

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, MAY 28, 2014
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, Chris Brown, Mary Street

Members Absent: None

Others Present: Scott McNeil, Tony Matelski, John F. Brown, Russell Crawford, Cheryl Crawford, Anita Ginop, Betty Ginop, Ken Ginop, Cindy Bowen, Samantha Brown, Dave Adams, Chuck Maziasz, Gerald Brown, Jim Rutledge

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. Hemmer, seconded by Mr. Brown, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the April 23, 2014 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Cindy Bowen/Anita Ginop

Requests use variance for Farm Market in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11695 W. M-68 Highway, Tuscarora Township, Section 7, parcel #161-007-300-002-01. The Cheboygan County Zoning Ordinance #200 does not provide for a Farm Market as a use which is allowed by right or by special use permit in a P-LS zoning district.

Mr. McNeil presented an aerial photo of the aerial and noted the areas that are zoned Lake and Stream Protection. Mr. McNeil noted the location of a man made drainage ditch. Mr. McNeil stated the Lake and Stream Protection District does not provide for agricultural uses (by right or by special use permit) such as a farm market. Mr. McNeil noted the areas surrounding the site which are zoned Agriculture/Forestry and also the agricultural uses surrounding the site.

Mr. Freese asked for written correspondence. There was no correspondence to be read.

Ms. Ginop introduced herself as the owner of the farm market. Mr. Freese asked for public comments. Mr. Brown stated he has not seen standing water and this property has always been a field. Mr. Brown noted that the Planning Commission has recently been discussing situations like this one where the property is zoned Lake and Stream Protection and should have been zoned Agriculture/Forestry. Public comment closed.

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

4. The Planning Commission is currently considering proposing a change to the zoning regulation that would remove the 500ft. restriction on all Lake and Stream areas as currently zoned except those specifically listed and would allow uses as defined under the underlying zoning regulation.
5. The areas under consideration would not be one of those listed natural water courses under the proposed change.

Mr. Freese stated if the change in the regulation is approved by the Cheboygan County Board of Commissioners, this type of request would not have to be reviewed by the Zoning Board of Appeals.

The Zoning Board of Appeals revised and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the use variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

David McDade – Requests a 12.1 ft. frontage variance for waterfront lot with shared waterfront access for two (2) dwellings in a Lake and Stream Protection (P-LS) zoning district. The property is located at 7506 Argonaut Trail, Tuscarora Township, Section 26, parcel #161-026-200-001-00. Section 10.4.4.1. of the Cheboygan County Zoning Ordinance #200 provides that land providing shared waterfront access shall have no less than 150 feet of frontage as measured at the ordinary high water mark.

Mr. Freese stated that Mr. McDade telephoned Mr. McNeil and requested to withdraw his application. Mr. Freese stated the request has not been put in writing. Mr. Freese suggested tabling the request until the next meeting to allow Mr. McDade time to submit a written request to withdraw the application. **Motion** by Mr. Moore, seconded by Mr. Brown, to table the request until the June 25, 2014 Zoning Board of Appeals meeting. Motion carried unanimously.

David and Suzanne Adams

Requests an 8ft. rear setback variance and a 4ft. side setback variance for construction of garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5705 Mullett Lake Woods Shore Drive, Aloha Township, Section 5, parcel #140-M17-000-014-00. A 12ft rear setback and an 8 ft. side setback are required in this zoning district.

Mr. Adams stated he is looking to add a 24ft. x 28ft. garage to the existing house. Mr. Adams explained that there is a 5ft. setback requirement from the septic tank. Mr. Adams stated this will put the proposed garage closer to the side lot line than allowed by zoning. Mr. Adams stated there is a garage in the neighborhood that is 31ft. from the center of the road. Mr. Adams stated there is a drainage ditch that goes along the side of the house that the garage would be built on and there is a tree line that is along that side as well. Mr. Adams stated there isn't a lot of traffic on this road as it is a dead end road.

Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Moore noted this is a small lake lot with a steep front yard. Mr. Freese stated that the proposed garage will block off the entrance to the existing garage and noted that the existing garage will not be used as a garage. Mr. Adams stated that he put his furnace in the existing garage and now there is not enough space to park a car. Mr. Adams stated the existing garage is a single car garage and the proposed garage will be a two car garage. Mr. Adams stated the existing garage will be converted to storage.

Mr. Freese asked if the proposed garage can be moved to the door and back towards the lake. Mr. Freese stated this would reduce the side variance and rear variance by 5ft. each. Mr. Adams stated they can't go any further to the north due to the location of the septic tank. Mr. Freese stated if the garage is moved back to the west it would allow 5ft. from the septic tank. Discussion was held regarding the location of the septic tank and the 5ft. setback requirement from District Health Department #4. Mr. Adams reviewed a drawing of the proposed garage. Mr. Adams stated he will have to move an electric meter. Mr. Brown stated that moving a meter is not a major task. Mr. Moore suggested tabling the request to allow the applicant to determine the exact location of the septic tank. Mr. Freese stated the side variance request is not necessary if the garage can be moved 5ft. to the north. Mr. McNeil noted that a 3ft. rear variance would still be necessary as the setback requirement is 12ft. Mr. Adams stated he did find the edge of the septic tank and he determined the location of the proposed garage based on the 5ft. setback requirement for the septic tank. Mr. Adams explained that this allowed for a 4ft. setback from the side lot line. Mr. Moore explained that the Zoning Board of Appeals will need to know the distance between the house and the septic tank. Mr. Freese proposed tabling the request to allow the applicant to provide exact dimensions. Mr. Brown stated a rear setback variance will still be needed if the garage is moved back 5ft. Discussion was held.

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

7. The septic tank is within 5ft. of the rear of the house and north side of the proposed garage.
8. The garage will be relocated to the west to the current building and extend to the east 28ft. reducing the rear setback by the amount to be calculated.

The Zoning Board of Appeals revised and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Brown, seconded by Ms. Street, to approve the variance request based on the revised General Findings and the revised Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Moore, to adjourn. Motion carried. Meeting adjourned at 7:42pm.

Mary Street

Mary Street, Secretary