

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, NOVEMBER 25, 2015 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, John Moore, Mary Street

**Members Absent:** John Thompson

**Others Present:** Scott McNeil, Carl Muscott, Tony Matelski, Russell Crawford, Cheryl Crawford

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. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Thompson)

**APPROVAL OF MINUTES**

Mr. Freese stated that Zoning Board of Appeals minutes will be reviewed at the next meeting.

**PUBLIC HEARING & ACTION ON REQUESTS**

**Luke Klotz** - Requests a 33.5 ft. front setback variance and a 18 ft. setback variance from a boat well for construction of an accessory structure to a dwelling and a 25 ft. front setback variance and a 5 ft. side setback variance for ground decking in a Lake and Stream Protection (P-LS) zoning district. The property is located at 3350 Nabanois Trail, Tuscarora Township, Section 19, parcel #162-141-006-004-00. A 40ft front setback and a 25 ft. setback from a boat well for a structure and a 25 ft. front setback and a 5 ft. side setback for ground decking are required for the subject lot in this zoning district.

Mr. McNeil stated that he provided updated General Findings and updated Specific Findings of Fact. Mr. McNeil explained that he proposed findings for 5 variance requests but the notice only covered 4 variance requests. Mr. McNeil stated that he talked with Mr. Freese today and they agree that the ordinance does not cover the setback from the boat well. Mr. McNeil stated the request is for a front setback variance and a setback variance from a boat well with regards to the structure and a front setback variance and a side setback variance for ground decking.

Mr. Freese asked Mr. Klotz if there is any information he would like to provide. Mr. Klotz stated no.

Mr. Freese asked if there is any additional correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Board held discussion. Ms. Street noted that the structure has already been constructed and questioned if this should have any impact on the Zoning Board of Appeals determination. Mr. Freese stated this fact will not make any difference when the Zoning Board of Appeals is reviewing the request and making a decision. Mr. Moore asked if a building permit was issued. Mr. McNeil stated no. Mr. Freese stated that this request is before the Zoning Board of Appeals tonight due to enforcement action.

The Zoning Board of Appeals revised General Finding #2: "The subject lot is 42 feet wide. The lot is legal non-conforming." The Zoning Board of Appeals revised General Findings #3: "A front setback of 40 feet and side setback of 5 feet is required for structures in the subject lot in a P-LS zoning district per Section 17.1. A side setback of 8ft. is normally required in the Lake and Stream Protection District, although the regulation was amended to provide relief for narrow lots which is resulting in the side setback for this specific lot to be reduced to the minimum requirement of 5ft." The Zoning Board of Appeals added #7 to the General Findings: "Approximately 47ft. separate the rear of the boat well from the front of the house which is more than ample to construct the 10ft. x 20ft. structure at issue and still meet the setback requirements."

The Zoning Board of Appeals reviewed and approved the Findings of Face and the Specific Findings of Fact under Section 23.5.4. **Motion** by Ms. Street seconded by Mr. Hemmer, to deny the requested variances based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Thompson)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

Mr. McNeil stated language should be reviewed regarding setback requirements from boat wells for decks and porches that are 30 inches or less without a railing. Mr. Freese stated the Zoning Board of Appeals determined that the front setback would be measured from the break wall and across the front of the boat well 40ft. back.

Mr. Freese stated there is a conflict in two sections of the ordinance in regards to accessory structures. Mr. Freese noted that one section states 149sf and the other sections states 150sf. Mr. Freese also stated that the regulation allows for raised decking, walkways and pathways if they are less than 8ft. in width.

Mr. Moore suggesting allowing a certain amount around the boat well. Mr. McNeil stated that is already in the ordinance and the intent was to have the same setback for the other decking in the lower porches and that is why the Planning Commission identified 25ft. from the boat wells.

**ZBA COMMENTS**

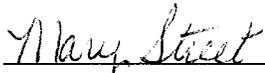
Ms. Street asked if there is a Zoning Board of Appeals meeting scheduled for December. Mr. McNeil stated yes.

**PUBLIC COMMENTS**

No comments.

**ADIURN**

**Motion** by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:17pm.

  
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Mary Street, Secretary