

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 27, 2016, 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, Tony Matelski, Jim Burke, Cal Couine, 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 unanimously.

APPROVAL OF MINUTES

Minutes from the December 23, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust – Requests an 11.4ft. rear setback variance for construction of a garage (22 ft. x 32 ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6820 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-017-00. A rear setback of 12 feet is required in this zoning district.

Mr. McNeil stated this request is for a rear setback of .63ft. to replace an existing garage in the same location. Mr. McNeil stated the lots in this subdivision run to the water and this is a waterfront lot. Mr. McNeil stated the rear setback is on Grace Street. Mr. McNeil stated 12ft. is the rear setback requirement in the Lake and Stream Protection zoning district. Mr. McNeil stated the applicant is requesting an 11.4ft. rear setback variance for construction of a new garage.

Mr. Freese asked if there is any other correspondence other than the one letter that was received. Mr. McNeil stated no.

Mr. Freese asked if the applicant would like to speak regarding this request. Ms. Daust did not attend the meeting. Discussion was held. Mr. McNeil stated he would call the applicant. Mr. Freese stated that the Zoning Board of Appeals will move on to the next item on the agenda while Mr. McNeil calls Ms. Daust.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting Election of Officers & Verification of Regular Meeting Schedule

Motion by Mr. Moore, seconded by Mr. Hemmer, to nominate Mr. Freese for Chairperson. Motion carried unanimously. **Motion** by Mr. Hemmer, seconded by Mr. Freese, to nominate Mr. Moore for Vice-Chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Mr. Freese, to nominate Mr. Thompson for Secretary. Motion carried unanimously.

Mr. Freese stated that the Zoning Board of Appeals meeting is held on the fourth Thursday of the month. Discussion was held regarding the 2016 meeting schedule. **Motion** by Mr. Freese, seconded by Mr. Moore, to approve the 2016 Zoning Board of Appeals meeting schedule. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust (continued)

Mr. McNeil stated that he tried to call Ms. Daust and was put through to the answering machine. Discussion was held regarding the applicant driving from Marquette and the possibility of the Mackinaw Bridge being closed. Mr. Moore

stated that the Mackinaw Bridge is not closed, according to their website. Discussion was held regarding allowing more time for the applicant to show up. Mr. Freese stated that the Zoning Board of Appeals will move on to the next item on the agenda.

ZBA COMMENTS

Mr. Freese welcomed Nini Sherwood, who is a new Zoning Board of Appeals member.

Mr. Moore stated it is nice to have the larger map which helps to find the location of the subject parcel. Discussion was held.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust (continued)

Mr. Freese stated this is a legal non-conforming structure on a legal non-conforming lot. Mr. Freese stated the applicant proposes tearing down the whole garage to build a new garage. Mr. Freese stated that legally if they tear it down, they have to meet the setback requirements to build a new garage. Mr. Freese stated the applicant does have the right to have a garage. Mr. Freese stated the only place for a new garage is in the same location, but noted that the garage could be moved back 5 feet. Mr. Freese stated the garage could be moved up against the house and the air conditioning unit and gas service will have to be moved over 3-4 feet. Mr. Freese stated this would reduce the variance amount that is being requested. Mr. Freese stated that 4 of the 5 standards are being met. Mr. Freese referred to standard 23.5.4.4 and read "That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district." Mr. Freese stated if the garage is going to be torn down the applicant can move it back 5 feet. Discussion was held regarding the applicant raising the garage in order to fix the foundation. Mr. Thompson noted that the garage does not look bad at all. Mr. Freese stated you can't tell if the foundation is bad with all of the snow. The Zoning Board of Appeals discussed tabling Ms. Daust's request. **Motion** by Mr. Freese, seconded by Mr. Thompson, to table the request. Motion carried unanimously.

PUBLIC COMMENTS

Mr. Muscott stated the option of raising the garage to put in a new foundation may be cost effective. Mr. Muscott stated this may be an option that the applicant has not considered.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:17pm.



John Thompson, Secretary