

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, APRIL 22, 2020 AT 2:00PM
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: Michael Turisk, Jen Merk, Mike Bommarito, Roger Neuman, Sue Neuman, Mark Nelson

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. Hemmer, seconded by Mr. Thompson, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the December 30, 2019 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

Mr. Freese stated that he needed to establish a list all of participating telephonically in this public meeting in that he would ask for names by group interest it in each of the three cases to be heard and additionally those generally interested in the zoning board of appeals proceedings. Mr. Freese asked for the names of any representatives of the Bommarito application Or those wishing to come and on this application with the following response: Mike Bommarito, applicant.

Mr. Freese asked for the names of any present representing the Newman application or those wishing to comment on this application with the following response: Mr. Newman, applicant and Mrs. Newman, applicant's wife.

Mr. Freese asked for the names of any present representing the Nelson application or those wishing to comment on this application with the following response: Colin Mr. Nelson, applicant.

Mr. Freese asked for the names of any others present as members of the general public with the following response: Cal Gouine.

Mr. Freese explained that he would try to address comments to individuals by name in order to keep the meeting orderly individuals should only speak if spoken to directly by name or if asked for open comments at any point any individual was then recognized to speak. Mr. Freese stated that if overlapping comments occurred that he would immediately ask the meeting to come to order and he would then allow each person to express their views. He stated that at the point each individual should begin by stating their name and by stating when they were finished. Mr. Freese stated that the comments from each member of the general public on each application would be limited to 3 minutes.

Mr. Freese stated that section 22 of the zoning ordinance has been reviewed and is in the process of finalization as Amendment #155. This action is a direct result of a request by the Zoning Board of Appeals. The changes Proposed in this amendment concern primarily nonconforming buildings and structures. It should be noted that all 3 of the requested variances this evening involve npnconforming structures. Mr. Freese stated that had this amendment already been approved, the requests this evening probably would not have required a variance.

Mr. Turisk explained the authority granted by the governor of the state of Michigan for conducting remote telephonic meetings for services deemed essential for the functioning of the county has made this meeting possible.

PUBLIC HEARING & ACTION ON REQUESTS

Mike Bommarito – The applicant requests approval of a 26-ft. setback variance from a creek to reconstruct a dwelling on a property within Grand Resort Condominiums in the Lake and Stream Protection (P-LS) zoning district. Per Section 10.4.9 of the Zoning Ordinance, a 40-ft. setback is required for structures from the shoreline’s ordinary high water mark of any stream or pond that can be identified on the U.S. Geological Survey Maps of the 7.5 foot quadrangle series of Cheboygan County. The subject property is located at 2167 Grand Resort Circle in Mullett Township, Parcel No. 130-G01-000-014-00, Section 3.

Ms. Merk presented the staff report on Mr. Bommarito's request for a 26ft. front setback for a dwelling at 2167 Grand Resort Circle in Mullett Township

Mr. Freese stated that a 30.5ft. front setback had been granted for the same proposed welling in 2014. Mr. Moore noted that the requested variance is less than that previously granted. Mr. Bommarito had nothing further to add.

There were no public comments.

Mr. Freese asked for a roll call vote on each of the standards (i.e. 23.5.4.1, 23.5.4.2, 23.5.4.3, 23.5.4.4, 23.5.4.5) and each standard was found to have been met by a unanimous vote. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to grant the 26ft. front variance based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously by roll call vote.

Roger and Sue Neumann – The applicant requests approval of a 2-ft., 1-in. side setback variance to construct a garage addition onto an existing dwelling on a waterfront property zoned Commercial Development (D-CM) and Lake and Stream Protection (P-LS). The addition is to be confined to the D-CM portion of the subject property. Per section 17.1 of the Zoning Ordinance, a minimum 10-ft. side setback is required in the D-CM zoning district. The subject property is located at 6282 Sunrise Lane in Inverness Township, Parcel No. 091-034-400-018-00, Section 34.

Ms. Merk presented the staff report on Roger and Sue Newman's request for a 2ft. side setback variance for an addition to a dwelling at 6282 Sunrise Lane in Inverness Township.

Mr. Freese asked Mr. Newman if he had anything he wished to add. Mr. Newman concurred with the facts presented in the staff report. Mr. Freese asked Mr. Newman whether he was aware that although he had requested a 2ft. 1in. side setback variance and that his request had been advertised that way, any variance he could be granted was limited to 2ft. 1in. Mr. Freese pointed out that both Mr. Newman's site plan diagram and the ariel photo in the staff report showed the existing dwelling is located at a slight angle to the property line on the north and is actually closer to the property line on the northwest corner, then the northeast corner and that if the proposed addition continues on the same external east/west wall line on the north side it would result in the addition being closer than 7ft. 11in. to the property line. Mr. Freese stated that the only way the addition could be constructed with the 2ft. 1in. variance would be to either angle the new addition parallel to the property line or to offset the addition enough that the northwest corner of the new addition was only 7ft. 11in. from the property line to the north. Mr. Newman stated that he had not realized that the existing dwelling was at an angle to the property line, but he could comply with situating it so that it came no closer than 7ft. 11in. from the property line. Ms. Sherwood stated she felt the parcel should have been zoned Lake and Stream rather than Commercial. Mr. Freese agreed that Lake and Stream would appear to be more appropriate due to its general location, however the zoning is what it is and could only be changed if requested formally by property owners in the area in accordance with proper rezoning regulations.

There were no public comments.

Mr. Freese asked for a roll call vote on each of the standards (i.e. 23.5.4.1, 23.5.4.2, 23.5.4.3, 23.5.4.4, 23.5.4.5) and each standard was found to have been met by a unanimous vote. **Motion** by Mr. Moore, seconded by Mr. Hemmer to grant the 2-ft., 1-in. side setback variance with the stipulation that the garage is to be no closer than 7ft. 11in. to the property line based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously by roll call vote.

Mark H. Nelson – The applicant requests approval of a 106-ft., 10-in. front setback variance to reconstruct a dwelling on the original foundation on a waterfront tributary property zoned Natural River Protection (P-NR). Per section 17.1 of the Zoning Ordinance, a minimum 150-ft. front setback is required on a waterfront tributary property in the P-NR zoning district. The applicant also requests approval of a 31-ft., 10-in. variance from the 75-ft vegetation strip required along tributaries per section 11.5.2 of the Zoning Ordinance. The subject property is located at 3195 Shirley Lane in Koehler Township, Parcel No. 171-009-400-001-01, Section 9.

Ms. Merk presented the staff report on Mr. Nelson's request for a 106' 10" front setback to reconstruct a dwelling destroyed by fire in 2018 and 31' 10" variance to the 75' requirement for a vegetative strip in the natural river zoning district.

Mr. Freese explained that there are technically two variances being requested, however, since both are necessitated by the proposed location of a reconstructed dwelling They would be considered together rather than separately. Mr. Freese stated that neither of the requested variances covered in additional covered porch in that this addition could not be

considered.

Mr. Turisk read a letter from Mr. Patrick Ertel from the DNR which stated that the reconstruction of the dwelling should be limited to the footprint of the dwelling before it was destroyed by fire.

Mr. Freese asked Mr. Nelson whether, in fact, that the enclosed porch and attach garage were not in fact additions to the footprint of the original dwelling. Mr. Nelson stated that they were.

Discussion was held concerning whether the porch could be relocated to the west end of the dwelling which Mr. Nelson stated was not feasible. Discussion was held regarding repositioning of the dwelling to move it further to the north and thereby further from the water, but this option was not possible due to the location of the drain field.

Mr. Freese questioned how close to the canals other houses in the development were since this information could help support the case for a variance. Mr. Nelson stated he thought the other houses were as close or closer than he was proposing for his dwelling. Mr. Freese stated it did not appear that was the case in the aerial photo in the staff report. Mr. Freese questioned the dimensions shown on Mr. Nelson's site plan since the distance from the proposed dwelling on the southwest corner to the water was shown as 44ft. and that on the southeast corner was shown is 43ft. 7in. but the diagram shows the southwest measurement to be greater. Mr. Nelson stated the dimensions should have been reversed on the site plan. Mr. Freese questioned whether the placement of the dwelling could be rotated 90 degrees and moved as close as possible to the drain field to maximize the set back from the water. Mr. Freese stated that there were several areas where there were questions in the minds of the ZBA members which could not be resolved since they had not been permitted to visit the site due to the Governor's restrictions on travel. Mr. Freese stated that if Mr. Nelson could provide information on how close to the water other dwellings in the development where as well as whether they had garages or not, it might help a ZBA to make a decision. Mr. Freese also indicated that if Mr. Nelson could provide a new site plan showing a relocated dwelling location further from the water it would be beneficial.

Mr. Freese stated that the DNR email along with the questions asked by the ZBA members indicated that the variance request might likely be disapproved. Mr. Freese asked Mr. Nelson whether he would like to proceed with his request as presented or whether he might rather have the request tabled until the May ZBA meeting and allow him to provide additional material. Mr. Nelson asked that the request be tabled. **Motion** by Ms. Sherwood, supported by Mr. Thompson, to table the request until the May 27, 2020 meeting. Motion carried unanimously by roll call vote.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting - Election of Officers & Verification of Regular Meeting Schedule

Mr. Freese asked for nominations of officers for the calendar year 2020. **Motion** by Mr. Moore, supported by Mr. Thompson, to nominate the present Chairman Mr. Freese. Motion carried unanimously by roll call vote. **Motion** by Mr. Thompson, supported by Mr. Hemmer, to nominate the present Vice-Chairman Mr. Moore. Motion carried unanimously by roll call vote. **Motion** by Mr. Moore, supported by Mr. Hemmer, to nominate the present Secretary Mr. Thompson. Motion carried unanimously by roll call vote.

Mr. Freese asked whether any members had problems with the schedule of meeting dates for 2020. There were no problems stated. **Motion** by Mr. Freese, seconded Mr. Hemmer, that the Zoning Board of Appeals meetings be scheduled for the 4th Wednesday of each month for the remainder of 2020. Motion carried unanimously by roll call vote.

ZBA COMMENTS

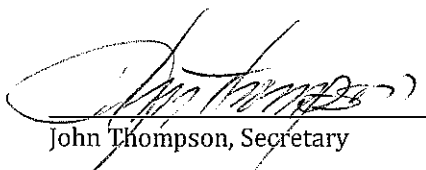
No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Ms. Sherwood to adjourn. Motion carried. Meeting adjourned at 9:20 pm.



John Thompson, Secretary