

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JUNE 24, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Scott McNeil, Debbie Willey, Dan Sachs, Karen Sachs, Tony Matelski

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 Ms. Street, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the May 27, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Ms. Street, seconded by Mr. Moore, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Debra Willey- Requests a 10 ft. side setback variance for construction of a 14 ft. x 32 ft. private storage building which is accessory to a dwelling in a Commercial Development (D-CM) zoning district. The property is located at 6035 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-005-00. A 10ft side setback is required in this zoning district.

Mr. McNeil reviewed the site plan and stated that the applicant is requesting a 10ft. side setback variance to construct a storage building. Mr. McNeil stated a 10ft side setback is required in the Commercial Development zoning district.

There was no correspondence to be read.

Ms. Willey stated she would like to construct the storage building to clean up her yard and to store her lawn mower and snow blower. Ms. Willey stated there is no place else on the property for the storage building.

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

Mr. Freese stated along the west side of the property is the Rails to Trails and Ms. Willey is proposing to place the storage building up against the existing retaining wall. Mr. Freese noted the location of a utility line and stated it is not possible to build further to the east. Mr. Freese stated that the septic field is located at the north end of the property and it is not possible to build in this location. Mr. Freese stated that Ms. Willey can't build towards the south end of the property due to the floodplain of the river where the septic field is located. Mr. Freese stated there is no other location on the property to construct the storage building without a variance. Mr. Freese stated in the past the Zoning Board of Appeals has granted variances for utility sheds along the Rails to Trails.

Mr. Thompson asked if the proposed storage building is a temporary building that is moveable. Ms. Thompson stated yes.

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

5. Space in front of the property is limited by the drain field and the area to the rear drops off sharply to the river and in this area is a second drain field.
6. Storage buildings have previously been allowed where space is limited on waterfront lots along the Rails to Trails right of way in this area.
7. The only area available is next to the Rails to Trails right of way and is partially screened by the retaining wall along the trail.

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

Daniel Sachs - Requests a 25ft. front setback variance for construction of garage in an Agriculture and Forestry Management (D-RS) zoning district. The property is located at 6311 M33/68, Forest Township, Section 6, parcel #231-006-300-013-00. A 50ft front setback is required in this zoning district

Mr. McNeil stated that the applicant is requesting a 25ft. front setback variance for construction of garage and the property is located on M-33/68 where there is a 150ft. right of way. Mr. McNeil stated that the applicant is proposing to build the garage 25ft. from the front property line which would require a 25ft. variance.

Mr. Sachs stated he is not able to move the garage to the rear of the property due to the drain field. Mr. Freese stated the location of the drain field was not marked when he visited the site. Mr. Sachs stated this is his only option as the house was built 40 years ago. Discussion was held regarding the location of the proposed garage and alternate options that are available. Mr. Freese noted there is sufficient area available to place the garage on the 45ft. x 60ft. graveled area to the west of the house without extending any further into the front setback. Ms. Sachs stated they want definition to their house and they do not want one straight line. Mr. Freese stated that if there are options that can be met without the variance then the Zoning Board of Appeals is not able to grant a variance. Mr. Freese stated the existing house is located in the front setback area. Mr. Sachs stated that the house was built 40 years ago. Discussion was held regarding building the garage and not extending it any further than the front of the house. Mr. Freese stated the Zoning Board of Appeals could grant a variance to allow the garage to extend no further into the front setback area than the front of the house (not the porch). Mr. Freese asked if this is acceptable to Mr. Sachs. Mr. Sachs stated yes.

There was no correspondence to be read. 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:

3. The applicant is proposing to construct a garage measuring 32 ft. and 36 ft. and 5 feet or equal to the front of existing house structure.
4. Location for the garage is limited to the west by a drain field and to the east by the water well.
5. The present house already extends into the front setback.
6. Sufficient area is available to place the requested garage on the 45ft. x 60ft. graveled area to the west of the house without extending any further into the front setback.
7. There is a 150ft. road right of way in this area.

The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Street, 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. Moore to adjourn. Motion carried. Meeting adjourned at 7:27pm.



Mary Street, Secretary