

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, AUGUST 26, 2015 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, Mary Street, John Thompson  
**Members Absent:** John Moore  
**Others Present:** Scott McNeil, Carl Muscott, Tony Matelski, Joe Gustin, Russell Crawford, Cheryl Crawford, Nancy Nash, Kathy Brilley

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 Ms. Street, to accept the agenda as presented. Motion carried. 4 Ayes (Freese, Hemmer, Street, Thompson), 0 Nays, 1 Absent (Moore)

**APPROVAL OF MINUTES**

Minutes from the July 22, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Ms. Street, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Street, Thompson), 0 Nays, 1 Absent (Moore)

**PUBLIC HEARING & ACTION ON REQUESTS**

***Joseph Gustin***

Requests a 320 square foot total floor area variance for a private storage building to be located on a lot containing less than 2 acres in a Lake and Stream Protection (P-LS) zoning district. The property is located at 2062 France Lane., Benton Township, Section 16, parcel #104-016-300-019-03. Private storage buildings are limited to a total floor area of no more than 1,600 square feet on lots with 2 acres or less in this zoning district.

Mr. McNeil stated that the applicant would like to construct an addition on a private storage building that would create a total of 1,9200sf of floor area. Mr. McNeil stated this is a private storage building and it is not accessory to a home. Mr. McNeil stated parcels of this size are limited to 1600sf for a private storage building. Mr. McNeil stated that the applicant is requesting a variance of 320sf.

Mr. Freese asked if there was any additional correspondence. Mr. McNeil stated no.

Mr. Gustin stated many property owners on France Lane purchased property across from their homes for the purpose of a storage building. Mr. Gustin stated his neighbor to the left has a 40ft. x 60ft. storage building that is 16ft. in height. Mr. Gustin stated his neighbor to the right has a 30ft. x 48ft. storage building with an extension that he received a variance for approximately 3 years ago. Mr. Gustin stated this will not be the largest storage building in the area. Mr. Freese asked if Mr. Gustin will be storing a fifth wheel camper in this storage building. Mr. Gustin stated yes.

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

Mr. Freese noted there is enough room to build a 13ft. 4in. addition onto the existing storage building. Mr. Freese stated this can be done without a variance.

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

6. The addition requested is 30ft. x 24ft.
7. An addition of 13ft. 4in. is allowable without any variance.
8. A motor home requires less than 9ft. in width for parking.

Ms. Street asked Mr. Gustin if he intended to put in a drive on the side of the property. Mr. Gustin stated no and he was planning to back in the motor home. Mr. Gustin stated that the motor home is the last thing that goes into the storage building for storage during the winter time. Mr. Gustin noted that he also stores a pontoon boat, enclosed trailer and another trailer. Mr. Gustin explained that once these items go in to the storage building, nothing comes out as everything is stored right out to the door. Mr. Gustin stated that with this addition he will still have the smallest storage building in

the neighborhood. Mr. Gustin stated he maintains his property very nicely and this was noted by Mr. McNeil. Mr. Freese stated the fifth wheel camper or the boat can still be brought in from the side and put in the back. Mr. Freese stated there will be enough room with a 13ft. 4in x 30ft. addition to store the fifth wheel camper.

Mr. Thompson asked if the main purpose of the addition is for the fifth wheel camper. Mr. Thompson asked if another 400sf addition would be acceptable as this is still within 1600sf. Mr. Thompson asked how the 24ft. will be used. Mr. Gustin explained that it is difficult to maneuver and store the fifth wheel camper, boat and the trailers. Discussion was held. Mr. Gustin explained that the fifth wheel camper is 32ft. in length and will not fit in a 30ft. wide addition. Mr. Freese stated the pontoon boat can be stored in the back of the addition if there is a door. Mr. Gustin explained that the fifth wheel camper will still have to be stored by the front of door. Mr. Gustin explained that he has a truck and a car also and he will store the car in the winter time. Mr. Freese stated that legal counsel has advised that there is no requirement for anyone to have storage for anything other than a car. Mr. Freese stated that he believes that the extra 13ft. will allow the applicant to fit everything in that he needs if it is arranged.

Ms. Street stated that the fact that the neighbors have already done this does not change the fact that the Zoning Board of Appeals has to review this variance request. Mr. Gustin noted that his neighbor Tom Morrish was granted a variance from the Zoning Board of Appeals as he had the same problem with storage. Mr. Freese stated Mr. Morrish also wanted a greenhouse and a workshop on his house but was not able to do so because of the utilities along the side of the house. Discussion was held.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. The Zoning Board of Appeals agreed that 23.5.4.1, 23.5.4.2, 23.5.4.3 and 23.5.4.4 have not been met and 23.5.4.5 has been met. **Motion** by Ms. Street seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Street, Thompson), 0 Nays, 1 Absent (Moore)

Mr. Gustin asked if he could build 13ft. without a variance. Mr. Freese states Mr. Gustin can build 13ft. 4in. in length without a variance. Discussion was held.

### ***John Charney***

Requests a 1.27 ft. side setback variance to construct an addition to a dwelling (12ft x 24ft.). The property is located on 6769 Orchard Beach Drive, Benton Township, Section 32, parcel #105-S63-000-031-00 and is zoned Lake and Stream Protection (P-LS). A 7.1 ft. side setback is required for the subject parcel in this zoning district.

Mr. McNeil explained that Mr. Charney is requesting a 1.27ft. side setback variance. Mr. McNeil noted that the side setback for lots that are less than 80ft. wide is based on 10% of the lot width with a minimum requirement of 5ft. Mr. McNeil stated in this case the side setback requirement is 7.1ft. Mr. Freese noted the side setback requirement will be 7.168ft. Discussion was held regarding the 1ft. 2in. notation on the site plan.

Mr. Freese asked if there was any other correspondence regarding this request. Mr. McNeil stated no.

Ms. Nash noted that the 1ft. 2in. notation on the site plan will only affect the back corner of the addition and this is due to the lot being on an angle.

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

Mr. Freese noted that it appears that an addition was built in the early 1970's. Ms. Nash noted that this bedroom addition meets the setback requirement. Mr. Freese noted that the setback requirement changed approximately 5 years ago. Mr. McNeil noted that previously there was an 8ft. setback requirement. Mr. Freese stated that the question for the Zoning Board of Appeals is should the variance request be granted given that the regulation has been relaxed. Mr. Freese noted that one more jog in the footprint of the addition would eliminate the need for a variance.

Ms. Street stated that offsetting the addition by 1ft. 2in. will not accomplish a lot and that the neighbor is not opposed to the request for a variance. Discussion was held regarding the Zoning Board of Appeals granting variances in the past for an extension that is parallel to the setback.

An audience member stated that she works for Nash Builders and her husband will not build a wall that is crooked as that is what the Zoning Board of Appeals is proposing be done. The audience member stated they are fixing the roof line also.

Mr. Freese stated he is not advocating building a wall that is crooked. Mr. Freese suggested bringing the wall back 1ft.

The audience member stated that it will save the property owner money if the wall is squared off. Mr. Freese stated that cost is not a factor that the Zoning Board of Appeals considers when reviewing a variance request.

The Zoning Board of Appeals reviewed the Findings of Face and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Freese seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the 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**

Mr. Muscott referred to the Cheboygan County Community Development Department Annual Report for 2014 and noted that of the 23 requests reviewed by the Zoning Board of Appeals there were 17 that were approved. Mr. Muscott stated that during training with legal counsel, Mr. Graham noted that variances might be granted 1% of the time if there is a good zoning ordinance. Mr. Muscott stated Zoning Ordinance #200 can stand improvements. Mr. Muscott is sympathetic to Mr. Gustin's request but he appreciates the Zoning Board of Appeals decision.

**ADJOURN**

**Motion** by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:39pm.

  
\_\_\_\_\_  
Mary Street, Secretary