

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, SEPTEMBER 28, 2016 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, Russell Crawford, Cheryl Crawford, Ann Chastain, Tom Chastain, Carl Muscott, Chuck Maziasz

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 Mr. Moore, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the August 24, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Ann Chastain – Requests a 5 ft. 4 in. side setback variance and a 6 ft. front setback variance for a lean-to in a Lake and Stream Protection (P-LS) zoning district. The property is located at 10796 E. Munro Lake Dr., Munro Township, Section 9, parcel #080-009-200-001-09. A side setback of 8 ft. is required and a front setback of 30 ft. is required for this lot in this zoning district.

Mr. McNeil explained that the applicant is requesting a 5ft. 4in. side setback variance and a 6ft. front setback variance for a lean-to. Mr. McNeil stated that this is a non-waterfront lot that is located in the Lake and Stream Protection Zoning District. Mr. McNeil noted that an 8ft. side setback and 30ft. front setback is required for this lot in the Lake and Stream Protection Zoning District.

Ms. Chastain stated that in 2006 she decided to split the lot, which would allow her to sell the existing house and build on the remaining lot. Ms. Chastain explained that an additional septic field was required on the lake side to service the house that she was selling. Ms. Chastain explained that the existing septic was on the lot that she was planning on keeping to build a house. Ms. Chastain explained that the house was completed in 2007. Ms. Chastain stated that the lean-to was built in 2013 as a cover for firewood and the generator. Ms. Chastain stated that they did not think about the lot line at that point and that they had lost track of the property markers. Ms. Chastain explained that after a discussion with the neighbor regarding the location of the lot line, Granger and Associates staked the lot line. Ms. Chastain stated that there are non-buildable wetlands to the side and back of the house.

Mr. Freese asked if the original parcel was split into three lots. Mrs. Chastain stated yes. Mr. Freese stated that the dividing line between parcel 2 and parcel 3 is the western edge of the easement according to the mortgage report.

Mr. Freese stated that on the mortgage report, the western edge of the easement coming from the south enters lot 3 approximately 20ft. to the east of the lot line. Mr. Freese referred to the survey and stated that the western edge of the easement coincides with the property line between lots 2 and 3 on the west. Mr. Freese stated that the eastern side of the easement as shown on the survey shows it intersecting lot 3 to the west of where it is shown on the mortgage report by about 20 feet. This would bring into question exact location of the western side of the easement and could have reduced the front variance request. Discussion was held regarding the front setback being measured from the easement. Mr. Freese stated that there are wetlands on the east end and north end of the lean-to. Discussion was held regarding parcel 3 being a non-developable lot with a drain field on it. Mr. Freese asked when the side setback regulation was changed for narrow lots. Mr. McNeil stated it was a couple of years ago. Mr. McNeil stated that regulation would not apply as this lot is wide enough. Mr. Freese noted that the applicant should have applied for a front setback variance for the house. Mr. Freese noted the applicant had properly applied for all necessary permits at the time of construction of the home, but that the county did not perform foundation location checks at the time to determine if setback requirements had been met and an occupancy permit was issued. The applicant is therefore deemed vested with regard to the location of the original dwelling. Mrs. Chastain stated that she did not know that she needed a variance. Discussion was held.

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:

5. This is an extremely narrow lot, most of which is wetlands.
6. The area to the east and north on parcel 2 are wetlands that are limiting the buildable area.

The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Freese, 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.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

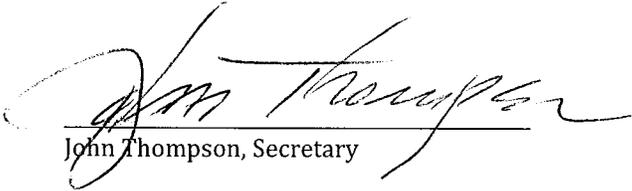
No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:21pm.



John Thompson, Secretary