

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, MAY 27, 2009 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: Chris Brown

Others Present: Tom Kellogg, Russell Crawford, Roseanne Campbell

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

APPROVAL OF AGENDA

The agenda was presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer to accept the agenda as presented. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Brown)

APPROVAL OF MINUTES

Minutes from the April 22, 2009 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Ms. Street, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Brown)

PUBLIC HEARING & ACTION ON REQUESTS

CAMPBELL, ROSEANN & MARVIN – Request an 18' Dimensional Variance to allow a garage front setback of 12' from the road right-of-way. The property is zoned Residential Development District (D-RS) which requires a front setback of 30'. The property is located at 4963 Eastway Drive, Tuscarora Township, Section 25, parcel #161-139-000-073-00. (This item was tabled at the 04/22/09 ZBA meeting.)

Mrs. Campbell explained that her husband planned on obtaining a building permit for the garage through the Construction Code Department. Mrs. Campbell stated that the Construction Code Department sent her to the Zoning Department where she was told that she would need to apply for a variance. Mrs. Campbell explained the location of the well and the septic and noted there is a limited area remaining for the garage.

Ms. Street referred to the zoning permit that was issued for the house and questioned if the garage was crossed off of the plot plan because it was realized that the garage was too close to the front property line. Mrs. Campbell explained that the contractor decided to put the septic in the same location as where they planned to place the garage. Mrs. Campbell stated that the contractor made this change without consulting with her husband.

Mr. Freese referred to the site plan that was approved by Brian Duvalle for the residence and asked Mrs. Campbell if the reason that the garage was deleted from the plot plan was due to no money or due to the fact that they were told the garage was encroaching on the front setback. Mrs. Campbell stated that they did not have the money at the time. Mrs. Campbell explained that the cost of all the permits was approximately \$800. Mr. Freese referred to the plot plan for the approved zoning permit and stated that it appears that the person reviewing the plot plan was aware of that the fact that the garage was in the setback area. Mr. Freese noted that the garage was crossed off of the plot plan and was not to be included for this zoning permit. Discussion was held.

Mr. Freese asked Mr. Kellogg if the house to the south and the house to the southeast both front on Fisher Woods Road. Mr. Kellogg stated yes. Mr. Freese noted that there is a garage on both of these parcels. Mr. Kellogg stated that the parcel to the south has an Eastway Drive address even though the house fronts on Fisher Woods Road. Mr. Kellogg noted in 1984 the front was considered Eastway when the garage permit was approved. Mr. Kellogg stated that after the initial inspection the front was changed to Fisher Woods Road. Mr. Kellogg stated that the reason for the change was not noted. Discussion was held. Mr. Freese stated that if the side lot line and front designations on the 4986 Eastway Drive parcel had not been switched in 1984 there would be no basis for this variance. Ms. Street referred to the zoning permit for the residence and stated she believes crossing off the garage on the plot plan is an acknowledgement that it would be too close to the front property line. Mr. Freese agreed with Ms. Street.

Ms. Street asked Mrs. Campbell why a permit was not obtained when the garage was built one year ago. Mrs. Campbell explained that her husband built the garage and he planned to obtain a permit but he passed away recently. Mr. Freese stated that a permit was not requested or issued. Mr. Freese stated that if a permit would have been requested for this garage it would have been denied.

Mr. Freese asked for public comments. An audience member asked the Zoning Board of Appeals members to consider that Mrs. Campbell is a good taxpayer and a good person. The audience member stated that the economy is tough and residents are moving out of the area. Mr. Freese stated these are not factors that the Zoning Board of Appeals members can consider. Public comment closed.

Discussion was held regarding the location and size of the septic field. Mr. Freese noted that a 26' x 38' septic field 16' from the house was required by District Health Department #4.

The Zoning Board of Appeals reviewed the General Findings. The Zoning Board of Appeals agreed to add the following items to the General Findings:

- "Site plan B which was submitted on 05/11/06 shows a site plan with a garage deleted." as item 6
- "The property directly to the south with an address 4983 Eastway Drive has a garage closer to Eastway Drive than the garage in question and that this situation was evidently justified by using the front setback for 4983 Eastway Drive as being on Fisher Woods Drive despite the Eastway Drive address." as item 7.
- "The septic was installed prior to the placement of the house and was not placed in the correct location which forced the change of the original plan." as item 8.
- "The garage was constructed without a building permit." as item 9.

The Zoning Board of Appeals reviewed the Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals agreed to delete 23.5.4.1.2, 23.5.4.2.2, 23.5.4.3.2, 23.5.4.4.2 and 23.5.4.5.2. The Zoning Board of Appeals agreed to add "There are two other properties that are contiguous to this parcel that have garages closer to the road than this garage." to 23.5.4.3.1. **Motion** by Ms. Street, seconded by Mr. Hemmer, to approve the 18' dimensional variance based on the revised General Findings and the revised Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Brown)

Mr. Freese noted that if the proper procedures had been followed this dimensional variance would not have been approved by the Zoning Board of Appeals.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:49pm.



Mary Street, Secretary