

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, APRIL 23, 2014
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, Greg Bock, Kelly Stackpole-Bock, Russell Crawford, Cheryl Crawford, Tony Matelski, Scott Landon, Don Landon, Brett Bandi

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 Ms. Street, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the March 26, 2014 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Scott Landon

Requests a variance to allow eleven (11) wall signs with a total surface area of 566 sf. The property is located at 5731 M-68, Tuscarora Township, Section 30, parcel #162-030-200-003-01 and is zoned Light Industrial Development (D-LI). The zoning ordinance permits 2 - 40sf walls signs per structure or 1 per business (whichever is greater).

Mr. McNeil stated Mr. Landon is requesting a variance to allow 7 wall signs with a total surface area of 566sf and the property is in a Light Industrial zoning district. Mr. McNeil stated the Zoning Ordinance permits two wall signs at 40sf each.

Mr. Landon stated that he purchased this facility and will move the auto parts store into the hardware store. Mr. Landon explained that the auto parts store and hardware store will operate out of one building. Mr. Landon stated he contacted Mr. McNeil prior to ordering the signage. Mr. Landon stated that he was advised by Mr. McNeil that the proposed square footage exceeded what the ordinance allows. Mr. Landon stated he is proposing to clean the front of the building up by giving it a newer look and address the old signs.

Mr. Freese asked if any additional letters were submitted in regards to this request. Mr. McNeil stated there is additional correspondence (exhibit #10) which appears on an updated exhibit list.

Mr. Freese asked for public comments. Supervisor Ridley (Tuscarora Township) endorsed the proposed project and stated the township is excited for this project. Supervisor Ridley stated the township will do whatever they can do to facilitate a better transition and better business. Public comment closed.

Mr. Freese noted that the Planning Commission is working on an amendment to the Zoning Ordinance that will address wall signs for larger commercial buildings. Mr. Freese stated the public hearing has been held and the Planning Commission recommended approval of the amendment to the Cheboygan County Board of Commissioners. Mr. Freese stated the amendment will allow more signage for this building. Mr. Freese stated that he cannot find where the existing signage has been approved. Mr. Brown stated the building was constructed in 1994 or 1995. Mr. Freese stated that he feels that the proposed change in the regulation will be sufficient to provide signage for the building. Mr. Freese believes that not all of the signs are necessary. Mr. Moore stated that less signage is proposed than what currently is on the building. Mr. Moore stated the dual nature of business requires a certain amount of clarity. Mr. Freese questioned if plumbing and electrical need to be included on a hardware sign. Mr. Freese stated that he believes lumber/hardware and Carquest Auto Parts are a necessity. Mr. Freese stated there is signage at the road also that is not included in this request

and is still authorized.

Mr. McNeil stated the information regarding the existing signage that was provided included the proposed auto parts and Carquest sign. Mr. McNeil stated that based on his review the existing signage is 332sf.

Mr. Brown stated he agreed with Mr. Moore that the proposed signage is less square footage than what exists. Mr. Brown stated that with the new ordinance there will be more businesses located in one building and we will have to accommodate more signage for the larger buildings/mini-malls.

Mr. Freese stated 277sf would be allowed under the proposed sign amendment and the applicant is requesting 332sf. Mr. Freese stated he does not see a necessity for a sign for plumbing, a sign for hardware and a sign for electrical. Mr. Freese stated he does not see the benefit of having the signs that are at the back of the building. Mr. Brown asked if the square footage of the lumber building is included. Mr. McNeil stated only the main building was included. Mr. Freese stated the signage can be reduced and still give a good impression of what products are offered. Mr. Brown suggested putting a "lumber" sign on the gable of the back building. Mr. Freese stated he does see the need for more than what is authorized under the present regulation but he does not see the need for going past the amount that would be approved under the proposed change in the ordinance.

Mr. Freese asked if Mr. McNeil is proposing limiting the number of wall signs to 2. Mr. McNeil stated yes and noted that the wall sign limitation is based on 1 for every 50 lineal feet. Mr. Freese suggested allowing 277sf of signage and the applicant can decide where he wants the signage. Discussion was held. Mr. Moore stated he believes the bare minimum would be the sign over the entrance and the two Carquest and Auto Parts signs. Mr. Moore stated this would eliminate all of the paint, lumber and electrical signs. Mr. Moore stated this would be 379sf. Mr. Moore stated he can see an argument for the Carquest Auto Parts sign to be changed to Carquest Auto Parts and Hardware. Ms. Street stated she does not see a problem with the request. Ms. Street stated this is a big building with a lot of visibility. Mr. Brown noted that you could include the other building which is still allowed another sign. Mr. Landon stated the 28ft. x 304ft. building will be used for additional auto parts, lumber and hardware storage. Ms. Street asked if it will ever need signage. Mr. Landon stated there will be no retail out of this building. Mr. Brown stated if this building was attached to the main building there would be additional wall area to be considered. Mr. McNeil stated the proposed ordinance would allow a maximum of 300sf. Ms. Street noted that the applicant is requesting 566sf of wall signage and the proposed amendment will allow 277sf of wall signage.

Mr. Brown asked if the "Contractor's Entrance" sign would be considered a directional sign such as an entrance/exit sign. Mr. Freese agreed with Mr. Brown but noted this is not in the proposed amendment.

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

4. Under the newly proposed and under consideration sign ordinance, a maximum of 277sf would be authorized based on the surface area of the buildings of 2776.9sf of wall area.
5. The proposed ordinance would allow a maximum of 300sf of wall signage.
6. The applicant amends his request to 300sf.

The Zoning Board of Appeals discussed reducing the variance request to 300sf with Mr. Landon. Mr. Landon asked if he would still be allowed signage on the other buildings if he reduces his variance request to 300sf. Mr. Freese stated yes if it is a different business. Mr. McNeil explained that an additional 40sf would be allowed if there is an additional business. Mr. Landon amended his variance request to 300sf.

The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Freese, seconded by Mr. Moore, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4 with the stipulation that the signage not exceed 300sf with the 300sf not being limited in numbers or sizes of the signs which compose the 300sf. Motion carried unanimously.

Greg Bock

Requests a 40ft. front setback variance for construction of a seawall, a boat well and a boat well cover and a 15ft. front setback variance for a porch and dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 3328 Nabanois Trail, Tuscarora Township, Section 19, parcel #162-141-006-007-00. A 40ft front setback is required for this lot in this zoning district.

Mr. McNeil explained that this request is for a 40ft. front setback variance for construction of a seawall, a boat well and a

boat well cover and a 15ft. front setback variance for a porch and dwelling.

Mr. Freese asked if there is any other correspondence regarding this request. Mr. McNeil stated no. Mr. McNeil distributed an opinion from legal counsel regarding the vested right in the boat well and seawall.

Mr. Bock stated the variance request is a result of the DEQ and Army Corps of Engineers approving the work. Mr. Bock stated some of this work is already completed. Mr. Bock stated the seawall and slip are complete but the boat house cover is not complete. Mr. Bock stated that although the requested setbacks may appear significant, he is respectfully asking that the board approve the request.

Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Freese stated there was a similar request at the last Zoning Board of Appeals meeting. Mr. Freese stated the applicant has a vested interest in the boat well which is already in place. Mr. Freese stated the boat well is not the issue. Mr. Freese stated the boat house will be reviewed by the Zoning Board of Appeals. Mr. Freese stated the applicant has provided information on other boat houses in the area. Mr. Freese stated the Zoning Board of Appeals has looked at other boat houses in the past. Mr. Freese stated that most of the ones that Mr. Bock mentioned were reconstructions of boat houses that were already there. Mr. Freese stated he has looked into most of them and one of the boat houses on Diane Lane is a problem. Mr. Freese stated he asked that enforcement look into the boat house as he was not able to find any permits for its construction. Mr. Freese stated the other boat houses were reconstructions of what was already there. Mr. Freese stated there is a height variance on one boat house and on another there is a slight variance in the length. Mr. Freese stated enforcement will look into these boat houses also.

Mr. Bock noted that he is not requesting a side setback variance. Mr. Bock also noted that Howe Marine is to the north of his parcel and is a commercial property. Mr. Bock stated the Howe Marine buildings are right up to the high water mark. Mr. Bock stated that what he is requesting is not hindering a view from the north or the south. Mr. Bock stated Bill and Denise Webber own the property to the south and their house sits back further than his house and will not hinder the view.

Mr. Freese stated that the boat houses approved in the past have been rebuilds. Mr. Moore stated the issue of the boat well it mute. Mr. Freese stated that is correct and it is the location of the building that is being reviewed. Discussion was held. Mr. Bock stated he talked to John Hatfield and Bill and Denise Webber about this boat house. Mr. Bock noted that there was a large tree at the entrance to the slip that was removed. Mr. Bock stated that Mr. Webber commented he is fine with removing the tree and replacing it with a see through boat house. Mr. Bock stated he would not have considered this boat house if there was any negative feedback from his neighbors.

Discussion was held on whether or not a variance is required for the porch. Mr. McNeil stated it should be reviewed and he does not see any issues with this request. Mr. McNeil stated the high water mark will change as we define it currently.

Mr. Freese stated the boat well is not part of the high water mark consideration. Mr. Moore stated the high water mark is the sea wall at the river. Mr. Freese stated the Zoning Board of Appeals made this determination a year ago.

Ms. Street questioned if every boat well needs a cover. Mr. Freese stated during the last boat cover review the Zoning Board of Appeals determined that every boat well does not need a cover.

The Zoning Board of Appeals reviewed the General Findings. The Zoning Board of Appeals agreed to delete General Finding 4 and 5. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Street, to deny the variance for the boat well cover based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Bandi Builders/Dave Butts

Requests a variance from a screening requirement to construct two (2) privacy fences or solid evergreen hedges for construction of a private storage building within 30 ft. of side lot lines. The property is located at 1271 Nicolet Dr., Beaugrand Township, Section 23, parcel #041-B02-100-038-00 and is zoned Lake and Stream Protection (P-LS). A solid evergreen hedge or wood fence with a minimum height of 6 feet to screen the private storage building from view of the side lot line is required when built within 30 feet of a side property line in this zoning district.

Mr. Freese asked if there is any additional correspondence. Mr. McNeil stated no.

Mr. Bandi explained that the property owner does not want to build a fence as the building is tall and a fence will not improve the appearance. Mr. Bandi stated there will be a significant expense with the shake siding, stone and two tone steel. Mr. Bandi stated the side walls are 16ft. and the peak of the building will be over 20ft. Mr. Freese stated a fence is not intended to screen the entire building. Mr. Bandi stated the neighbors do not have any issues with the storage building.

Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. McNeil read section 17.18.6 "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served; including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens."

Mr. Freese stated it is within the Zoning Board of Appeals jurisdiction to waive this requirement provided that they can cite supporting facts. Mr. Freese stated the applicant has letters from neighbors in the area stating that they do not want fencing or screening to this building. Discussion was held. Ms. Street noted that 6ft. trees or fence will not do much to screen a 16ft. tall structure. Mr. Moore stated he does not see any reason to put in a fence. Discussion was held.

Mr. Bandi noted that the adjacent property owner will be constructing a pole building in the future. Mr. Brown questioned if screening will be required between the two pole buildings. Mr. McNeil noted that section 17.18.6 may apply in this case. Mr. Freese stated that putting a row of evergreens down the side of the building will not have an adverse impact on the scenery and will not cause anyone to cut down trees as a fence would. Discussion was held regarding greenbelt requirements. Mr. McNeil noted that reduced setbacks are allowed in this zoning district. Mr. Moore stated it is ridiculous for the applicant to spend money that we know will be destroyed. Mr. Brown suggested a land ownership pattern. Mr. Freese stated the narrowness of the lot would require that the screening be placed in an area that will be incompatible with the snow load coming off of the roof. Discussion was held. Mr. Freese stated that the screening would be destroyed by snow coming off of the roof if the screening within 6ft. of the building. Mr. Freese noted that due to the narrowness of the lot the side setback requirement is 6ft. Mr. Moore stated that due to the narrowness of the lot, side screening is not practical. Mr. Freese stated is true for the side with the 6ft. setback but noted that it is not the same for the other side. Mr. Moore stated there will be 18ft. remaining and space will be needed for a 10ft. driveway. Mr. Brown asked if the other neighbor will be building within one year. Mr. Bandi stated that he gave him a quote but he has not received an answer yet. Mr. Brown stated the neighbor will put his building close to the lot line. Mr. McNeil stated that Mr. Bandi or Mr. Butts can apply to the Zoning Board of Appeals at that time to review the screening requirement. Discussion was held. Mr. Freese stated he does not see where the Zoning Board of Appeals can justify eliminating the screening on the left side. Mr. Freese stated if there is a proposed building on the adjacent lot then there is a strong justification for not having screening between two pole buildings. Discussion was held.

Mr. Bandi asked to withdraw his variance request for the screening on the north side.

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

5. On the north side due to the narrowness of the lot and the proximity of the building to the property line due to the snow load coming off of the roof, it is impractical to screen with a fence or evergreen hedge. (Section 17.18.6)
6. The applicant withdrew his request for a variance for screening on the north property line.

Motion by Mr. Brown, seconded by Ms. Street, to grant the waiver on the north side based on General Finding #5, Section 17.18.6. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer, to adjourn. Motion carried. Meeting adjourned at 8:39pm.

Mary Street

Mary Street, Secretary