

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 26, 2020 AT 2:00PM
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: Michael Turisk, Jen Merk, Ron Williams, Paul Fisher, Mandy Cook, Peter Fisher

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 July 22, 2020 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

North Country Homes Corporation-Paul Fisher/Peter Fisher – The applicant requests approval of a 6-ft., 6-in. side setback variance to construct a dwelling 3-ft., 6-in. from the nearest point on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.1 of the Zoning Ordinance, structures must be 10-feet from the side property lines. The subject property is located at 3915 N. Schook Road in Mullett Township, Parcel No. 130-016-100-006-00, Section 16.

Ms. Merk reviewed the information included in the staff report.

Mr. Freese stated that he had a discussion with Mr. Peter Fisher during his site visit and the question had come up as to whether the home could be placed immediately next to the existing garage and secondary question as to whether the proposed 3 foot distance between the existing garage and proposed house location is adequate. Mr. Freese stated that he had contacted Matthew Cronk, Building Official, and found that the proposed home could be placed next to the existing garage provided a firewall was erected between the two structures and further that if the two were separated they had to be a minimum of 5 feet apart. Discussion was held concerning alternative locations for the house to the west, reducing the width of the house or placing the house immediately next to the garage, which would reduce the amount or eliminate the need for the variance.

Mr. Paul Fisher stated that he was not comfortable placing the house immediately next to the existing garage because he felt it might weaken the support under the garage when the footings are placed for the house. Mr. Freese stated that the footings for the house would only have to extend 4 inches under the garage concrete slab. Mr. Paul Fisher stated that the area to the west of the proposed house location was infiltrated by springs and would not be suitable for the house foundation. Mr. Freese noted that the area proposed for the house had been excavated and filled and this could be done for the area to the west. Mr. Freese asked Mr. Peter Fisher whether he wished to consider a relocation of the proposed house to reduce the amount of the variance requested or whether he wished to have it considered as advertised. Mr. Peter Fisher stated he wishes to go with the request as stated.

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

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 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.

Mandy Cook/Gregory R. Cook – The applicant requests approval of a 500-ft. setback variance from a Lake and Stream Protection (P-LS) zoning district boundary to operate a commercial kennel on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.16.a. of the Zoning Ordinance, the commercial kennel building(s) and

all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. The subject property is located at 12048 S. Straits Highway in Nunda Township, Parcel No. 251-006-100-001-04, Section 6.

Ms. Merk reviewed the information included in the staff report.

The applicant stated that she had nothing to add.

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

Mr. Freese asked for Zoning Board of Appeals comments. Mr. Moore stated that he felt the Rails to Trails right of way and South Straits Highway right of way precluded any possible detrimental effects of the proposed kennel on the Sturgeon River.

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

9. A commercial kennel is permitted in the Agriculture and Forestry Management Zoning District with a special use permit.
10. The Lake and Stream Protection Zoning District Zoning is established as a 500ft. wide buffer along perennial streams, wetlands and lakes in Cheboygan County in order to:
 1. Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access. (Section 10.1.1.2)
 2. Promote high water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep them from entering the waters, prevent erosion and help maintain cool water temperature through shading (Section 10.1.1.2)
 3. Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve to the extent possible, the natural image of landscapes (Section 10.1.1.3).
 4. Promote the general welfare of the County by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flooding (section 10.1.1.4).
11. The parcel is buffered from the sturgeon river to the east by the elevated road bed of South Straits Highway and the Michigan Department of Natural Resources Elevated Rail Trail.

The Zoning Board of Appeals reviewed the Specific Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals added "A commercial kennel is a permitted purpose with a special use permit in the Agriculture and Forestry Management Zoning District (Section 9.3.17)." as 23.5.4.3.A.2. The Zoning Board of Appeals added "Granting the variance would not adversely impact the established purposes of the Lake and Stream Protection Zoning District (Section 10.1)." as 23.5.4.5.A.2. The Zoning Board of Appeals agreed that Specific Findings of Fact under Section 23.5.4 have been met. **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.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Discussion was held regarding the GIS maps provided in the staff report. Mr. Freese stated his concerns regarding the scale not being accurate. Mr. Turisk stated that he can talk to the GIS Department regarding Mr. Freese's concern. Mr. Moore noted that there is a distortion because this is airplane imagery and not satellite imagery. Mr. Freese stated that there has always been a statement included in the Zoning Ordinance that the zoning maps are a guide and the final determination is made by the Zoning Administrator. Discussion was held.

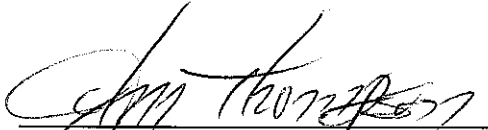
PUBLIC COMMENTS

Mr. Williams stated that he was appointed to the Cheboygan County Board of Commissioners. Commissioner Williams stated that Commissioner Warfield is liaison and that he will be the alternate liaison.

Mr. Turisk provided an update on Amendment #157 that has been approved by the Cheboygan County Board of Commissioners.

ADJOURN

Motion by Moore to adjourn. Motion carried. Meeting adjourned at 8:25 pm.



John Thompson, Secretary