

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING  
WEDNESDAY, AUGUST 27, 2014  
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

**Members Absent:** None

**Others Present:** Scott McNeil, Yvonne Vroman, Thora Schwalm, Ralph Vroman, Roberta Vroman, Russell Crawford, Cheryl Crawford, Joel Friske, 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. Brown, seconded by Mr. Hemmer, to accept the agenda as presented. Motion carried unanimously.

**APPROVAL OF MINUTES**

Minutes from the July 23, 2014 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Ms. Street, to approve the minutes as presented. Motion carried unanimously.

Minutes from the August 7, 2014 Zoning Board of Appeals meeting were presented. Mr. Moore referred to the motion in the first paragraph on page two and requested that it be changed to “Motion by Mr. Brown, seconded by Mr. Moore, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.” **Motion** by Mr. Moore, seconded by Mr. Brown, to approve the minutes as amended. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**Ralph and Roberta Vroman** - Requests a 15ft. front setback variance to relocate a garage. (20ft. x 24ft.). The property is located at 10426 Wolverine Rd., Mentor Township, Section 32, parcel #200-032-400-001-03 and is zoned Agriculture and Forestry Management (M-AF). A 50ft. front setback is required in this zoning district.

Mr. McNeil stated that Mr. and Mrs. Vroman would like to relocate a garage 35ft. from the front property line. Mr. McNeil noted that a 50ft. front setback is required in the Agriculture and Forestry Management zoning district. Mr. McNeil reviewed the site plan.

Mr. Vroman distributed a revised site plan. Mr. Freese noted that the revised site plan swings the garage parallel to the house. Mr. Freese stated the proposed front setback will be 35ft. and this request will not have to be advertised again.

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

Mr. Freese stated that the incursion on the front setback is being reduced by approximately 30ft. Mr. McNeil stated that the garage in the present location is 2ft. off of the right of way. Mr. Freese stated that Mr. Vroman may be able to move the garage back towards the septic tank; however, the configuration of the house roof will cause problems. Mr. Brown stated that Mr. Vroman is improving a non-conformity.

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

7. The movement of the garage to the new location will decrease the incursion on the front setback by approximately 30 feet.
8. The location of the septic tank and the configuration of the roof of the house precludes moving the garage any further back.

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

seconded by Mr. Brown, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

**John Murdick** - Requests a 10ft. waterfront (front) setback variance to build a deck within 30ft. of the water's edge. The property is located at 18696 N. Old Mackinaw Rd., Mackinaw Township, section 35, parcel #011-035-100-003-12 and is zoned Lake and Stream Protection (P-LS). A 40ft. waterfront setback is required in this zoning district.

Mr. McNeil stated that Mr. Murdick is requesting approval to construct a deck 30ft. from a creek where a 40ft. setback is required.

Mr. Neuman (K.P. Neuman and Sons Construction) stated he applied for a zoning permit and he did not realize there was a creek on the property. Mr. Neuman explained that it was acknowledged on the zoning permit application that the parcel is zoned Lake and Stream Protection. Mr. Neuman stated that he was advised to talk to the Soil Erosion Officer. Mr. Neuman stated he did talk to the Soil Erosion Officer who did not require a Soil and Sedimentation Control Permit as he was only digging four post holes for the deck. Mr. Neuman stated he requested a setback/footing inspection. Mr. Neuman stated that Deb Tomlinson notified him on Friday that the 40ft. setback requirement was not met and that someone would call him on Monday. Mr. Neuman stated that he did not receive a phone call and he continued to construct the deck. Mr. Neuman stated after he called for the final inspection, Mr. Schnell called and advised that the 40ft. setback requirement was not met.

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 "Due to administrative errors on the part of the Planning and Zoning Department, construction of the deck was allowed to proceed to completion giving the applicant a vested right as justification for the variance." to the General Findings. 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.

**Joel Friske**- Requests a 27ft. rear setback variance to build a pole building (24ft. x 31ft.) within 3 feet of the rear property line. The property is located at 7241 Boyer Hill Rd., Mentor Township, section 7, parcel #200-007-101-001-01 and is zoned Agriculture and Forestry Management (M-AF). A 30ft. rear setback is required in this zoning district. Mr. Freese stated the Zoning Board of Appeals is required to grant the least variance possible.

Mr. McNeil stated that Mr. Friske is requesting to place a storage building within 3ft. of the rear property line.

Mr. Friske stated that there is a lot of rolling topography in this area and in the spring water collects in front of the proposed pole building where the driveway drops down. Mr. Friske explained that there is a lot of ice in winter time in this location. Mr. Freese stated there is no reason why the proposed pole building can't be moved forward to the steel stake next to the tree stump which would leave 27ft. from the back of the pole building to the property line. Mr. Freese stated this would reduce the variance to 3ft. Mr. Friske stated there is a slope at the driveway. Mr. Freese stated that the area can be filled in where there is a swale and this would allow the pole building to be moved forward. Mr. Freese stated that there is a 30ft. rear setback requirement and there is no justification to allow a 27ft. variance as the building can be moved forward without creating problems that couldn't easily be corrected. Mr. Friske stated this will require a lot more fill to bring it up. Mr. Brown noted that 3-4 yards of fill will contour this area. Ms. Street noted that the building doesn't have to be 31ft. long. Mr. Freese asked if Mr. Friske would like to reduce his variance request to 3ft. Mr. Friske stated yes.

There was no correspondence to be read. There were no public comments.

The Zoning Board of Appeals reviewed the General Findings. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Brown, seconded by Mr. Moore, to approve the revised variance request (from 27ft. to 3ft.) 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**

Mr. Freese reported on a telephone conversation that he had with the DNR regarding the Natural Rivers zoning district. Mr. Freese stated that he was told the only reason that Cheboygan County has the zoning authority over the Pigeon River is due to the regulations being adequate to provide protection to the river. Mr. Freese stated that a letter will be sent from the DNR saying that the regulations are proper for this zoning district. Mr. Freese stated the DNR has their own appeals board for counties that do not have zoning authority over the Natural Rivers zoning districts. Mr. Freese stated the DNR appeals board very seldom grants a variance. Mr. Freese stated that there are seven requirements that must be met for the variance to be approved by the DNR. Mr. Freese stated that the DNR allows two types of variances. Mr. Freese stated the first is a 25% distance variance. Mr. Freese stated the DNR also allows a height variance of 1ft. per foot of height above the water up to 50ft. Mr. Freese stated the DNR will submit comments on future variance requests in the Natural Rivers zoning district. Mr. Freese stated he has brought this issue to the attention of the Planning Commission. Mr. Matelski stated he believes the ordinance should be changed to require a 100ft. front setback on the Black River. Mr. Matelski stated the front setback requirement should also be changed on the Pigeon River. Mr. Matelski suggested that variance requests be reviewed by the DNR if they want to take over the Natural Rivers zoning district. Mr. Matelski stated Cheboygan County is getting in between the DNR and the property owner. Mr. Matelski stated if it is changed it will get Cheboygan County out from between the DNR and the property owner. Mr. Moore stated that the Zoning Board of Appeals can be more flexible than the DNR. Discussion was held. Mr. McNeil suggested an existing conditions survey might produce data that would justify a change in the regulation. Mr. Brown stated the spirit of the ordinance is to keep a pristine river system in the county. Mr. Brown explained that consideration should be given to someone applying for a variance who owns a very large parcel that is protecting the river system. Mr. Brown stated that variances have been granted to people who own a postage stamp piece of property. Mr. Brown stated size is a factor whether it is a bit parcel or a small lot. Discussion was held.

**ADJOURN**

**Motion** by Mr. Moore, to adjourn. Motion carried. Meeting adjourned at 7:52pm.

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Mary Street, Secretary