

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, MARCH 23, 2016 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore

Members Absent: John Thompson, Nini Sherwood

Others Present: Scott McNeil, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, Bob Andrews, Cal Gouine, Lenny Barrette

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. Mr. Freese stated that item 1 on the agenda will be postponed until next month. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to accept the agenda as amended. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

APPROVAL OF MINUTES

Minutes from the February 24, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

PUBLIC HEARING & ACTION ON REQUESTS

Mr. Freese stated that only three members are present for the meeting tonight. Mr. Freese stated that any decision that the Zoning Board of Appeals makes tonight must be unanimous. Mr. Freese stated that the applicants can ask for their request to be tabled until the next Zoning Board of Appeals meeting.

Jane Jones / Barrette Construction – Requests a 3.5 foot side setback variance to construct a bay window addition to a porch structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 7358 Mullett Lake Rd., Inverness Township, Section 26, parcel #092-C05-000-009-00. A side setback of 5 feet is required for the subject property in this zoning district.

Mr. McNeil stated that the applicant is requesting a 3.5ft. side setback variance. Mr. McNeil referred to the site plan and stated that the side setback requirement is 5ft. Mr. McNeil stated the proposal is to place the closest edge of the bay window 1.5ft. from the side lot line.

Mr. Barrette stated that the proposed bay window will actually be 2ft. from the property line. Mr. Barrette stated that the existing structure is 6 inches from the property line. Mr. Barrette stated that he is trying to do the least amount possible to benefit the porch with the bay windows. Mr. Barrette stated that the encroachment is very minimal as far as the amount of square footage which is less than 35sf per bay window.

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.

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

6. The lot is a legal non-conforming lot.
7. The house is a legal non-conforming structure.

Mr. Freese stated that everything else in Mullett Lake Village is legal non-conforming. Mr. Freese stated the reason the regulation was changed recently is due to setback requirements not being reasonable given the size of the lots. Mr. Freese stated that many of the structures were built over 100 years ago. Mr. Freese stated this is another similar situation.

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 approve the variance request based on the General Findings

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

Robert Andrews – Requests a 40 foot front setback variance and 25 foot boat well setback variance to construct a boat house structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9728 John Werner Dr., Benton Township, Section 17, parcel #105-R53-000-018-00. A front setback of 40 feet and a setback of 25 feet from a boat well are required in this zoning district.

Mr. McNeil stated that the applicant is requesting a 40ft. front setback variance and a 25ft. boat well setback variance to replace a boathouse.

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

Mr. Andrews stated he has photos of the existing boathouse for the Zoning Board of Appeals members to review. Mr. Andrews asked the board to consider the location of the boathouse on the property as it is not actually on the river. Mr. Andrews stated that none of the neighbors will be able to see the boathouse as it is located in the bay area and surrounded by trees. Mr. Andrews stated it would only be visible to boaters or to someone who lives across the river. Mr. Andrews hopes that the Zoning Board of Appeals will take this into consideration when making a decision tonight.

Mr. Moore stated that the existing boathouse definitely needs repair as it has been there for a while. Mr. Freese stated that his feeling is that boathouses have been discouraged in the past unless they were existing structures. Mr. Freese stated that new boathouses have not been allowed. Mr. Freese stated there were a couple that the Zoning Board of Appeals allowed to be reconstructed. Mr. McNeil stated that boathouse replacement has been allowed, but new boathouses have not been allowed (where there was none before).

Mr. Freese noted that the entire boathouse is outside of the property lines; however, the plat allows use to the waterfront for this particular lot. Mr. Freese stated this is a legal non-conforming structure. Mr. Freese stated that if the structure is torn down there is no basis for rebuilding. Mr. Freese stated he does not see that the building will last very much longer without being rebuilt.

Mr. Freese asked Mr. Andrews if he will be replacing the seawall with metal. Mr. Andrews stated yes, it will be replaced with sheet metal and the new boathouse will sit on the sheet metal.

Mr. Freese stated that the reasons for the 40ft. setback are environmental and aesthetic. Mr. Freese stated the only areas that he is aware of that have a boathouse as a prevalent use is on the Indian River and there are a few to the north of the site on the Cheboygan River. Mr. Moore noted that there are a few existing boathouses in the area (lots 15 and 19). Mr. Freese stated that there are a couple boathouses that he believes are illegal. Mr. McNeil stated that when the last inventory was done the greatest concentration was at the mouth of the Black River and Indian River. Mr. Freese stated that in areas where boathouses are prevalent it looks like you are going down an alley with a bunch of garage doors. Mr. Moore stated boathouses are usually more attractive. Discussion was held.

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

7. This is a legal non-conforming structure.

Mr. Moore asked if there are any issues with enlarging the boat well. Mr. Freese stated he would have an issue with making the boat well any bigger than it already is and he has issues with replacing it if it is torn down. Mr. Andrews stated the DEQ came out for a site visit in January regarding the seawall and the boathouse. Mr. Andrews stated that the DEQ did not have an issue with either one because it is already existing and grandfathered in. Mr. Andrews stated that as far as making the boat well bigger they said that they have no problem with it as he will be creating wetlands. Mr. McNeil stated there are no concerns in regards to the boat well in regards from zoning either.

Mr. Andrews stated he would be willing to compromise and replace with the existing size versus enlarging if that will help with the decision-making process. Mr. Moore asked if Mr. Andrews will bring it in or leave it out at the mouth. Mr. Andrews stated he would leave it out at the mouth. Mr. Moore stated if it was brought in, it would lessen the aesthetic objection. Mr. Freese agreed with Mr. Moore and stated it would be more pleasing to his sensibilities than leaving it out where it is. Mr. Andrews stated that when you put the boat in you will have to put it in bow first and you would prefer to have the cabin area covered which is on the stern of the boat. Mr. Andrews stated that aesthetically you are not changing anything from what is existing because it will be in the same location as it is currently. Mr. Moore suggested splitting the

difference and bring it back a little bit which will allow better access to the boat outside of the boathouse. Mr. Andrews stated he would be willing to do that. Mr. Freese stated he is not inclined to go along with this unless it is moved all the way back. Mr. Freese stated it would be acceptable to him if the boathouse, in its present size, is moved to the back of the boat well. Mr. McNeil clarified that this would extend the boathouse by 16ft. into the front setback area. Mr. Freese stated that he does not like setting a precedent of replacing boathouses. Mr. Moore asked how big the boat is. Mr. Andrews stated 42ft. Mr. Andrews stated he would accept this change if this is the only way it can be approved. Mr. Andrews stated that the boathouse is a unique asset to the property. Mr. Andrews stated that consideration should be given for the location on the property. Mr. Andrews stated that this boathouse is unique in its location. Mr. Andrews stated that there are no adjoining properties that the boathouse will ever impede on the view of the owner. Mr. Andrews stated he is willing to accept this change, but with regrets. Discussion was held. Mr. Freese clarified that the boat well will be enlarged to move the size of the boathouse back to the new extension of the boat well. Mr. Freese stated that reconstruction of the boathouse will be allowed, but at the back of the new extension (16ft.) of the boat well. The Zoning Board of Appeals added the following to the General Findings:

8. The applicant is willing to extend the boat well 16ft. and place the boathouse at the south end of the extension of the boat well.

Mr. McNeil asked if the Zoning Board of Appeals is allowing a 30ft. or 46ft. boathouse. Mr. Freese stated a 30ft. boathouse.

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

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

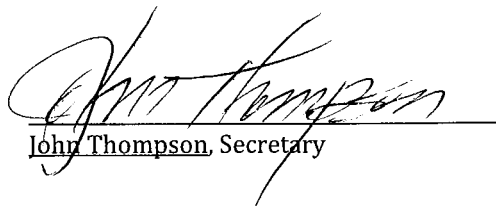
No comments.

PUBLIC COMMENTS

Mr. Muscott stated that he visited Bellchase Drive and he is sure that other property owners will want to rebuild their boathouses. Discussion was held.

ADIJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:30pm.



John Thompson, Secretary