

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 28, 2019 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: Jen Merk, Michael Turisk, Carl Muscott, Cal Gouine, Charles Maziasz, Russell Crawford, Cheryl Crawford, Eric Rhadigan

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 May 22, 2019 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

Peter and Christie Roe - The applicants request approval of a 6 ft. side setback variance to construct an addition to an existing dwelling on a waterfront property with 62-ft. average property width in a Lake and Stream Protection (P-LS) zoning district. Per section 17.1 of the Zoning Ordinance, a minimum of 8 ft. of side setback is required except waterfront lots in the P-LS zoning district less than 80 ft. in lot width require each side setback be 10% of the lot width, or 5 ft., whichever is greater. The subject property is located at 4270 Long Point Dr. in Mullett Township; Parcel No. 130-L07-000-034-00; Sections 9 and 10.

Ms. Merk reviewed information included in the staff report.

Mr. Freese explained that the proposed addition could be shifted approximately' (approximately 18") to the east and still remain 1.5' from the west property line and still provide the same amount of space for the addition. Mr. Freese explained that by maintaining at least the 1.5' side setback that the policy of the Zoning Board of Appeals to allow variances to be granted which do not exceed the variance already allowed by the established legal non-conforming. Mr. Freese explained that 23.3.4.4 requires that any variance which might be granted must be the minimum necessary to grant the applicant relief and do justice to other property owners in the district. Mr. Freese also pointed out that if the variance request is denied, no reapplication can be made for one year. Mr. Freese asked the applicant whether they would like to reduce the variance request to allow a 1.5' side setback or have the application evaluated on the basis of the .2' side setback.

Mr. Rhadigan stated that he is representing Mr. Roe. Mr. Rhadigan requested that he be allowed to call Mr. Roe in Arizona to check to see if he wishes to stay with his request for a .2' variance.

The applicant's representative stated he wished it to be evaluated on the basis of the .2' variance.

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

The Zoning Board of Appeals revised the following Findings of Fact:

3. The subject property has a measured and recorded rear lot width of 44.66ft.
4. The subject property has a recorded front lot width of 79.19-ft.
5. The subject property's average lot width is 61.425-ft.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. Based on the General Findings and the unanimous vote the standards were met under section 23.5.4.1, 23.5.4.2, 23.5.4.3 and 23.5.4.5 and the standards on section 23.5.4.4 was met by a vote of 3 to 2 (3 Ayes (Sherwood, Thompson, Hemmer), 2 Nays (Freese, Moore), 0 Absent). **Motion** by Ms. Sherwood, seconded by Mr. Thompson to approve the variance request based on the General

Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 3 Ayes (Hemmer, Thompson, Sherwood), 2 Nays (Freese, Moore), 0 Absent

Mr. Freese asked for public comments. Mr. Muscott stated it is nice to see a variance request with a current survey. Discussion was held.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting – Election of Officers

Motion by Mr. Moore, seconded by Mr. Thompson, to nominate Mr. Freese as chairperson. Motion carried unanimously.

Motion by Mr. Hemmer, seconded by Mr. Thompson, to nominate Mr. Moore as vice-chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Mr. Freese, to nominate Mr. Thompson as secretary. Motion carried unanimously.

ZBA COMMENTS

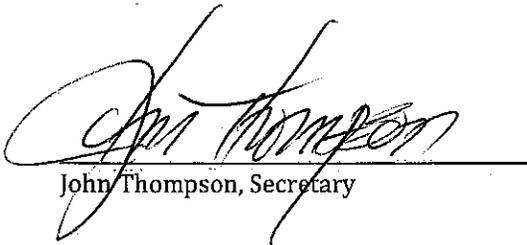
Ms. Sherwood stated that she believes there should be an alternate Zoning Board of Appeals member. Discussion was held regarding the cost being prohibitive to have an alternate Zoning Board of Appeals member. Mr. Turisk stated that the Rules of Procedure have not been updated in 10 years. Mr. Turisk stated he will distribute the Rules of Procedures for the Zoning Board of Appeals to review and decide if there is any interest in updating the document.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:31 pm.



John Thompson, Secretary