarding placement of structures. 2. The variance granted is consistent with neighboring properties which have a similar hardship.

Roll call vote

Lindsay-yes, Street-yes, Koviak-yes, Parker-yes, Kihnke-yes.

Motion unanimously approved

Other Business

With the assistance of Mary Campbell, the ZBA Hearing/Variance Application has been updated. In addition, four new forms have been developed for use by the Zoning Administrator: (1) First Notice of Zoning Ordinance Violation, (2) Second Notice of Zoning Ordinance Violation, (3) Next Step Options for Property Owners after Zoning Violation Citation, and (4) Stop Work Order.

Private Lake Access License Renewals

Five private lake access licenses were renewed in 2010.

Five other licenses require renewal in 2011: 1. Chickagami Heights Association. 2. Lot 18 of White Goose Bay. 3. Sunrise Resort Association (West Burt Lake Road). 4. Sunset Beach Association (on the east side of Burt Lake), and 5. Needles Road.

In addition, one license will require renewal in 2012.

Resignation of Zoning Board of Appeals Regular Member

Walt Lindsay submitted his resignation from the Burt Township Zoning Board of Appeals effective January 1, 2011. He has served as a Regular Member of the ZBA for the past eight years. Walt indicated that he and his wife are spending more and more time away from the township on a seasonal basis, and this has made it increasingly difficult for him to fulfill his responsibilities as a member of the ZBA.

Motion

Moved by Harold Koviak and seconded by Katie Parker to accept Walt Lindsay's resignation effective January 1, 2011.

Motion unanimously approved

Election of Officers for 2011

Walt Lindsay read Article 3.1 of the ZBA Bylaws regarding the selection and tenure of officers.

Motion

Moved by Gary Street and seconded by Harold Koviak to elect Katie Parker as chairperson for 2011.

Motion unanimously approved

Motion

Moved by Gary Street and seconded by Harold Koviak to elect Kim Kihkne as Vice Chairperson for 2011.

Motion unanimously approved

Motion

Moved by Katie Parker and seconded by Gary Street to elect Kim Kihkne as Secretary for 2011.

Motion unanimously approved

Proposed Zoning Board of Appeals Annual Meeting Schedule for 2011

The following meeting dates and times were proposed for 2010:

February 25, 2011-2 p.m.

April 22, 2011-7 p.m.

May 27, 2011- 7 p.m.

July 22, 2011-7 p.m.

September 23, 2022-7 p.m.

December 9, 2011-2 p.m.

Resolution

Resolved by Harold Koviak and seconded by Gary Street to accept the proposed ZBA annual meeting schedule for 201.

Resolution unanimously approved

Reports

Zoning Administrator- Dan Swantek

Dan recently issued a zoning permit for construction of only the second new home in Burt Township during 2010.

Including the two new home permits, Dan Swantek reported a total of 23 zoning permits have been issued year-to-date in 2010.

Jim Parker, West Burt Road (legal complaint regarding junk accumulation) was served in early November and given 21 days to respond. He did not respond as required. Tim MacArthur, the township's legal counsel, will move forward with a court injunction against Mr. Parker.

Township Board Representative –Harold Koviak

Harold Koviak reported a letter from the Burt Township Board was sent out with the recent winter tax bill to property owners. The letter provides township board information and Burt Lake Trail information.

Recycling is now available at the west side transfer station.

The Cheboygan Road Commission has voted to not renew the manager's contract for 2011.

The Burt Lake Trail Committee has received a grant of \$398,500 from the DNRE.

Harold thanked Walt Lindsay for serving on the Zoning Board of Appeals.

Planning Commission Representative- Gary Street

There are no current developments regarding the Maple Bay Boat Ramp project. The fire department is recommending that driveways be cleared to a 12 foot width and 12 foot vertical for fire truck clearance. It has also been recommended that utility power lines on a property be buried from the road to the house.

Public Comment Period

There was no public comment.

Next Zoning Board of Appeals Meeting

The next board meeting is scheduled for February 25, 2011 at 2 p.m.

Motion

Moved by Harold Koviak and seconded by Gary Street to adjourn.

Motion unanimously approved

Meeting adjourned at 3:45 p.m.

Respectfully submitted

Joyce Hutto-Nolan, Recording Secretary