

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, MARCH 28, 2018 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:** Jeff Lawson, John F. Brown, Terry Knaffle, Tom Chastain, Carl Muscott, Janice Heilman, Cal Gouine, Marcia Rocheleau, Bruce Socha, Mary Rocheleau, Joel Martinechek, Audrey Martinchek, Micalleen Susyan

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 Wednesday, January 24, 2018 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**

**Terry Knaffle** – Requests a variance from section 17.27.3 which states that Indoor Storage Facilities shall be located on a county primary road or state trunkline. The property is located at 12106 Inverness Trail, Beaugrand Township, Section 35, parcels 041-035-300-008-02 and 041-035-300-008-06 and is zoned Agriculture and Forestry Management (M-AF). Indoor Storage Facilities is a use which requires a special use permit (section 9.3.24) in the Agriculture and Forestry Management Zoning District (M-AF).

Mr. Lawson stated that this is a variance application for Mr. Knaffle who would like to construct three additional indoor storage facilities on property that is not located on a county primary road or a state trunkline. Mr. Lawson stated that the property is located at 12106 Inverness Trail in Beaugrand Township. Mr. Lawson stated that the property is zoned Agriculture Forestry Management and indoor storage facilities are permitted in the district by special use permit. Mr. Lawson stated that the applicant is seeking a variance from Section 17.27.3 that requires indoor storage facilities to be constructed on a county primary road or a state trunkline. Mr. Lawson stated that the surrounding zoning is Agriculture and Forestry Management and the surrounding land use is primarily residential. Mr. Lawson stated that there are no additional environmental sensitivity areas. Mr. Lawson stated that public comments were received and all commissioners should have received copies.

Mr. Knaffle stated that he received a call that this property was for sale and he decided to buy it as his units are full. Mr. Knaffle stated that he has noticed garbage trucks, dump trucks, fire department trucks using Inverness Trail Road. Mr. Knaffle stated that storage units are not a place that people go to visit on a daily basis. Mr. Knaffle stated a renter will store their goods and they might not visit the site for another 6-8 months. Mr. Knaffle stated the customers pays him monthly or yearly. Mr. Knaffle stated that they may store a car, a boat, 4 wheeler or household goods. Mr. Knaffle stated that there are people that are moving to Cheboygan and there are no storage units available. Mr. Knaffle stated that he looked at the locations of the storage units around the county and all of them have houses that are across the road, alongside the road or behind the buildings.

Mr. Freese asked how much of Mr. Knaffle’s clientele are local. Mr. Knaffle stated that he had one customer who owned a house 3-4 houses down the road and needed a storage unit for 3-4 years. Mr. Knaffle stated that other neighbors have rented storage units from him. Mr. Knaffle stated he has people from Mackinaw City rent units from him. Mr. Knaffle stated that the traffic for storage units is infrequent. Mr. Knaffle stated that once the goods are stored, they have no reason to come back unless they are picking up goods or moving to a new location.

Mr. Freese asked for public comment.

Mr. Muscott stated that he is pro-business and anti-government. Mr. Muscott stated that it appears that Mr. Knaffle’s

property started as conforming and was treated as non-conforming through an amendment to Zoning Ordinance #200. Mr. Muscott stated that he agrees with Mr. Knaffle's argument. Mr. Muscott stated that the creation of a primary road in the county is an arbitrary decision by the Road Commission and not based on use. Mr. Muscott stated that he supports Mr. Knaffle's variance request and he would like to see an amendment to the ordinance to remove the requirement which states that Indoor Storage Facilities be located on a county primary road or state trunkline.

Mr. Socha stated that he is a resident of Woiderski Road and he is currently staying at a residence on Inverness Trail. Mr. Socha stated that he agrees with some of Mr. Knaffle's statements. Mr. Socha stated that there is a need for storage and he has contacted a few people who are excited about expanding their facilities on a major trunkline or a county primary road. Mr. Socha stated he is concerned that Mr. Knaffle's proposed storage facility will impact the other 16 storage facilities that may have future plans of additional storage. Mr. Socha stated that he believes that Mr. Knaffle does not meet four of the five standards for granting the variance. Mr. Socha stated that he is concerned that sooner or later business property switches hands. Mr. Socha stated that Mr. Knaffle does very well at keeping his place clean and neat, but that should be expected. Mr. Socha stated that the original parcel of land that Mr. Knaffle owns started out being a small mom and pop ceramic and wreath shop owned by people that had zoning approval through Beaugrand Township. Mr. Socha stated that now it has become a medium sized storage building with 136 units. Mr. Socha stated that Mr. Knaffle has accomplished his goal of maximizing his business but it has added an inequality to the neighborhood. Mr. Socha stated that this recent purchase, which has increased Mr. Knaffle's land mass 275% resulted in the proposed storage units no longer fitting in this old neighborhood. Mr. Socha stated they have tolerated the site of the storage buildings, lights in the windows, theft, drinking, traffic, noisy vehicles, water problems and excessive litter in the ditches of Inverness Trail and Woiderski Road. Mr. Socha stated that adding more units will likely amplify these issues and most likely added security (additional lighting and fencing) will be necessary. Mr. Socha stated that it will also displace storage units that are on major trunk lines. Mr. Socha stated that it may be true that storage units are hard to find in the Cheboygan area and when business is good everyone wants some of it. Mr. Socha stated that adding a storage building to an area that wasn't intended will eventually become a problem for those operating storage buildings on the county or major trunkline and for the residents of Inverness Trail and Woiderski Road. Mr. Socha stated that any expansion should be done in the area zoned for it and let them make the investments so the business can remain in the area designated. Mr. Socha stated that the property that Mr. Knaffle purchased is in close proximity to many residences and this proposed expansion will affect all of these residences. Mr. Socha stated that Mr. Knaffle should not be granted a variance because he does not show justification. Mr. Socha stated that increasing the property from 2 acres to the newly purchased property of 3.5 acres last fall and combining the parcels and asking for a variance for the whole parcel looks to be self-created. Mr. Socha stated that Mr. Knaffle is currently grandfathered and is under the older zoning. Mr. Socha stated that no one is stopping Mr. Knaffle from using his property for his permitted purpose and he operates under a grandfather clause under the old zoning. Mr. Socha stated that Mr. Knaffle has maxed his property and does not need to expand as there will be an adverse impact on surrounding properties and property values. Mr. Socha stated that this variance will not do justice to the residents and landowners and the beneficiary is Mr. Knaffle. Mr. Socha stated that doubling the size of the storage facility will have an adverse impact on surrounding property values and the use and enjoyment of the property in the neighborhood. Mr. Socha stated that a variance is not necessary and right now Mr. Knaffle can operate as he always has and enjoy the fruits of his labor. Mr. Socha stated that as for the residents of Woiderski Road and Inverness Trail, that is all that they can tolerate. Mr. Socha stated that Mr. Knaffle is asking for a variance to greatly increase his business as he states in his answers B C D and E.

Mr. Freese asked Mr. Socha to explain the type of existing water problems. Mr. Socha stated that water flows from west to east in this area and there is a culvert that was put in about 50 years ago. Mr. Socha stated that the culvert crossed from the west side of Inverness Trail to the east side across from Mr. Knaffle's storage. Mr. Socha stated that the culvert relieved the water problem as it was backing up on the west side of Inverness trail. Mr. Socha stated that since then it's been filled in and it has created flooding. Mr. Socha explained that the water issue has been a long ongoing issue. Mr. Socha stated that if Mr. Knaffle fills his property, it will be dammed up water and will make the impact on the west side of the road even greater. Mr. Freese stated that his maps show flow from west to east crossing Inverness Trail north of Mr. Knaffle's property and that this drainage problem is caused by the road bed elevation of Inverness Trail Road at that point and would not be influenced by anything occurring on Mr. Knaffle's parcel. Discussion was held. Mr. Socha stated that the county has tried to dig the ditch on the west side of Inverness Trail to get the water to flow south which there was some success. Mr. Socha stated it has since filled in and the water continues to move east.

Mr. Freese asked Mr. Socha to comment on the problems with the police. Mr. Socha stated that he has noticed the police at the storage facility several times. Mr. Freese asked if the police are called as a result of noise or parties. Mr. Socha stated that no one really complained and they just tolerated. Mr. Freese asked if Mr. Socha's comments are because the police have been in the area. Mr. Socha stated yes. Mr. Socha stated that there has been drinking at this storage facility. Mr. Socha stated that there has been an increase in the garbage due to the storage facility.

Ms. Mary Rocheleau stated she lives on Inverness Trail across from the storage facility. Ms. Rocheleau stated that she likes Mr. Knaffle and he runs a good business. Ms. Mary Rocheleau stated that Mr. Knaffle also plows snow for her in the winter. Ms. Rocheleau stated that she is opposed to the expansion of the storage facility as she does not want more traffic going in and out at night. Ms. Mary Rocheleau stated that there are vehicles that should not be at the storage facility and when they leave the car lights on, they shine directly into her living room window. Ms. Mary Rocheleau stated the proposed storage buildings are too much for the residential neighborhood. Ms. Rocheleau believes there will be more traffic. Ms. Mary Rocheleau stated that this is not the place for this large of a storage facility.

Ms. Heilman stated that she lives on the south of Mr. Knaffle's storage units. Ms. Heilman stated that Mr. Knaffle purchased the property from her originally. Ms. Heilman stated Mr. Knaffle provides a contract to his clients that requires there to be no one in or out after dusk. Ms. Heilman stated that there are lights going in and out of the storage facility quite a bit and she has called Mr. Knaffle numerous times. Ms. Heilman stated that Mr. Knaffle gives approval to some clients to be there after dark. Ms. Heilman stated that the water is terrible and that Mr. Knaffle is supposed to maintain the fence. Ms. Heilman stated that her fence is falling apart. Ms. Heilman stated that her son found meth lab products in the woods before Mr. Knaffle put up the fence. Ms. Heilman stated that between the storage units there are lights that are coming and going all the time. Ms. Heilman explained that she believes that there are drug deals that are going on in between these units. Ms. Heilman stated that there are cars coming in all hours of the night and she told Mr. Knaffle about it and he doesn't care. Ms. Heilman stated that she told Mr. Knaffle to put a fence up to keep the people out after dark. Ms. Heilman stated that she can call and complain and by the time Mr. Knaffle gets there the people have left. Ms. Heilman asked if she should be calling Mr. Knaffle to complain or if she should be calling 911 to complain.

Ms. Marcia Rocheleau stated that in Mr. Knaffle's defense, water was an existing issue before he put in his storage facility. Ms. Marcia Rocheleau stated that this is the first time as a township supervisor that I have heard any of these concerns.

Mr. Socha noted that Mr. Knaffle can continue to operate his existing storage facility as he has in the past without getting a variance. Mr. Freese stated that is correct. Mr. Socha stated that the only reason Mr. Knaffle wanted to request a variance is to expand and more than double the size of his storage facility. Mr. Socha stated that he does not see a hardship and he only sees a personal gain. Mr. Socha questioned if Mr. Knaffle can live with what is existing for the storage facility and not expand any further. Mr. Socha stated he does not feel that Mr. Knaffle needs to increase the business. Mr. Socha suggested using the additional parcel as a greenbelt.

Mr. Knaffle stated that he is surprised by the comments regarding the fence. Mr. Knaffle stated that he knows that the fence is in poor condition but he has never been approached about repairing the fence. Mr. Knaffle stated that he paid for the fence. Mr. Knaffle stated that he plans to replace the fence this year. Mr. Knaffle stated that regarding garbage on Inverness Trail, there is the same problem on Levering Road. Mr. Knaffle stated that it doesn't matter where you go, there will be garbage. Mr. Knaffle stated that his business hours are different than daylight hours. Mr. Knaffle stated that he is trying to be courteous to the neighbors by saying that the hours of operation are daylight hours only. Mr. Knaffle provided a copy of his contract showing the note regarding access to all units is during daylight hours only. Mr. Knaffle stated that regarding traffic, there are days that there are only one or two cars at the storage facility.

Mr. Freese asked if there have been any complaints from the police. Mr. Knaffle stated that if there was a problem that the police would call him first. Mr. Knaffle explained that the police park in different locations in the county. Mr. Knaffle stated that he believes his storage facility was one of the locations for the police to park. Mr. Knaffle stated that another issue is that he gave the previous owners of this new property verbal approval for access through the storage units. Mr. Knaffle stated that was the only way they could access the property. Mr. Knaffle stated that the property owner had a fire pit and the light that the neighbors are referring to was probably coming from the previous owners.

Mr. Socha asked if the proposed expansion could be located on Mr. Knaffle's property on Levering Road, which is a class A county road. Mr. Knaffle stated that he owns 2 acres on Levering Road. Mr. Freese stated that is not material to this case that is being reviewed by the Zoning Board of Appeals.

Mr. Socha stated that Mr. Knaffle does not live by the storage facility and the information about the lights is not true.

Public comment closed.

Board held discussion. Mr. Moore stated that Mr. Knaffle can stay with what is existing. Mr. Moore stated that perhaps there is an error in the amendment, which lists only state trunklines and primary roads. Mr. Moore stated that there are many primary roads in the county that are dirt roads and the use of those roads is all residential and forestry/agriculture which is the same as these roads. Mr. Moore questioned the genesis of that amendment and stated that this is certainly a better road than a number of primary roads in the county. Mr. Moore stated that having storage nearby residences is

good and in the past he has rented a unit from a storage facility that was a mile from his house.

Mr. Freese stated that obviously one of the advantages of having facilities of that type is convenience. Mr. Freese stated that private storage is authorized in this district for each and every occupant. Mr. Freese stated indoor storage facilities are a commercial operation and are only allowed on a state trunkline or primary road and anywhere else is prohibited. Mr. Freese stated that any one of the private residences can put up a storage building in this district. Mr. Freese stated that any other business can put up an accessory storage building, but this particular usage is defined as indoor storage for a fee and Amendment #116 has forced it to be on a state trunkline or a county primary road. Mr. Freese stated that the regulation is designed to accommodate particular businesses and usages in the Agriculture and Forestry Management Zoning District and it recognizes the need for indoor storage. Mr. Freese stated the limitation to state trunklines or county primary roads could be to ensure better access or to try and force businesses of this type to locate in particular areas.

The Zoning Board of Appeals reviewed Findings of Fact and the Specific Findings of Fact under Section 23.5.3. The Zoning Board of Appeals agreed that 23.5.3.1, 23.5.3.3, 23.5.3.4 and 23.5.3.5 had been met but 23.5.3.2 had not been met. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.3. Motion carried unanimously.

**Thomas Chastain** - Requests a 30ft. front setback variance to construct a garage (14ft. x 20ft.) in a Lake and Stream Protection (P-LS) Zoning District. The property is located at 1351 Michigami Drive, Beaugrand Township, Section 23, parcel #041-023-100-013-00 and #041-B02-100-047-01. A 40ft. front setback and is required in the Lake and Stream Protection (P-LS) Zoning District

Mr. Lawson stated that Mr. Chastain is requesting a variance to allow a 30 ft. front setback variance to construct a garage in the Lake and Stream Protection Zoning District. Mr. Lawson stated that the property is located 1351 Michigami Drive in Beaugrand Township. Mr. Lawson stated that the subject parcel is a triangle shaped nonconforming lot of record which contains approximately .2 acres. Mr. Lawson stated that the lot is dissected by a creek with 91.6ft. on Michigami Drive. Mr. Lawson stated that a dimensional variance was previously granted by the ZBA to remove a mobile home which was in disrepair and to construct a 768 square foot single family home. Mr. Lawson stated that the applicant is seeking to construct a 280sf garage on the lot. Mr. Lawson stated that the applicant is requesting a variance to allow a garage within 10ft. of the front lot line where a 40ft. front setback is required from the creek. Mr. Lawson stated that aerial photos were provided showing the surrounding zoning is Lake and Stream Protection. Mr. Lawson stated noted that there were no public comments submitted regarding this request.

Mr. Chastain stated that this is a unique problem as Dynamite Creek flows through the right hand side and around the back of a property. Mr. Chastain stated that he came before the Zoning Board of Appeals in 2015 for a variance to construct a home. Mr. Chastain stated that the project has been completed and he has a gentleman who is interested in purchasing this parcel and one of the conditions was he'd like to put up a 14ft. x 20ft. garage. Mr. Chastain stated that he does believe that he qualifies for a hardship.

Mr. Freese asked for public comments. Ms. Susanger stated that she is the vice president of the Beaugrand Estates property homeowners association and she has a home across the road from Mr. Chastain's home and she believes it would be advantageous for the garage to be built as it would look nice as well as increase property values. Public comment closed.

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

6. A garage is considered an accessory use, permitted by right, for a private dwelling of this type.
7. The Department of Building Safety requires that 10ft. between the septic field and any permanent structure.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4.

Mr. Freese stated that a lesser variance would be needed if the garage maintains the minimum setback of 10ft. from the road right of way and 10ft. from the septic field. Mr. Freese stated that this should be included in the approval, but also it should not be any more than the variance requested. Mr. Moore stated that more room may be necessary so as not to drive over the drain field. Mr. Moore stated that as the garage is moved closer to the road, it limits the access to a second vehicle. Mr. Moore stated the applicant's proposed location allows parking between the garage and the road. Mr. Moore stated this would allow an emergency vehicle to park on the parcel instead of on the road. Mr. Moore stated that this is a narrow road. Mr. Moore stated his concerns regarding giving adequate space from the edge of a traveled road to a building regardless of the location of the right of way. Mr. Moore stated that he agrees that it would be simple enough to move the building a little more toward the road, but believes that there needs to be adequate space for safety purposes.

Board held discussion. Mr. Moore asked Mr. Chastain if he would accept a lesser variance. Mr. Chastain stated yes and noted that the road does widen and it is

on a curve. Mr. Chastain stated that additional parking would not be a problem. Mr. Freese stated that there is enough room for parking. Discussion was held regarding the location of the right of way. Mr. Lawson stated that this is a platted subdivision and the circle marker on the drawing should indicate the right way unless there were provisions in the deed or in the subdivision documents stating that it overlapped. Mr. Freese asked Mr. Chastain if he has any objections to a lesser variance. Mr. Chastain stated no. Mr. Freese stated that Mr. Chastain agrees in a location that meets the offset from the drain field of 10ft. and locate the garage as close to the road as possible and still meet the side setback requirement. Mr. Freese stated that whatever dimension the variance calls for at that point, it's going to be less than what is advertised. Mr. Freese stated that by moving the garage closer to the road the distance to Dynamite Creek is increased thereby decreasing the front setback variance requested.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to approve the variance request with the condition that the garage be in a location that meets the offset from the drain field of 10ft. and locate the garage as close to the road as possible and still meet the side setback requirement which results in a variance that will be less than the front setback variance requested, 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**

Mr. Moore stated that he would be more comfortable with the front setback being called a waterfront setback. Mr. Moore stated that he would be more comfortable with the back setback being called a road setback. Discussion was held.

Mr. Freese stated that regarding the indoor storage problem created by the change to the regulation, this is not the first time we've had a problem of this type. Mr. Freese stated that it has been circumvented by several means in the past. Mr. Freese stated that a previous indoor storage facility (Inverness Dairy) did not meet the road requirements and the applicant applied for a conditional rezoning to Commercial which eliminated the road requirement and also eliminated the requirement that is inherent in the use of indoor storage facilities in the Agriculture and Forestry Management Zoning District. Mr. Freese stated that this storage facility is basically an open indoor storage facility, but it is in a Commercial Development Zoning District now. Mr. Freese stated that there is a large parcel on a county road just north of Wing Road but also borders Straits Highway. Mr. Freese stated that the problem of the location on a state highway was solved by changing the address from Wing Road to Straits Highway. Mr. Freese stated that the change in the regulation has caused problems for two cases in the last year that resulted from the change in the regulation requiring location on specific highways and the cases had to be resolved in another manner. Mr. Freese stated that this raises the question whether the amendment to the regulation is really necessary. Mr. Freese stated that he plans on bringing this issue up to the Planning Commission to see if the reason for the change in the regulation was to ensure that a storage facility of this type was on an all weather hard surface road. Mr. Freese noted that if this is the reasoning, then it is too restrictive as there are hard surfaced all-weather roads that are not county primary roads or state trunk lines. Mr. Freese stated that if the objective is really to force this type of activity into certain areas in a district then it should be stated that way. Mr. Freese stated he will discuss this issue with the Planning Commission at the next meeting. Mr. Freese stated that Mr. Knaffle also has the right to come back in and request a conditional rezoning to Commercial Development and the restrictions would not apply.

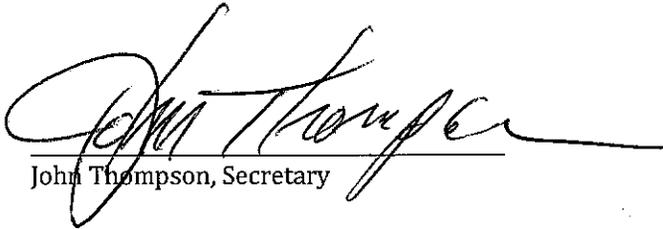
**PUBLIC COMMENTS**

Ms. Rocheleau asked which standards were not met in regards to Mr. Knaffle's request. Mr. Moore reviewed which standards were not met. Ms. Rocheleau stated that the other suggestion is spot zoning. Mr. Lawson stated that it is not considered spot zoning because the conditions are specific to the request and not all rights or uses from that zoning district are permitted. Discussion was held. Mr. Muscott asked if a conditional rezoning would be reviewed by the Board of Commissioners. Mr. Muscott asked if public comments would be received by the Board of Commissioners for a conditional rezoning request. Mr. Freese stated that the conditional rezoning application would be reviewed by the Planning Commission and the Planning Commission's recommendation is reviewed by the Board of Commissioners and either accepted or deleted. Mr. Freese stated that the neighbors will be able to make comments to the Planning Commission and the Board of Commissioners. Discussion was held.

Mr. Muscott stated that the first week in April the Emmet County Planning Commission will be reviewing 2 PUD applications. Mr. Muscott stated that legal counsel suggests that the Board of Commissioners should not be involved in the PUD review. Mr. Muscott stated that Emmet County Board of Commissioners are involved in the PUD approval process. Mr. Muscott explained the types of PUD application that will be reviewed by the Emmet County Planning Commission. Discussion was held.

**ADIURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 8:31pm.



John Thompson, Secretary