

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 25, 2017 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, John Thompson, Nini Sherwood
Members Absent: None
Others Present: Scott McNeil, Joseph Gelina, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, Charles Maziasz, Tony Coppola, Clancy Redmond, Andy Stempky, Nancy Stempky, Steve Crusoe, Scott Eno

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. Mr. Freese stated that Mr. Stempky has requested that his request for a use variance be tabled. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to table Mr. Stempky’s request for a use variance. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Sherwood to accept the agenda as modified. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the November 23, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Moore, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Joseph Gelina - Requests a 35ft. front setback variance for an addition to a storage building (19ft. 2in. x 10ft. 6in.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4278 W. Temple Rd., Koehler Township, Section 5, parcel #171-005-300-005-00. A 40ft. front setback is required for the subject property in this zoning district.

Mr. McNeil stated that Mr. Gelina is requesting a 35ft. front setback variance for an addition to an existing storage building and the property is located in the Lake and Stream Protection zoning district. Mr. McNeil stated that there is a 40ft. front setback requirement from the high water mark in this zoning district. Mr. McNeil stated that Mr. Gelina requests to have the addition 5ft. from the high water mark. Mr. McNeil stated that this will require a 35ft. front setback variance from the 40ft. requirement.

Mr. Gelina stated that he is not trying to avoid zoning. Mr. Gelina stated he has been working with the Department of Building Safety. Mr. Gelina stated that the Department of Building Safety has visited the site at least ten times and no one mentioned anything about this issue. Mr. Gelina stated that one day someone came to the site and told him a permit is required. Mr. Gelina explained that he called Mr. McNeil and he then came out to the site. Mr. Gelina stated he then filled out the application for the variance. Mr. Freese asked if the addition has been completed. Mr. Gelina stated it is not 100% complete at this point. Mr. Freese asked what work needs to be completed. Mr. Gelina stated that there are support structures, eve work and landscaping that need to be completed.

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

Mr. Freese stated that the cabins are quite a distance from the water and located on the top of the hill. Mr. Freese stated that the use of the cabins is rentals during the summer time. Mr. Freese stated that children will be playing on the beach and there isn’t any place for parents to supervise their children on that piece of the property unless they are right by the water. Mr. Freese stated that the shelter is an extension of the existing cement block building and is not extending any closer to the waterline than the existing building.

Mr. Thompson asked if the proposed structure will be enclosed in the future. Mr. Gelina stated that they are not planning on enclosing the proposed structure. Mr. Thompson asked if the back wall is temporary or if it will remain. Mr. Gelina explained that the wall was built in this location because the hill drops off dramatically. Mr. Gelina stated it was built to protect people from running into the roof. Mr. Thompson stated that he wondered if it was built for erosion purposes. Mr. Gelina stated that it helps with erosion also.

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

4. The property steeply slopes to the water.
5. The existing building is a legal non-conforming structure.
6. The addition will be no closer to the water than the existing structure.

The Zoning Board of Appeals reviewed 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 unanimously.

Anthony Coppola - Requests a 9ft. front setback variance for construction of a dwelling (40ft. 4in. x 41ft. 6in.) in Residential Development (D-RS) zoning district. The property is located at 3147 Harold B Street., Koehler Township, Section 4, parcel #172-T34-000-016-00. A 30ft. front setback is required for the subject property in this zoning district.

Mr. McNeil stated that the applicant is seeking a 9ft. front setback variance to construct a dwelling 21ft. from the front property line in a Residential Development (D-RS) zoning district. Mr. McNeil stated that a 30ft. front setback is required in this zoning district.

Mr. Coppola stated that previously there was a mobile home with an addition and deck on this parcel. Mr. Coppola stated that the mobile home, addition and deck were located 10ft. into the front setback area. Mr. Coppola stated that this is how they purchased the property. Mr. Coppola stated that a tree fell a few years ago on the mobile home and this prompted them to replace the structure. Mr. Coppola stated that he and his wife would like to replace the mobile home with this proposed dwelling. Mr. Coppola stated that the existing cement driveway, existing pole barn and existing septic field reduces the envelope of where a dwelling can be built. Mr. Coppola stated that this is why he is requesting a variance. Mr. Coppola stated that there are three other properties on the same side of the street that have structures located in the front setback.

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

Mr. Freese stated the footprint of the proposed house is 1796.95sf. Mr. Freese stated that meeting the front setback reduces the footprint of the house by 363sf. Mr. Freese stated that extending the building to the east or west or a combination thereof by 11ft. increased the footprint back up to 1791.45sf which can easily be accommodated on this lot and eliminates the need for a setback variance. Mr. Freese stated that this is a self-created problem and there is plenty of room to build the same size residence and meet the setback requirements. Mr. Coppola stated that a wider home would require that trees be cut down and he does not want to cut them down. Mr. Coppola stated that he still wants to be able to have access to the septic field in case equipment will need to be brought in to service the septic field. Mr. Freese explained that there is room to build the same size residence and meeting the setbacks. Mr. Freese explained that there will also be access to the septic. Mr. Coppola stated that in the future, he would like to put on an 8ft. addition to the front of the pole building to align the pole building and the house and this is why he would like to keep the other side of the house open for access to the septic. Discussion was held regarding moving the house 2ft. away from the driveway. Mr. Coppola noted that the previous mobile home was located 9.5ft. into the setback area and the proposed dwelling is not changing anything. Mr. Freese stated that once the building is torn down, there is no basis to not meet setbacks for the proposed dwelling. Mr. Coppola stated that there are three parcels that have buildings that do not meet the front setback requirements. Mr. Coppola stated that his proposed dwelling will not stick out any further toward the road than what the previous building did. Mr. Coppola stated that the proposed dwelling will be in line with all of the other buildings that do not meet the front setback requirement. Mr. Freese asked how close the other buildings are from the road. Mr. McNeil stated that one house is 20-25ft. from the road. Discussion was held. Mr. Moore stated that the Zoning Board of Appeals routinely allows structures to be built in line with the neighbors. Mr. Freese stated the setback variance can not be greater than the average setback on the adjoining lots. Mr. Freese noted that there is no building on the left side. Mr. Moore suggested not allowing the building "closer than the neighboring house". Discussion was held. Mr. Freese asked if Mr. Coppola is willing to change his variance request to allow the same setback that the neighbor has to the east. Mr. Coppola stated he will change his variance request to allow the same setback as the neighbor.

The Zoning Board of Appeals revised General Finding #4, "The applicant is seeking a variance to allow the front setback to align with the neighbor to the east." The Zoning Board of Appeals deleted General Finding #5. The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Mr. Freese stated that regarding Mr. Stempky's request, he will bring up the topic of vacation rentals to the Planning Commission at their next meeting. Discussion was held.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting Election of Officers & Verification of Regular Meeting Schedule

Motion by Mr. Moore, seconded by Mr. Thompson, to nominate Mr. Freese for Chairperson. Motion carried unanimously.

Motion by Ms. Sherwood, seconded by Mr. Thompson, to nominate Mr. Moore for Vice-Chairperson. Motion carried unanimously.

Motion by Mr. Moore, seconded by Mr. Hemmer, to nominate Mr. Thompson for Secretary. Motion carried unanimously.

Discussion was held regarding the Zoning Board of Appeals meetings being held on the fourth Thursday of the month. Mr. McNeil stated that there are no conflicts with the 2017 meeting schedule. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the 2017 Zoning Board of Appeals meeting schedule. Motion carried unanimously.

ZBA COMMENTS

Mr. Moore noted that Mr. Stempky's request should be discussed with the Planning Commission at their next meeting.

PUBLIC COMMENTS

Mr. Crusoe stated that members of the Aloha Township Board are attending this meeting in support of Mr. Stempky's request for continued rental of a residence. Mr. Maziasz stated it is unusual to ticket the property owner on the rentals as we know that there are thousands of rentals in Cheboygan County. Mr. Maziasz stated that this is a poor planning issue that seriously needs to be addressed. Mr. Freese stated that Mr. Schnell has been following the VRBO website and contacting property owners in the Lake and Stream Protection Zoning District to let them know that this is illegal by our regulations. Mr. Freese stated that most have complied. Mr. Freese stated that Mr. Stempky decided to apply to the Zoning Board of Appeals for a use variance. Mr. Freese stated this is a question that should be addressed county wide rather than one single rental house. Mr. Stempky stated that on the VRBO website today there were 162 vacation rentals advertised for Cheboygan. Mr. Freese stated that it needs to be addressed, but not one case at a time. Discussion was held.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:46pm.



John Thompson, Secretary