

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, SEPTEMBER 25, 2013 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, Chris Brown, Mary Street

Members Absent: None

Others Present: Scott McNeil, Russell Crawford, Cheryl Crawford, Vicki Paull, Tony Matelski, C. Maziasz

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

APPROVAL OF AGENDA

The agenda was presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the July 24, 2013 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Ms. Street, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Robert Roach/Allan Hoard - Requests a 15ft. front setback variance to construct a porch. (10ft. x 24ft.). The property is located at 6747 Crestwood Lane, Benton Township, Section 35, parcel #104-035-200-013-00 and is zoned Lake and Stream Protection (P-LS). A 40ft. front setback is required in this zoning district.

Mr. McNeil stated the applicant would like to build a porch 25ft. from the ordinary high water mark which also serves as a boat slip. Mr. McNeil stated the front setback requirement is 40ft. and the applicant is requesting a 15ft. variance.

Mr. Hoard explained a 10ft. x 24ft. covered deck will be built on the front of the house and will be used as an entrance way. Mr. Hoard stated the house currently does not have a front porch or entrance way. Mr. Hoard stated the existing building is 35ft. from the boat slip and 63ft. from the bank of the river. Mr. Hoard stated neighbors to the south are located 40ft. from the river bank which puts them 23ft. in front of his residence. Mr. Hoard stated this is a unique property with a historical boat slip. Mr. Hoard explained he has tried to research this boat slip and was unable to find any permits. Mr. Hoard stated the boat slip was not installed by the previous owners. Mr. Hoard stated there is one boat slip north of the Mognrain Bridge. Mr. Hoard stated that by not having a front porch there is no curb appeal. Mr. Hoard stated the front edge of the deck will be behind the existing structures on the adjacent parcels. Mr. Hoard stated this will not create a site line issue and will not create a degradation of property values for adjacent property owners. Mr. Hoard stated he has talked with neighbors about the proposed project and they support his request. Mr. Hoard stated the entrance to the deck will be off of the side. Mr. Hoard stated he reviewed the proposed project with the Soil Erosion Officer, Hank Jankoviak, who indicated there is no real need for soil erosion protection but he will do so anyway. Mr. Hoard stated whether or not the variance is approved, he will be working with the DEQ to work on bank protection. Mr. Hoard stated historically there has been a lot of erosion that has occurred and he would like to establish a stable shoreline.

Mr. Freese asked for public comments. There were no public comments. Public comment closed. There was no correspondence to be read.

Board held discussion. Mr. Freese stated there were similar cases on January 25, 2012 and December 28, 2011. Mr. Freese stated in both cases the Zoning Board of Appeals decided to approve the requests based on the measurement from the water’s edge which the Zoning Board of Appeals determined would not be the back of the boat slip but would be the river’s edge. Mr. Freese stated that by drawing a line across from either corner of the boat slip and measuring from that line the requirements of the regulation are met. Mr. Brown and Mr. Moore agreed with Mr. Freese. Mr. Brown stated the ordinance should be revised. Discussion was held.

The Zoning Board of Appeals added to the General Findings “If the water’s edge is determined to be measured from a line from either corner of the boat slip where it meets the river, the variance would not have been required.” The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore,

seconded by Mr. Brown, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Moran Iron Works/Iron One LLC - Requests a 24 month temporary use for a modular office building (28ft x 64ft). The property is located at 6911 Bowen Road, Forest Township, Section 1, parcel #231-001-400-005-03 and is zoned General Industrial. (D-GI). The Zoning Board of Appeals may permit temporary buildings and uses for periods not exceeding two (2) years, which may be renewed upon request for not more than one (1), one (1) year period pursuant to Section 23.5.2.5. of the Cheboygan County Zoning Ordinance #200.

Mr. McNeil reviewed the site plan that was submitted for the most recent special use permit amendment that was reviewed by the Planning Commission. Mr. McNeil stated the applicant is requesting a temporary use variance for the office structure.

Ms. Paull stated she is representing Moran Iron Works. Ms. Paull stated she is requesting approval to allow a temporary office building to be placed on the property for no more than 24 months. Ms. Paull stated the use of the building will be for additional office space. Ms. Paull explained that additional office space is needed and a permanent solution has not been determined at this point.

Mr. Freese asked for public comments. There were no public comments. Public comment closed. There was no correspondence to be read.

Board held discussion. Discussion was held regarding there being a walkway between the temporary structure and the existing building. Mr. Brown stated this temporary structure would meet all of the requirements if it were a permanent structure.

The Zoning Board of Appeals reviewed and approved the General Findings and the Specific Findings of Fact under Section 23.5.3. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the request based on the General Findings and the Specific Findings of Fact under Section 23.5.3. Motion carried unanimously.

UNFINISHED BUSINESS

Mr. McNeil reviewed the proposed rules of procedure. Mr. McNeil stated these proposed rules of procedure have been developed as a result of the Zoning Enabling Act. Mr. McNeil stated there is one exception which is Section 8.6 that includes language relative to adjournment by the applicant. Mr. McNeil stated this would be reviewed at the next Zoning Board of Appeals meeting.

Mr. Freese stated the Planning Commission's rules of procedure are not consistent with past legal guidance. Discussion was held.

Ms. Street stated that these rules of procedure mention two alternate Zoning Board of Appeals members. Ms. Street stated she does see the appropriateness of having one alternate member but understands there would be additional expenses. Ms. Street suggested trying one alternate member before deciding to have two alternate members. Mr. Moore stated there are times when Zoning Board of Appeals members have been absent and questioned if it was inconvenient to the applicant. Mr. McNeil stated there have a few times that meetings have been rescheduled to allow the applicant the option to have another Zoning Board of Appeals member present at the meeting. Mr. McNeil stated he does not see a concern from a budget standpoint.

Mr. Freese asked if the Zoning Enabling Act requires alternate members. Mr. McNeil stated he believes up to two alternate members are allowed but not required. Mr. McNeil stated he will check into whether or not alternate members are required. Discussion was held regarding whether or not an alternate member would have to do site visits each month. Mr. McNeil suggested creating a policy that an alternate would be called if notified by others a week prior to the meeting.

Ms. Street stated that she is in favor of having an alternate Zoning Board of Appeals member. Mr. Freese stated since he has been on the Zoning Board of Appeals, there has only been three instances where not having an alternate member has caused a hardship to the applicant.

NEW BUSINESS

No comments.

ZBA COMMENTS

Mr. Freese requested that the Planning Commission review changing the regulation for boat slips.

PUBLIC COMMENTS

Mr. Hoard stated he believes it is important for the Zoning Board of Appeals to have an alternate member.

ADJOURN

Motion by Mr. Moore, to adjourn. Motion carried. Meeting adjourned at 7:35pm.



Mary Street, Secretary