

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
MONDAY, OCTOBER 16, 2017 AT 10:00AM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, Nini Sherwood

Members Absent: John Moore, John Thompson

Others Present: Scott McNeil, Russell Crawford, David Nash

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 Ms. Sherwood, to accept the agenda as presented. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

PUBLIC HEARING & ACTION ON REQUESTS

Mark and Kathy Schmitt and David Nash - Requests a 6 ft. front setback variance and a 17.5 ft. front setback variance to replace a portion of a dwelling measuring 8 ft. x 18 ft. and construct two (2) dwelling additions measuring 2 ft. x 8 ft. and 4 ft. x 8 ft. The property is located at 6343 Arthur Street, Tuscarora Township, Section 24, parcel #161-024-200-013-00 and is zoned Lake and Stream Protection (P-LS). A 40 ft. front setback is required in this zoning district.

Mr. Freese stated that only three members are present for the meeting which is a quorum for this board. Mr. Freese stated that any decision that the Zoning Board of Appeals makes requires a consensus of the quorum and since there are only three present the decision must be unanimous. Mr. Freese stated that the applicants can ask for their request to be tabled until he next Zoning Board of Appeals meeting. Mr. Nash stated that he would like to have the request reviewed today.

Mr. McNeil stated that the applicant is requesting 2 waterfront setback variances. Mr. McNeil stated that one request is for 6ft. off of the westerly side of the property facing Indian River. Mr. McNeil stated that the applicant is also requesting a 17.5ft. variance off of the canal to the south side of the property. Mr. McNeil stated that the subject parcel contains waterfront on three (3) sides.

Mr. Nash stated that these additions will not encroach on the neighbors. Mr. Nash explained that he is also repairing what already exists.

Mr. Freese asked if the building will be raised and if the existing foundations will be repaired and replaced. Mr. Nash stated that the foundation will be repaired and replaced as needed. Mr. Freese asked if there will be new foundations for the two additions that require a variance. Mr. Nash stated yes. Discussion was held regarding the porch roof being replaced. Mr. McNeil noted that a zoning permit was approved for the porch.

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

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

6. The applicant proposes to raise the entire building and raise, rebuild and repair the existing foundations within the existing footprint except for extending the foundation footprint by 4ft. along the Indian River and along the canal side by 2ft. to allow the "T" shaped living room to be enlarged to a rectangular shape.
7. The applicant proposes to repair and replace the existing building on the raised foundations within the existing footprint except for the additions in the north west and south west corners of the living room requested in the variance application.
8. The parcel is located in an area where virtually all parcels are non-conforming due to small lot sizes along the Indian River and side canals.
9. The area has historically had structures built with zero setbacks from the high water mark both for dwellings and enclosed boat houses.
10. This parcel already has a boat house with a zero setback.

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. Freese, seconded Ms. Sherwood, to approve the two front setback variances in conjunction with the raising of the existing structure and rebuilding of the foundations and repair and rebuilding of the existing structure on the rebuilt foundations within the existing footprint with the extensions proposed by the variances and in accordance with the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 10:15am.



John Thompson, Secretary