

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, NOVEMBER 27, 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, Anthony Matelski, Russell Crawford, Cheryl Crawford

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

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 October 23, 2013 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Brown, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

David McDade - Requests an 802sf total floor area variance for a guest house in a Lake and Stream Protection (P-LS) zoning district. The property is located at 7506 Argonaut Trail, Tuscarora Township, Section 26, parcel #161-026-200-001-00. Section 3.3.3 of the Cheboygan County Zoning Ordinance #200 provides that a guest house shall not exceed 600 sq. ft. in total floor area.

Mr. McNeil stated Mr. McDade is requesting a variance to allow a 1,402sf guest house. Mr. McNeil stated the zoning ordinance limits guest houses to 600sf. in floor area.

Mr. McDade stated his family has owned property on Argonaut Trail since the 1940's. Mr. McDade stated his grandfather originally purchased a house that is two lots away from this lot and in 1955 his grandfather purchased this lot with the intention of building a house. Mr. McDade stated in the 1986 his parents retired to this area and built the garage for storage and for a place to stay while a house was being built. Mr. McDade stated his father planned for this living space in the garage to become a guest house. Mr. McDade stated in 2007 his father planned to convert the garage to a guest house and he wanted to put a lean to on the side of the garage to park a car and then renovate the garage into a guesthouse. Mr. McDade explained that he inherited the property. Mr. McDade stated that he would like to complete what his father had started by converting the garage to a guest house. Mr. McDade stated that during the permitting process he found out that he would need to apply for a variance for the size of the guest house. Mr. McDade stated he understands that the Zoning Board of Appeals will check to see if he has created the situation for which the variance is requested or if it will be a detriment to the area. Mr. McDade stated the building exists and he will not construct an addition for the guest house. Mr. McDade stated there is a hill behind the garage and the property is at the end of the trail. Mr. McDade stated there are only seven houses on Argonaut Trail and four of these houses have guest houses. Mr. McDade stated three of the guest houses are over 600sf and are grandfathered. Mr. McDade stated he is asking for a guest house similar to the ones in the area. Mr. McDade presented and reviewed pictures of three guest houses. Mr. McDade stated this will not be a detriment to the area. Mr. McDade stated he had an appraisal completed this past summer and was told that the guest house would increase the value by approximately \$75,000. Mr. McDade stated he talked with some of the property owners on Argonaut Trail and they did not have any problems with his plans for a guest house. Mr. Freese stated the Zoning Board of Appeals received one letter signed by four people who object to this request. Mr. McDade stated he has received an approval for the septic field.

Mr. Freese asked for public comments. There were no public comments. Public comment closed. Mr. Freese asked if there is any other correspondence. Mr. McNeil stated no.

Mr. Freese stated in the application Mr. McDade noted that he had considered splitting the property. Mr. Freese stated that is an option and if it is split there will be one waterfront parcel and one non-waterfront parcel. Mr. Freese stated

there could be an easement to the water for the non-waterfront parcel. Mr. Freese explained that setbacks could be met as there is only a 30ft. setback instead of a 40ft. setback for the non-waterfront parcel. Mr. Freese explained that a variance would not be necessary for the house on the non-waterfront parcel. Mr. Freese noted that due to this parcel being a non-waterfront parcel the taxes should be less. Mr. Brown suggested building the house into the hill. Discussion was held. Mr. Freese stated this regulation was written to restrict the size of the guest house to 600sf. Mr. Freese stated this is actually a request for a second house.

Mr. McDade asked if he could keep the first floor for the garage and convert the second floor (602sf) to a guest house. Mr. McNeil stated this would be acceptable as long as the guest house is not over 600sf. Mr. McDade asked if he will have to apply for a variance if the second floor is over 600sf. Mr. Freese asked Mr. McDade for the actual dimensions of the second floor of the garage which Mr. McDade then furnished. A calculation using these figures determined that the second floor actually measured 602sf. Mr. Freese stated the Zoning Board of Appeals can grant something less than what was requested. Mr. Freese stated if the Zoning Board of Appeals grants a variance they are required to grant the least amount possible. Mr. Freese asked if Mr. McDade would like to reduce his request to a 2sf variance. Mr. McDade stated yes. Ms. Street noted this leaves an option to split the property in the future. Discussion was held.

The Zoning Board of Appeals revised the General Findings to show that the request is now for a 2sf variance. The Zoning Board of Appeals approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Brown, seconded by Mr. Moore, to approve the variance request based on the amended General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

Review of draft rules of procedures.

Mr. McNeil stated he included the requested changes in these draft rules of procedures. The Zoning Board of Appeals agreed there are no additional changes. Mr. McNeil stated the Zoning Board of Appeals must wait 30 days to adopt the rules of procedure.

NEW BUSINESS

Mr. McNeil noted the next Zoning Board of Appeals meeting falls on December 25, 2013 and recommended that the meeting date be changed to December 26, 2013. Mr. Moore stated he will not be available. Mr. Freese, Ms. Street, Mr. Hemmer and Mr. Brown stated they would be available.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer, to adjourn. Motion carried. Meeting adjourned at 7:53pm.



Mary Street, Secretary