

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, FEBRUARY 24, 2016, AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, John Moore, John Thompson

**Members Absent:** Nini Sherwood

**Others Present:** Scott McNeil, Roxanne Daust, Dennis Anderson, Tony Matelski, Russell Crawford, Cheryl Crawford, Carl Muscott, Mary Smith

The meeting was called to order by Chairperson Freese at 7:00pm.

**PLEDGE OF ALLEGIANCE**

Chairperson Freese led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The agenda was presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to accept the agenda as presented. Motion carried. 4 Ayes (Moore, Hemmer, Freese, Thompson), 0 Nays, 1 Absent (Sherwood)

**APPROVAL OF MINUTES**

Minutes from the December 23, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Thompson, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried. 4 Ayes (Moore, Hemmer, Freese, Thompson), 0 Nays, 1 Absent (Sherwood)

**PUBLIC HEARING & ACTION ON REQUESTS**

**Roxanne Daust** – Requests an 11.4 ft. rear setback variance for construction of a garage (22 ft. x 32 ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6820 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-017-00. A rear setback of 12 feet is required in this zoning district.

Mr. McNeil stated this parcel is a waterfront lot. Mr. McNeil stated that the dedication of the plat indicates that each of the lots extend to the water’s edge even though the survey shows a distance short of that. Mr. McNeil stated the applicant is asked approval for reconstruction of a garage in its current location which is at the rear lot line. Mr. McNeil stated the applicant is requesting to place the garage .63ft from the rear lot line. Mr. McNeil stated the applicant is requesting an 11.37ft. variance for the garage.

Mr. Freese asked if there is any other correspondence. Mr. McNeil stated no. There were no public comments.

Mr. Anderson stated that he submitted photos showing the foundation is deteriorating and the garage is two garages that have been put together. Mr. Anderson stated that he would like to get rid of the old foundation and put the building back in the same location. Mr. Anderson stated he would like to construct a room above the garage for storage. Mr. Anderson explained that he would like to install a bigger garage door. Mr. Anderson stated that the garage may have been built in 1984 as he found an old building permit dated in 1984. Mr. Anderson stated that when this garage was constructed there was no treated lumber used. Mr. Anderson stated that white wood was used and is on the cement as there were no bricks used. Mr. Anderson stated that he would like to build a good foundation to divert the water that is standing in front of the garage.

Mr. Freese stated this is a legal non-conforming lot and the garage is a legal non-conforming structure. Mr. Freese stated if a legal non-conforming structure is demolished there is no authority to rebuild the structure.

The Zoning Board of Appeals added the following to the General Findings:

5. The garage is a legal non-conforming structure.
6. The lot is a legal non-conforming lot.
7. The garage is separated from the house by about 5ft.
8. Houses in this area all have garages.

Mr. Freese stated if you tear the garage down you do not have the authority to put it back up, however, there is a justification for a garage but not in that place. Mr. Freese stated you do need a garage of a certain depth for a vehicle. Mr. Freese stated the garage will need a variance to be reconstructed. Mr. Freese stated the garage could be moved back further toward the house. Mr. Freese stated the air conditioning unit would have to be moved to the side of the house

and the gas service would have to be moved also. Mr. Freese asked Mr. Anderson if this is acceptable if the Zoning Board of Appeals grants the variance to construct the garage. Mr. Anderson stated he is not opposed to moving the garage further toward the house. Mr. Anderson stated he just thought it would be easier to build in the same footprint. Mr. Freese explained that one of the criteria for the variance request is that it must be the least amount that could be granted. Mr. Anderson asked if he will just have to move the garage back 5 ft. and if the size of the garage can remain the same. Mr. Freese stated yes. Mr. Anderson asked if the garage could be deeper. Mr. Freese stated no. Mr. Freese asked if this is acceptable to Mr. Anderson. Mr. Anderson stated yes.

The Zoning Board of Appeals added the following to the General Findings:

9. The applicant will reduce the amount of the variance requested by the distance from the garage to the house.

The Zoning Board of Appeals revised and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Moore, Hemmer, Freese, Thompson), 0 Nays, 1 Absent (Sherwood)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

No comments.

**ZBA COMMENTS**

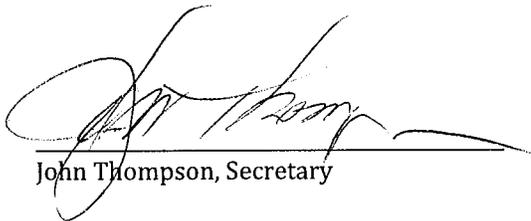
No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Thompson to adjourn. Motion carried. Meeting adjourned at 7:13pm.



John Thompson, Secretary