

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JULY 22, 2020 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:** Michael Turisk, Jen Merk, Craig Carrier, Cal Gouine

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 unanimously.

**APPROVAL OF MINUTES**

Minutes from the May 27, 2020 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Ms. Sherwood to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**Craig Carrier/Peter Schwenzer** – The applicant requests approval of a 27-ft. setback variance from a creek to reconstruct a garage on a property in the Lake and Stream Protection (P-LS) zoning district. Per Section 10.4.9 of the Zoning Ordinance, a 40-ft. setback is required for structures from the shoreline’s ordinary high water mark of any stream or pond that can be identified on the U.S. Geological Survey Maps of the 7.5’ quadrangle series of Cheboygan County. The applicant also requests approval of a 2-ft. side setback variance to reconstruct the garage 4 feet from the side property line. The subject property is located at 2513 Silver Lodge Trail in Mullett Township, Parcel No. 130-003-100-021-00, Section 3.

Ms. Merk reviewed the information included in the staff report.

Mr. Carrier stated that the driveway is narrow and there is a part of the driveway that is over the septic tank. Mr. Carrier that he can move the garage a little and put in a bigger door starting at the edge. Mr. Carrier stated that the existing garage is poorly built and is ready to fall down. Mr. Carrier stated that the owner would like the building to be bigger for his pontoon boat.

Mr. Freese stated that the diagram that is provided with the application indicates the drain field is on the east side. Discussion was held regarding the location of the drain field and well. Ms. Merk clarified that the septic tank is located underneath the deck and the drain field is located to the west of the garage. Mr. Carrier noted that the well is located between the house and road. Discussion was held regarding reducing the size of the porch. Mr. Freese noted that no matter what is done there will not be an access to the second door. Mr. Carrier agreed and stated that the new buyer understands that there will be one door. Mr. Freese stated that the location of the septic tank under the porch provides justification for the side setback, but questioned what is prohibiting moving the garage 5ft. 2in. towards the house as it would eliminate the need for the front setback variance request. Mr. Carrier stated that the property owner will not be able to utilize the garage without the side setback since the owner would not be able to make the swing into the garage to maneuver a 22ft. boat and truck through this area. Mr. Freese stated that this will not be an issue as the door will be moved to the side. Discussion was held.

Board held discussion. Ms. Sherwood stated that she would like to see the building as far back as it is now from the creek. Ms. Sherwood stated that regarding the side setback, she does not believe there will be an adverse effect as there is a garage on the adjacent property. Mr. Freese noted that the neighbor has stated that he has no problems with the proposed garage. Discussion was held.

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

The Zoning Board of Appeals reviewed and revised the General Findings regarding the front setback variance request. The Zoning Board of Appeals revised General Finding #3 "The subject property does not meet the minimum width standard (100 feet) and area (15,000 square feet) required for properties in the P-LS zoning district per Section 17.1 and is non-conforming." The Zoning Board of Appeals revised General Finding #4 "A creek (identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County) flows through the southern portion of the subject property and adjacent to the existing 24 ft. x 24 ft. non-conforming garage." Mr. Freese asked Mr. Carrier if he is willing to revise the request for the front setback to allow the new garage to be in the same location as the front wall of the existing garage rather than moving it closer to the stream. Mr. Carrier stated yes. The Zoning Board of Appeals added "The applicant is revising his front setback request to be 18ft. 2in. from the stream." as General Finding #12. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4 regarding the front setback variance request. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to approve the front setback variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

The Zoning Board of Appeals reviewed and revised the General Findings regarding the side setback variance request. The Zoning Board of Appeals added "The septic tank is located underneath the existing porch." as General Finding #13. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4 regarding the front setback variance request. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the side setback 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**

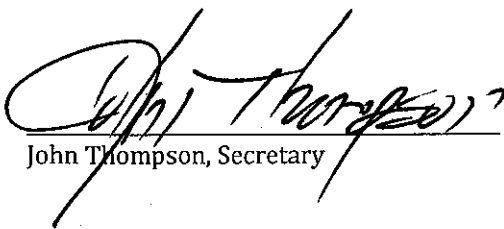
No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:48 pm.



John Thompson, Secretary