

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, APRIL 26, 2017 AT 7:00 PM
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, Cal Gouine, Mark Sypniewski, Carl Muscott, Russell Crawford, Cheryl Crawford, Alex Navidzadeh, Laurie Navidzedeh, Mary Smith

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

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 March 22, 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.

PUBLIC HEARING & ACTION ON REQUESTS

Andy Stempky – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00. (This item was tabled at the 01/25/17 Zoning Board of Appeals meeting.)

Mr. Freese stated that Mr. Stempky submitted a request to withdraw his variance application. Mr. Freese stated that the Planning Commission has forwarded to the Cheboygan County Board of Commissioners with a recommendation for approval, an amendment regarding short term rentals. Mr. Freese stated that this amendment will allow short term rentals throughout the county without any restrictions. Mr. Freese stated that Mr. Stempky has asked that his variance request be withdrawn. Mr. Freese stated that the request could be withdrawn or tabled to a later date in case the Board of Commissioners does not accept the recommendation from the Planning Commission. Mr. Moore asked when this amendment will be reviewed by the Board of Commissioners. Mr. McNeil stated it may be reviewed in June. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to table the request until the June 28, 2017 meeting. Motion carried unanimously.

Mark Sypniewski - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. for construction of a Private Storage Building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11962 Van Road, Munro Township, Section 18, parcel #080-S15-000-106-00. Under Section 17.23.1.d., if within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.

Mr. McNeil stated that the applicant is requesting a waiver from a fence requirement with regards to a private storage building. Mr. McNeil stated in the Lake and Stream Protection Zoning District and Residential Zoning District, a storage building which is placed on property without a dwelling is defined as a private storage building. Mr. McNeil stated that if the private storage building is placed within 30 feet of a side lot line, a 6 foot high solid fence or hedge is required. Mr. McNeil stated that section 17.23.1.d allows the Zoning Board of Appeals to waive the fence requirement based on certain conditions.

Mr. Freese asked for public comments. An adjacent property owner stated that he owns the property to the west of this parcel and he has no problems with this request. The adjacent property owner stated his concerns regarding the fence deteriorating over time and also regarding deer eating a cedar hedge. Public comment closed.

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

5. The building is to be constructed on fill placed in a wetland which has been properly permitted by the DEQ.
6. The wetlands provide a natural buffer for this structure.

The Zoning Board of Appeals added "The Board of Appeals hereby determines that no good or practical purpose would be served by the screening requirement under section 17.23.1.d. due to natural isolation and screening provided by the building location in a wetland area." to Section 17.18.6. The Zoning Board of Appeals approved the Findings of Fact under section 17.18.6. **Motion** by Mr. Freese seconded by Mr. Moore, to approve the waiver request based on the General Findings and the Findings of Fact under Section 17.18.6. Motion carried unanimously.

David and Laurie Valasek / Bandi Builders – Requests a 2.46 foot side setback variance to reconstruct a dwelling structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 699 East Shore View Lane, Koehler Township, Section 4, parcel #172-P21-000-011-00. A side setback of 5.54 feet is required for the subject property in this zoning district.

Mr. McNeil stated that the applicant is requesting a 2.46ft. side setback variance. Mr. McNeil stated that this lot is 55.45ft. wide, requiring a 5.5ft. side setback.

Mr. Navidezadeh stated that he represents Bandi Builders and Mr. and Mrs. Valasek. Mr. Navidezadeh stated that the applicant would like to demolish the home as it is in really bad shape. Mr. Freese asked if the deck will be removed. Mr. Navidezadeh stated that the deck will be taken out and a new deck will be built on the same footprint. Mr. Navidezadeh explained that the proposed dwelling will be built on the same footprint as the existing dwelling. Mr. Freese stated that since the foundation is being torn out, there is less justification for the variance request. Mr. Navidezadeh stated that he agrees, but the applicant is trying to keep their home in the same manner as it has always been. Mr. Navidezadeh stated that it is hard to get any square footage out of this lot because it is very irregular and very narrow. Ms. Sherwood asked how big is the great room. Mr. Navidezadeh stated that it is probably around 16ft. x 18ft. Mr. Freese stated if the foundation is being torn out, the foundation can easily be put back in at 5.5ft. from the property line. Mr. Moore suggested keeping the foundation in line with the side of the garage, which he believes would look better aesthetically. Mr. Navidezadeh consulted with the general contractor (Bandi Builders). Mr. Navidezadeh stated that Mr. Bandi asked if the house is removed and they determine that the existing foundation is good and can remain, can the variance be approved. Mr. Navidezadeh stated that if the foundation is not good and must be replaced they will conform to the setback requirement. Mr. Freese stated yes, this could be a restriction on the approval.

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:

3. The applicant is proposing to tear down and replace on existing foundations an existing structure 3.08 ft. from the side lot line
4. The portion to be reconstructed will not encroach any further into the side setback than the original structure.
5. The existing dwelling structure is legal non-conforming.
6. If the foundations meet Department of Building Safety requirements, the applicant proposes to conform with the existing 5.8ft. side setback.

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 with the condition that the foundation must pass inspection by the Department of Building Safety or the variance will be null and void and the setback requirement will have to be met. Motion carried unanimously.

The Zoning Administrator requests an interpretation as to whether Travel Trailer Park as defined under section 2.2. and Travel Trailer Courts as allowed under section 9.3.11. are synonymous or not.

Mr. McNeil stated that he has received a request from someone considering an application for longer term use of a camper on a site in conjunction with a typical campground. Mr. McNeil stated that in researching this request, he found that the definition of Travel Trailer Park lends consideration to this proposed use. Mr. McNeil stated that in the use listings he found Travel Trailer Court in regards to the Agriculture and Forestry Management Zoning District. Mr. McNeil stated that he is asking the Zoning Board of Appeals for their review and determination of whether Travel Trailer Park and Travel Trailer Court are synonymous.

Mr. Moore stated that Travel Trailer Park and Travel Trailer Court are synonymous. Mr. Moore questioned why is there any restriction on the duration a trailer would stay on the site if the RV park is licensed. Mr. McNeil stated that a licensed park doesn't require zoning review. Mr. Freese stated that he agrees with Mr. Moore. Mr. Freese stated that he can think of 8 instances of travel trailer courts where there is a single road going into the court with a turn around and there are trailers on both sides and at the end. Mr. Freese stated that travel trailer parks have multiple roads going in and out. Mr.

Freese stated that he can see why there are two terms, but there is no difference in the use. **Motion** by Mr. Freese, seconded by Mr. Moore, that Travel Trailer Park and Travel Trailer Court are synonymous. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Mr. Freese provided an update on Commissioner Matelski to the Zoning Board of Appeals.

PUBLIC COMMENTS

Mr. Muscott referred to Mr. Sypniewski's request for a waiver from the greenbelt/fence requirement and stated that the neighbors understood that the fence or greenbelt may eventually look worse than the pole barn. Mr. Muscott stated that pole barns are not getting smaller, they are getting bigger. Mr. Muscott stated that if you put up a 6ft. tall fence/greenbelt that is 8ft. from the side property line there is nothing that is being screened from the neighbor. Mr. Muscott asked if this requirement could be eliminated. Mr. Freese stated that this requirement is in the ordinance because there are situations where there may be a need for screening. Discussion was held.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:38 pm.



John Thompson, Secretary