

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, OCTOBER 25, 2017 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, Carl Muscott, Tom Taylor, Leslie Taylor, Russell Crawford, Cheryl Crawford, Karen Johnson, Mark Gahn

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 Wednesday, August 23, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

Minutes from the Monday, October 16, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer seconded by Ms. Sherwood to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Robert Pulte - Requests two side setback variances, each side setback variance request being three-tenths of one foot (0.3 feet) for two new parcels in a Commercial Development (D-CM) zoning district. The parent parcel of this proposed land division is located at 7695 North Straits Highway, Inverness Township, Section 26, parcel #091-026-200-007-00. A 10ft. side setback is required in this zoning district.

Mr. McNeil stated that Mr. Pulte is requesting two side setback variances in order to create a land division. Mr. McNeil referred to a survey submitted by Mr. Pulte and noted that there is a distance between the two pole buildings of 19.4ft. which would create a 9.7ft. setback if the land division is created equally. Mr. McNeil stated that this is a Commercial Development zoning district and a 10ft. side setback is required. Mr. McNeil stated that a variance of .3ft. would be required for the proposed land division.

Mr. Freese stated that he understands that the two buildings were built on two separate dates. Mr. Freese stated that one was built in 2002 and the other was built in 2006. Mr. McNeil stated yes, that information is correct. Mr. Freese stated that the buildings were built 19ft. apart. Mr. Freese stated that the applicant now wishes to separate the two buildings by land division. Mr. Freese stated that this is a question of whether or not this situation is self created and he believes that this situation was created by the applicant.

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

The Zoning Board of Appeals added “The applicant built the first building in 2002 and the second building in 2006.” as General Finding 4. The Zoning Board of Appeals reviewed 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.

David and Betsy Gahn - Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3624 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-034-003-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

Mr. McNeil stated that Mr. Gahn is seeking a use variance for dog grooming use in the Village Center Indian River. Mr. McNeil stated that dog grooming is not a use that is allowed in the Village Center zoning district by right or by special use permit.

Mr. Gahn stated that this use has been reviewed by Tuscarora Township and they voted unanimously to allow this use.

Ms. Sherwood asked if the proposed use is an allowed use in any district. Mr. Freese and Mr. Moore explained that this use is not listed anywhere in the Zoning Ordinance as an authorized use by right or by special use permit. Mr. McNeil stated that pet shops are allowed in the Commercial zoning district, which dog grooming could be an accessory use.

Mr. Freese asked for public comments. Mr. Muscott commended Mr. Gahn for the use of this for dog grooming. Mr. Muscott stated that he believes this is an oversight as far not being an allowed use within Cheboygan County. Mr. Muscott stated it will nice to see the building being occupied. Public comment closed.

Mr. Freese asked Mr. Gahn to confirm that there will be dog grooming during the day and no overnight boarding. Mr. Gahn stated that is correct. Mr. Freese stated that this use can't be equated to a veterinary clinic. Mr. Freese noted that this use is not listed anywhere in the Zoning Ordinance. Mr. Freese stated that the closest use listed in the Zoning Ordinance is barber shop and a women's beauty salon. Mr. Freese stated that the purpose of these uses is to wash hair, groom hair, perm hair, dye hair, and pedicures. Mr. Freese stated that this use is not listed anywhere in Village Center Indian River. Mr. Freese stated that maybe this can be stretched to be considered an office use. Mr. Freese stated that there is an oversight in the regulation that it doesn't list barber shops and women's salons as a use in Indian River. Mr. Freese stated that this is not logical as this use has existed for over 150 years in all towns in the United States. Mr. Freese stated that he will recommend to the Planning Commission that this use be reviewed. Discussion was held.

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

1. Dog grooming is not a listed in any zoning district in the Zoning Ordinance.
2. Cheboygan County is one of the few areas in the state that has the authority to grant a use variance.

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 Ms. Sherwood, 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

No comments.

PUBLIC COMMENTS

An audience member asked if this approval will allow dog grooming anywhere in the Village Center Zoning District. Mr. Freese explained that each use variance is treated separately. Mr. Freese explained that the Zoning Board of Appeals only addressed the use variance for this parcel. Mr. Freese stated that he will recommend to the Planning Commission to add dog grooming to the Zoning Ordinance.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:27pm.



John Thompson, Secretary