

**BURT TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 26, 2021**

The Burt Township Zoning Board of Appeals was called to order by Chair Kim Kihnke on February 26, 2021, at 2:00 p.m. via teleconference.

ATTENDANCE: Kim Kihnke, Harold Koviak, Dennis Reimann, Carl Reimann ,Dave Hutto

ALSO ATTENDING: Jim Larson, James O'Donnell, John Roberts, Walter & Barbara Holdan, Clark Bay, Timothy and Cynthia Van Schoick, Brian Fulford, Jeff Jakeway, David Hemming & Valerie Kozikowski, Joel Moore, Carolyn Hodulik – Recording Secretary

ROLL CALL: present Koviak, Carl Reimann, Dennis Reimann, Hutto, Kihnke

AGENDA: add under new business election of officers for 2021.

MOTION: by Koviak, supported by Hutto.

MOTION APPROVED.

Conflict of Interest: Kihnke excused as listing agent for Hemmings property.

APPROVAL OF PRIOR MEETING MINUTES (Friday, November 20, 2020)

MOTION: Moved by Carl Reimann, supported by Hutto to approve the minutes as presented.

PUBLIC COMMENT – None

John & Linda Roberts, 2270 West Burt Lake Road, Brutus, MI 49716 Parcel #16-120-020-200-033-00 request a variance for ordinance 3.09(a) within the 75 ft. lakeside setback for an extension of current additional deck measuring 8 ft. by 26 ft

MOTION: Moved by Koviak, supported by Hutto, to approve variance with following waterfront setback of 18 ft. to extend deck as submitted.

Roll call taken : Koviak-yes; Hutto-yes; Carl Reimann-yes; Dennis Reimann-yes; Kihnke-yes

MOTION APPROVED

Reasons: No further into the waterfront setback than current neighbors, neighbors approve, and deck will be used more effectively with extended width..

James & Christina O'Donnell, P.O. Box 939, Indian River, MI 49749 request a variance for 4976 West Burt Lake Road, Brutus, MI 49716 Parcel #16-120-008-200-025 owned by Suzann Noel and Mark Archer, 4796 West Burt Lake Road, Brutus, MI 49716 regarding ordinance 3.02-3 for a 2 ft. setback variance for a new home to be constructed and a 6 ft. setback variance for the purpose of constructing a new garage, both variances along the north property line. Because the driveway is being shortened the 10% impervious surface is met.

MOTION: Moved by Koviak, supported by Dennis Reimann to approve variance for the following setbacks: 2 ft. Side yard setback variance for house, 6 ft. Side yard setback variance for unattached garage on current footprint, both on north side as submitted.

Roll Call taken: Koviak-yes; Hutto-yes; Carl Reimann-yes; Dennis Reimann-yes; Kihnke-yes.

MOTION APPROVED

Reasons: Great improvement for community with a challenging building site, neighbors in agreement, new home to replace current one is more in line with zoning and new garage on existing footprint.

Walter & Barbara Holdan, 787 Great Oaks Drive, Bloomfield Hills, MI 48304 request a variance for 1357 S. Nippissing Trail, Indian River, MI 49749 Parcel #120-026-400-027-00 request a variance for ordinance 3.02-3 side setback of 6 ft. on south side property line to construct a new home to replace current cottage on a non-conforming lot.

MOTION: Moved by Dennis Reimann, supported by Carl Reimann to approve a 6 ft. Side yard setback variance on south side,

Roll Call: Koviak-yes; Hutto-yes; Carl Reimann-yes; Dennis Reimann-yes; Kihnke-yes

MOTION APPROVED

Reasons: Great improvement for the community with neighbors in agreement, new home to replace current cottage and will be built beyond the 75 ft. waterfront setback, impervious surfaces do not exceed the limitations, and new well and septic will be installed

Clark & Cynthia Bay, 10055 Whitmore Bay Drive, Whitmore Lake, MI 48189 request a variance for 2119 Peace Trail, Topinabee, MI 49791 Parcel #120-023-416-151-00 owned by Carolyn DeLaere, 11200 Chicago Road, Warren, MI 48093 regarding ordinance 3.03-3 requesting a 19 ft. Waterfront setback variance and a 50 ft. roadside setback variance to construct a house.

MOTION: moved by Koviak, supported by Hutto to approve a 19 ft. Waterfront setback variance and a 50 ft. Peace Trail roadside setback variance to construct a house as drawn and staked with one walkway waterside.

Roll Call: Koviak-yes; Hutto-yes, Carol Reimann-yes; Dennis Reimann-yes; Kihnke-yes

MOTION APPROVED

Reasons: Will not impede neighbors, Peace Trail is a county road and the variance allows this property proper zoning into the future, and the unusual shape of the property.

Since Kihnke was removed due to conflict of interest, Koviak assumed Chair for this hearing.

David Hemmings & Valerie Kozikowski, 201 West Mitchell Street, Petoskey, MI 49770 request a variance for 1455 Festival Lane, Brutus, MI 49716 Parcel #120-017-000-040-01 owned by The Leigh Ann Mills Living Trust, 1670 Hammond Court, Bloomfield Hills, MI 48304 regarding ordinance 3.02-3 for a front lakeside setback variance of 41 ft. to patio and 32 ft. rear setback variance. Also requested is a parcel size reduction from 21,000 sq. ft. to 12,688 sq. ft. The calculation for structure coverage was 27.1% of the property. Discussions led to agreement for Mr. Hemmings to provide alternative placement of home to minimize the variance requests.

MOTION: moved by Carl Reimann to table their requests until the April 16 meeting and supported by Hutto.

MOTION CARRIED

Kihnke resumed as Chair.

OLD BUSINESS

Timothy & Cynthia Van Schoick, 5275 Thames Court, Jackson, MI 49201 request a variance for 10145 Chickagami Trail, Brutus, MI 49716 Parcel #120-617-000-035-00 regarding ordinance 3.09 which limits impervious surface coverage of a waterfront location to a 10% maximum and 20% maximum for structures. Survey provided by Brian Fulford resulted in 13.7% impervious surface coverage. After information provided by Fulford, Jeff Jakeway of North Star Gardens, and Kihnke & Koviak regarding recalculations for inclusion of patios with structures, it was then determined that no variances were needed. Inclusion of patios to the house structure resulted in a 14.8% impervious surface for structures and reduced to 10% for other impervious surfaces (driveway). Permits are required for the fire pits and driveway. The 15 ft. by 13 ft. fire pit will have its stone replaced to match the patio stone.

MOTION moved by Koviak and supported by Dennis Reimann that permits are needed for the driveway and the fire pits and any other permits required. Planning Commission must define how patios and decks are or are not calculated with structures.

Roll call: Koviak-yes; Hutto-yes; Carl Reimann-yes; Dennis Reimann-yes; Kihnke-yes

MOTION APPROVED

Reasons: Recalculations of the impervious surfaces and lot coverage as stated above.

OTHER BUSINESS;

Kihnke will check with Kozlowski, Clerk, regarding status of Chickagami Heights private shared access license.

Election of officers for 2021:

Dennis Reimann is retiring after 4 years and will be replaced by Carl Reimann. No alternate named at this time.

Kihnke nominated for chair by Koviak, supported by Carl Reimann

Hutto nominated for vice chair by Kihnke, supported Carol Reimann

Carl Reimann nominated for secretary by Koviak, supported by Hutto

MOTION by Koviak for Kihnke as chairman, supported by Carl Reimann

MOTION by Kihnke for Hutto as vice chairman, supported by Carl Reimann

MOTION by Koviak for Carl Reimann as secretary, supported by Hutto

MOTIONS CARRIED

REPORTS:

Keith Butkovick & Jaynee Handelsman, 5070 North Bay Way, Cheboygan, MI 49721 Per the 11/20/20 meeting, a variance for ordinance 3.09 waterfront setback to place a deck within the setback has not been verified. In addition, permits for a patio and fire pit surround were required. Noted by Jim Larson at this meeting that the fire pit permit was obtained.

Koviak reported that the board is working on the budget, road construction and maintenance plan, near completion of hall entrance, future bids needed for residing the township hall, and upcoming board of review.

Larson for Planning Commission – Requirements for accessory building construction on property, with or without homes is being discussed further for zoning changes.

SITE VISITS: Koviak, Hutto, Carl Reimann, Dennis Reimann, Kihnke – 5 visits each

NEXT MEETING: April 16, 2021, @ 2:00 p.m.

COMMENT: Chair Kihnke enjoyed working with Dennis Reimann on ZBA and thanked him for his 4 years of service.

MOTION TO ADJOURN: Motion by Koviak, supported by Hutto.

MOTION APPROVED

Adjourned at 4:16 p.m.

Respectfully submitted,

Carolyn Hodulik
Recording Secretary

