

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY SEPTEMBER 23, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, John Thompson

Members Absent: Mary Street

Others Present: Scott McNeil, Carl Muscott, Brandon Griffith, Mike Passino, David Dodd, Tony Matelski, Russell Crawford, Cheryl Crawford

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. 4 Ayes

APPROVAL OF MINUTES

Minutes from the August 26, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

PUBLIC HEARING & ACTION ON REQUESTS

Brandon Griffith – Requests a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Drive., Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this zoning district.

Mr. McNeil stated the applicant would like to construct a second story addition on an existing house which sets back 17.5ft. from the ordinary high water mark. Mr. McNeil stated a 22.5ft. front setback variance is required.

Mr. Griffith stated he prefers not to tear this cottage down as it is one of the older cottages on the lake however; it is too small for his family. Mr. Griffith stated the lot is smaller due to erosion over the last 50 years.

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 the dwelling is a legal non-conforming structure and there are issues with the setbacks and the square footage of the dwelling. Mr. Freese stated the addition of a second story would alleviate the non-compliance with regard to minimum square footage requirement. Discussion was held. Mr. Freese asked if the stairway will be external to the building. Mr. Griffith stated that the stairway will be internal. Mr. Moore questioned if there will be a 6ft. addition at the back of the building. Mr. Griffith stated the 6ft. addition is for an internal stairway. Mr. Freese stated this is adding to the footprint of the building. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Moore noted there is a lot of room behind the dwelling for an addition. Mr. Freese stated the only way to alleviate the variance is to move the building back or put up a new building. Mr. Thompson stated the footprint is already there and this is going straight up from what already exists. Mr. Moore questioned if this is the least amount of variance necessary. Mr. Freese stated the proposed second story addition is not increasing or decreasing the existing setback. Mr. Freese and Mr. Moore noted the 6ft. addition will be inside the setback area. Mr. Thompson asked Mr. Griffith what will happen to the plan for the second story if there is no 6ft. addition to the back of the dwelling. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Freese stated he does not have a problem with the second story addition but he does have a problem with increasing the footprint. Mr. Thompson asked if this will be a permanent residence. Mr. Griffith stated no but the house will be used throughout the year. Mr. Freese asked Mr. Griffith if he is willing to change the request to just building the second story within the existing footprint. Mr. Griffith stated yes.

The Zoning Board of Appeals reviewed the Findings of Fact and revised item 2, "The applicant is proposing to place a

second story addition to an existing dwelling which is located 17.5ft. from the high water mark.” The Zoning Board of Appeals added the following to the General Findings:

4. The structure is legal non-conforming due to the setbacks and square footage.
5. The addition of a second story only would result in a building of 906.2sf thus meeting the 720sf requirement for a single family dwelling. The present building has a footprint of 453.25sf.

The Zoning Board of Appeals reviewed the Specific Findings of Fact Under Section 23.5.4 and revised 23.5.4.4, “Due to unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district. The addition of the second story will bring the structure into compliance for the required square footage and will not result in any additional incursion into the setback.” The Zoning Board of Appeals approved the revised 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. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

Mike Passino - Requests a 6 ft. side setback variance to construct a lean-to addition to a dwelling and a 9 ft. front setback variance to construct a porch addition to a dwelling in a Commercial Development zoning district. The property is located on 6053 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-004-00. A 10 ft. side setback and a 25 ft. front setback are required in this zoning district.

Mr. McNeil stated the applicant is requesting a 6ft. side setback variance to build a lean-to addition on the side of the dwelling. Mr. McNeil stated the applicant is also requesting a 9ft. front setback variance for a porch addition. Mr. McNeil stated this parcel is located in a Commercial Development zoning district where a 25ft. front setback is required and a 10ft. side setback is required.

Mr. Passino stated this is his primary residence and the front entryway is very small and the steps are out of code. Mr. Passino stated the side setback is a continuation of the garage roof.

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 noted that this is a non-conforming structure that was built prior to zoning. Mr. Freese stated this structure does not meet the front or side setback requirements. Mr. Freese stated the proposed construction will be located in the front setback and side setback but does not extend beyond the existing building. Mr. Freese stated he can see the need for the roof over the front porch. Mr. Freese stated there is plenty of room to build a storage building which would serve the same purpose as the extension of the roof on the garage. Mr. Passino stated his concerns about the grade dropping down in front of the house. Mr. Passino stated the only available location would be by the river. Mr. Passino noted there is a 50ft. front setback requirement and this would move the shed into the side of the hill. Mr. Freese suggested putting the storage shed on the east side where it is not steep. Mr. Freese asked if Mr. Passino would like the Zoning Board of Appeals to look at this as two separate requests or one single request. Mr. Passino stated two separate requests.

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

4. The structure is legal non-conforming.
5. The roof extension for the porch will not extend into the setback any further than the garage which already exists.
6. Sufficient area is available on the lot to provide a site for a temporary storage building.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the variance request for the front porch roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street) **Motion** by Mr. Moore seconded by Mr. Hemmer, to deny the variance request for the extension of the garage roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

David Dodd - Requests a 5ft. front setback variance to construct a roof extension in a Commercial Development zoning district. The property is located on 575 West US-23., Beaugrand Township, Section 25, parcel #041-025-100-006-02. A 25ft. front setback is required in this zoning district.

Mr. McNeil stated that Mr. Dodd wishes to place a roof extension in front of his garage door at his existing business. Mr.

McNeil stated the variance request is actually 5ft. as a 25ft. front setback is required in the Commercial Development zoning district.

Mr. Dodd stated this is Commercial property which is on a state highway. Mr. Dodd stated this will be an extension of an existing roof. Mr. Dodd explained that snow and ice comes off of the roof in front of the door which is the only entrance into the shop. Mr. Dodd stated this roof extension will help keep the snow and ice out of entrance to the new door that was put in last year.

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 this parcel is located on a state highway and there is a 150ft. right-of-way. Mr. Freese stated these 150ft. rights-of-way in the county are excessive. Mr. Freese stated this is a problem that he has brought up to the Planning Commission but the Planning Commission has decided it does not come up frequently enough to warrant any action and they do not want to do anything about these right-of-way problems.

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

5. The right-of-way for US 23 is 150ft. which is much wider than the usual 66ft. right-of-way that is on most other highways in the county.
6. The proposed roof extension will not extend into the setback any further than the existing building.
7. The parcel is an extremely narrow triangle with severe limits on the usable building space.
8. The present roof line results in ice and snow build up in front of the vehicle entrance door resulting in water entering the building.

The Zoning Board of Appeals reviewed and approved 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. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:32pm.



Mary Street, Secretary