

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JUNE 26, 2013 AT 7:00 P.M.**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

**Members Absent:** John Moore

**Others Present:** Scott McNeil, James Laba, David Burke, Tony Matelski, Robert Raymond, Kay Laba, Russell Crawford, Cheryl Crawford

The meeting was called to order by Chairperson Freese at 7:00pm.

**APPROVAL OF AGENDA**

The agenda was presented. Mr. Freese noted that the request for Debbie Willey will be deleted from the agenda. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to accept the agenda as amended. Motion carried. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

**APPROVAL OF MINUTES**

Minutes from the March 27, 2013 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Ms. Street, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

**PUBLIC HEARING & ACTION ON REQUESTS**

James Laba - Requests an 8.5 ft. front setback variance and a 2.9 ft. side setback variance for construction of balcony. The property is located at 1265 Main St, Aloha Township, Section 8, parcel #140-A01-009-009-00 and is zoned Lake and Stream Protection (P-LS). The zoning ordinance requires a 30 ft. front setback and a 5.9 ft. side setback for this lot in this zoning district.

Mr. McNeil explained this request is for a side and front setback variance on a non-waterfront lot in the Lake and Stream Protection District. Mr. McNeil stated the applicant would like to build a balcony on an existing house. Mr. Freese referred to an aerial photo of the property and noted there is an extension of the yard in front of the lot line before it gets to the road. Mr. Freese stated there is approximately 15ft. – 18ft. from the lot line to the black top which is 36ft. wide.

Mr. Laba stated letters of support were submitted by all of his neighbors bordering his property and also by all neighbors except one in the block (from Main St. to Center St. and from First St. to Second St.).

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

Board held discussion. Mr. Brown noted that the applicant has more of a greenbelt than anyone else in the area. Mr. Freese noted the location of another deck facing Main St. that is almost identical to what the applicant is requesting. Mr. Freese explained these types of side setback variance requests for an extension have been approved in the past. Mr. Freese noted that these types of requests have been approved as long as the addition does not intrude any further into the setback area. Mr. Brown agreed with Mr. Freese.

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

7. All of the houses facing Main St. already have a lower porch similar to the existing porch on the applicant’s house and one of the other three houses that face on First St. has a deck that protrudes the same distance as the proposed deck.
8. The house is already on the same setback as the proposed porch on the side.

The Zoning Board of Appeals reviewed and approved the General Findings and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Brown, 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. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

**David Burke** - Requests a 6 ft. front setback variance for construction of a covered porch. The property is located at 3845 Prospect St., Tuscarora Township, Section 24, parcel #161-131-016-003-00 and is zoned Lake and Stream Protection (P-LS). The zoning ordinance requires a 40 ft. front setback in this zoning district.

Mr. McNeil explained that this request is for a waterfront setback variance for a porch in the Lake and Stream Protection

District. Mr. McNeil stated the existing deck structure will be removed and a new porch will be constructed 34ft. from the front property line.

Mr. Burke stated the proposed covered porch will meet the 40ft. setback on one side but it will be 34ft. on the other side because of the angle of the river. Mr. Burke explained the existing porch is 28ft. from the front property line and the proposed porch will be further back. Mr. Burke stated the existing porch is not in good shape and should be replaced.

Mr. Freese asked for public comments. There were no public comments. Public comment closed. There was no correspondence to be read.

Board held discussion. Mr. Freese asked if this will be a covered porch. Mr. Burke stated yes. Mr. Freese noted there will be additional height due to the covered porch which may cause a view blockage. Mr. Burke stated that since the proposed porch is in the corner it will not block any views along the southwest side. Mr. Freese and Mr. Brown suggested clipping the corners of the deck 45 degrees to minimize the setback variance request to approximately 1 ½ ft. Mr. Freese asked Mr. Burke if this is acceptable to him. Mr. Burke stated yes. Mr. Burke asked if this would be for the deck and the roof. Mr. Freese stated it would be for the deck and roof. Discussion was held.

The Zoning Board of Appeals revised 3 of the General Findings to "The applicant is agreeing to a deck 28ft. wide, 12ft. wide in the center section and 6ft. on either end with a 45 degree at the 6ft. mark resulting in variance of 3.5ft." The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4 and changed 6ft. to 3.5ft. in 23.5.4.1 and 23.5.4.5. The Zoning Board of Appeals agreed that all of the standards have been met. **Motion** by Ms. Street, seconded by Mr. Brown, 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. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **ZBA COMMENTS**

Mr. Brown suggested reviewing Emmet County's ordinance on the Crooked River regarding boat houses. Discussion was held.

Discussion was held regarding the Zoning Board of Appeals by-laws being revised to include the pledge of allegiance being said at the beginning of each meeting. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to revise the by-laws to include the pledge of allegiance. Motion carried. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

Mr. Freese stated the Planning Commission has adopted a regulation limiting the number of times to two that an applicant can request that the application be tabled. Mr. McNeil noted that the request to table must be received four business days in advance of the meeting. Ms. Street asked if this would include times when the Zoning Board of Appeals tables the request. Mr. Freese stated if the request is tabled by the Zoning Board of Appeals it does not count. Discussion was held. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to revise the by-laws to coincide with the Planning Commission's proposal for tabling. Motion carried. 4 Ayes (Freese, Hemmer, Brown, Street), 0 Nays, 1 Absent (Moore)

#### **PUBLIC COMMENTS**

No comments.

#### **ADJOURN**

**Motion** by Mr. Hemmer, to adjourn. Motion carried. Meeting adjourned at 7:31pm.



Mary Street, Secretary