

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, OCTOBER 23, 2013 AT 7:00 P.M.**  
**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, Russell Crawford, Tony Matelski, Mary Gonne, Dick Darnton

The meeting was called to order by Chairperson Freese at 7:00pm.

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 September 25, 2013 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**William Kelly/Bandi Builders** - Requests a 12ft. rear setback variance and a 2ft. side setback variance to construct a garage (24ft x 24ft) and a breezeway (18ft. x 13ft.). The property is located at 7230 Mullett Lake Road, Inverness Township, Section 26, parcel #092-B03-000-016-00 and is zoned Lake and Stream Protection (P-LS). A 12ft. rear setback and a 5ft. side setback are required in this zoning district.

Mr. Bandi explained that the setbacks for the proposed garage will be an improvement. Mr. Bandi stated they are not asking to be any closer to the side property line than the structure is currently. Mr. Bandi stated the proposed site plan will allow for a small parking area.

Mr. Freese asked if there is any additional correspondence. Mr. McNeil stated copies were provided to the Zoning Board of Appeals members in the packets.

Mr. Freese asked for public comments. Ms. Gonne stated that garages in this area are on the lot line and the proposed garage being set back from the lot line will change the way the garages line up at the right of way. Ms. Gonne stated her son re-built his garage recently so it would line up with all of the garages in this area. Public comment closed.

Board held discussion. Mr. Freese stated he does not see any reason for the side variance request. Mr. Freese stated the garage can be moved 2ft. to the east. Mr. Brown agreed with Mr. Freese. Mr. Freese stated if the garage is moved 2ft. to the east the right of way can be met at one corner. Mr. Freese noted the size of the breezeway will have to be reduced by 4-5". Mr. Moore asked if this will be a one story garage with living space on the second floor. Mr. Bandi stated it will be a one story garage with no attic trusses.

Discussion was held regarding the side setback variance request not being necessary. Mr. Bandi withdrew the request for the side setback.

The Zoning Board of Appeals added "The applicant has withdrawn the request for the side setback" as item 7 of the General Findings. 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. 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.

**Jamie and Meaghan Jacklitch** - Requests a 12ft. front setback variance to construct an accessory storage building to a

dwelling (30ft. x 48ft.). The property is located at 8769 S. Straits Hwy., Mentor Township, Section 13, parcel #200-013-300-004-04. The site is zoned Agriculture and Forestry Management (M-AF). A 50ft. front setback is required in this zoning district.

Mr. McNeil explained that Mr. and Mrs. Jacklitch are requesting a 12ft. front setback variance for a storage building. Mr. McNeil stated the applicant is requesting a 38ft. front setback from the right of way where a 50ft. front setback is required. Mr. McNeil reviewed an aerial photo and a site plan for this request.

There was no correspondence to be read.

Mr. Jacklitch stated this is a unique situation due to the angle of the house, angle of the road and the property line. Mr. Jacklitch stated they would like to build a 30ft.x40ft. pole building and the proposed location is the most suitable location.

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

Mr. Freese suggested moving the location of the pole building to be parallel with the drain field and even with the drain field apron and the existing house. Mr. Freese stated a variance request would not be necessary if the pole building is moved to this location. Mrs. Jacklitch asked Mr. Freese where they would locate a replacement drain field if the pole building is moved to this location. Mr. Freese stated the drain field could be located at the back of the house. Discussion was held on alternate locations for a replacement drain field. Mr. Jacklitch stated that Mr. Freese's suggested placement will be cutting it very close. Discussion was held.

The Zoning Board of Appeals added "The road right of way is excessive for the current use of the road by the Cheboygan County Road Commission." as item 4 to the General Findings. 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.

**Stephen Roy** - Requests a 31ft. front setback variance to reconstruct a dwelling. The property is located at 2157 Grand Resort Circle, Mullett Township, Section 3, parcel #130-G01-000-015-00 and is zoned Lake and Stream Protection (P-LS). A 40ft. front setback is required in this zoning district.

Mr. McNeil stated Mr. Roy is requesting approval to reconstruct a dwelling 9ft. from a creek. Mr. McNeil noted that a 40ft. front setback is required in the Lake and Stream Protection district.

Mr. Freese asked if there is any correspondence to be read. Mr. McNeil stated no.

Mr. Darnton of Darnton Builders stated he will be representing Mr. Roy. Mr. Darnton stated Mr. Roy would like to tear down the existing residence and rebuild in the same footprint. Mr. Darnton stated the existing structure is a two story residence that is deteriorating and is beyond repair.

Mr. Freese noted there is a concrete retaining wall that is falling apart by the stream. Discussion was held. Mr. Freese stated when the Planning Commission approved this condominium development, there was a condition that all of the units stay within the footprint of the existing buildings. Mr. Freese stated the footprint would be the building including the front porch. Mr. Freese suggested moving the living area 8-9ft. forward into the front porch area which would allow the building to be moved away from the stream. Discussion was held regarding a fire wall being required between the units.

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

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

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

**Review of Draft Rules of Procedure**

Mr. McNeil reviewed the draft Rules of Procedure for the Zoning Board of Appeals. Mr. McNeil stated all references to an alternate member have been removed from the draft Rules of Procedure. Ms. Street believes having an alternate Zoning Board of Appeals member would be good. Discussion was held.

Mr. Moore referred to Section 7.1 and stated this section for the agenda should be in the same order as the agenda that is currently used for Zoning Board of Appeals meetings. Mr. Moore stated this should also include the Pledge of Allegiance. Mr. Moore stated it should be noted that staff should authorize absences instead of the chairperson. Mr. Moore referred to Section 8.9a3 and stated this should be updated to reflect Cheboygan County. Ms. Street suggested including language regarding a designee in Section 9.1. Discussion was held regarding keeping Section 4.6.

**ZBA COMMENTS**

Discussion was held regarding the next Zoning Board of Appeals meeting being held on November 27, 2013.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Moore, to adjourn. Motion carried. Meeting adjourned at 7:58pm.

  
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Mary Street, Secretary