

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, MAY 25, 2016 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: Scott McNeil, Allen Carter, Tony Matelski, John Palmer, Charles Maziasz, Mary Smith

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 unanimously.

APPROVAL OF MINUTES

Minutes from the April 27, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

John Palmer – Requests a 42ft. frontage variance and a 43ft. width variance for a lot with a dwelling. The property is located at 5289 Long Lake Road, Aloha Township, Section 12, parcel #140-012-100-019-00 and is zoned Lake and Stream Protection (P-LS). A lot must have a minimum of 100 feet of frontage and a minimum of 100 feet in width per dwelling in this zoning district pursuant to Section 17.1., note M of the Cheboygan County Zoning Ordinance #200.

Mr. McNeil stated that this variance request is to divide a lot for a dwelling with width and frontage requirements that do not meet section 17.1 for a lot for a dwelling. Mr. McNeil stated that in section 17.1 there is a requirement for 100ft. of width and 100ft. of frontage in the Lake and Stream Protection Zoning District. Mr. McNeil explained that Mr. Palmer is asking for a 42ft. frontage variance and a 43ft. width variance. Mr. McNeil stated that this would allow a lot with 58ft. of frontage and 57ft. of width. Mr. McNeil stated that the lot with the two dwellings is non-conforming. Mr. McNeil stated it is not non-conforming under the ordinance as there are shared waterfront standards which allow two dwellings to be located on a lot to share waterfront if it has no less than 150ft. of frontage and 22,500sf of area. Mr. McNeil stated that this lot does meet the shared waterfront requirement.

Mr. Moore asked if the second home is too large to be considered a guest house. Mr. McNeil stated yes, as there is approximately 680sf of living space.

Mr. Palmer stated he purchased the house and the cottage as they currently exist. Mr. Palmer explained that someday he may want to move into the cottage and sell the house.

Mr. Freese asked if there is any correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. Mr. Maziasz, Aloha Township Supervisor, stated that upon the initial review of this request it appeared to be an unusual request. Mr. Maziasz stated that after looking at the lots on Long Lake he realized there are many old lots that are 65ft. wide. Mr. Maziasz explained that this lot is also an old lot and the structures have existed for 25-30 years. Mr. Maziasz stated that there are many 65ft. lots in this area that have huge homes with double the square footage of this dwelling. Mr. Maziasz stated the township does not oppose this request unless there is any negative feedback from the neighbors. Mr. Maziasz stated he has not received any negative comments in regards to this request. Mr. Maziasz stated the lot is deep which allows space for a septic system and water well. Mr. Maziasz stated the township has no objections to this request.

Mr. Schneider stated he is an adjacent property owner. Mr. Schneider stated his concern that no one knows at this time if the variance will affect adjacent properties. Mr. Schneider asked if this variance is approved will other variances be granted in the future for further buildings such as a garage. Mr. Schneider stated he is concerned how this will affect property values.

Public comment closed.

Mr. Freese stated that the two buildings were constructed after zoning went into effect. Mr. Freese asked Mr. McNeil if he was able to find if a building permit was issued. Mr. McNeil stated he was not able to find a building permit. Mr. Freese stated the dwellings and the lot are non-conforming. Mr. Freese stated that shared waterfront requirements went into effect in 2006 and made it conforming from this standpoint, however, it was not conforming prior to 2006. Mr. Freese stated if the Zoning Board of Appeals approves the variance request, another non-conforming lot will be created.

The Zoning Board of Appeals reviewed the General Findings and the Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Allen Carter - Requests a 9 ft. front setback variance to construct a garage. (30ft. x 40ft.). The property is located at 2567 Riggsville Road, Inverness Township, Section 15, parcel #091-015-100-005-00 and is zoned Agriculture and Forestry Management. (M-AF). A 50 ft. front setback is required in this zoning district period pursuant to Section 17.1. of the Cheboygan County Zoning Ordinance #200.

Mr. McNeil stated that Mr. Carter is seeking a 9ft. front setback variance for construction of a storage building/garage. Mr. McNeil stated that a 50ft. front setback is required in the Agriculture and Forestry Management Zoning District. Mr. McNeil reviewed the plot plan and stated that the variance request is a result of his calculations after a site visit. Mr. McNeil stated that Mr. Carter had different measurements.

Mr. Carter stated he is asking to construct a storage building where he currently has a permanent structure. Mr. Carter stated he is not asking for anymore. Mr. Carter stated he just wants to make it a little longer and a little wider. Mr. Carter noted that the current structure has been in this location for over 20 years. Discussion was held.

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

Mr. Freese stated that there is a lot of property and the applicant would like to tear down three buildings to construct a new building in the same location. Mr. Freese stated that after talking to Mr. Carter, one of his concerns in the parking area which he does not want to reduce. Mr. Freese stated that during the site visit, he pointed out to Mr. Carter that the proposed building could be constructed without materially reducing the size of the parking area by turning the building and moving it back. Mr. Freese stated the setbacks would be met. Discussion was held.

Mr. Moore asked if Mr. Carter would like to take time to review Mr. Freese's suggestion to see if it will work for him. Mr. Moore noted that Mr. Carter will not be able to submit another variance application if the Zoning Board of Appeals makes a decision on this request now. Mr. Carter stated that he would like for the Zoning Board of Appeals to make a decision tonight regarding this request.

The Zoning Board of Appeals reviewed the General Findings and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

Mr. McNeil stated that the Planning Commission has requested that Mr. McNeil come up with language for the regulation of boat houses. Mr. McNeil stated that this may possibly be an overlay district with consideration for the Cheboygan River, Black River and Indian River. Mr. McNeil stated that the Planning Commission has requested Mr. McNeil to come up with structure specifications.

Mr. Moore asked for information on the photo that was submitted to the Zoning Board of Appeals. Mr. McNeil stated that this photo was provided by Mr. Muscott and it is a photo of a subject lot from the previous Zoning Board of Appeals meeting. Mr. McNeil stated that Mr. Muscott asked that this photo be provided to the Zoning Board of Appeals. Discussion was held regarding what is considered the front of a parcel when it is within 500ft. of a lake or river.

NEW BUSINESS

No comments.

ZBA COMMENTS

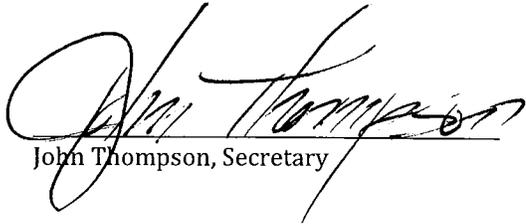
No comments.

PUBLIC COMMENTS

No comments.

ADIURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:33pm.



John Thompson, Secretary