

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JUNE 24, 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:** Steve Schnell, Brett Wyatt, Bill Morgan, Brenda Chimner, Bob Vrooman, John Brown

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

**APPROVAL OF MINUTES**

Minutes from the May 27, 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)

**APPROVAL OF AGENDA**

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

**PUBLIC HEARING & ACTION ON REQUESTS**

**Robert Vrooman** – Requests a 5 ft. rear setback variance, where 12 ft. is required, to construct a storage building (10' x 20'). The property is located at 1550 Topinabee Shore Dr. and 1556 Topinabee Shore Dr., Mullett Township, section 30, parcels #130-L05-001-001-00 and #130-030-200-015-00 and is zoned Lake and Stream Protection District (P-LS).

Mr. Schnell stated one lot is in the platted subdivision and the other lot was purchased from the railroad. Mr. Schnell referred to the site plan and explained the location of the proposed storage building. Mr. Schnell stated that Ken Phillips, DNR, had no problems with this site in regards to soil erosion or with the stone retaining walls. Mr. Vrooman stated that he was issued a soil erosion permit last year for the retaining wall. Mr. Schnell stated that Hank Jankoviak reviewed this plan and he does not have any problems with the plan.

Mr. Vrooman stated he has owned the property for 34 years and the existing building is called a boathouse and it has been used for storage in the past. Mr. Vrooman stated that other similar structures in the area have livable space. Mr. Vrooman stated he would like to convert the existing building to usable daytime space for his grandchildren and family and construct a 10' x 20' building for storage. Mr. Vrooman presented drawings of what the building will look like when completed. Mr. Freese asked Mr. Schnell if he is aware of any of these types of structures that are used as livable space. Mr. Vrooman presented pictures of two garages on Giauque Beach Drive that are close to the property line. Ms. Street questioned if this structure would only be used as daytime living space only. Mr. Vrooman stated it would be for daytime living space only. Ms. Street asked if there is a septic system. Mr. Vrooman stated no. Discussion was held regarding beach houses being reviewed by the Planning Commission. Mr. Vrooman believes there are several cottages in Topinabee that have a separate lot with a boathouse. Discussion was held regarding the easement. Mr. Moore asked Mr. Morgan if he believes there may be a future need of the easement by the township. Mr. Morgan stated no.

Mr. Freese noted that there is no residence on this parcel. Mr. Freese stated if there was a residence on this parcel this structure could be classified as a tool shed because it is not on a permanent foundation. Mr. Freese stated that this subject keeps coming up on these small lake lots. Mr. Freese stated this issue should be addressed soon by the Planning Commission.

Mr. Freese asked if there was any correspondence regarding this request. Mr. Schnell noted that a letter was received from Luke Houlton (Cheboygan County Road Commission) stating that he does not have any comments. Mr. Freese asked for public comments. Mr. Morgan stated that the township is happy if the DNR is happy. Public comment closed.

The Zoning Board of Appeals reviewed and approved the General Findings. The Zoning Board of Appeals reviewed the Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals agreed to delete 23.5.4.1.4, 23.5.4.2.3, 23.5.4.3.5, 23.5.4.4.4, 23.5.4.4.5 and 23.5.4.5.5. The Zoning Board of Appeals agreed the Findings of Fact Under Section 23.5.4 have been met. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Brown)

**Brett A. Wyatt** – Requests a 3ft. 7in. side setback variance, where 8ft. is required, to construct a retail store addition (20' x 28'). The property is located at 1303 Main St., Aloha Township, section 08, parcel #140-A01-009-014-00 and is zoned Lake and Stream Protection District (P-LS).

Mr. Schnell reviewed the site plan and requested side setback variance with the Zoning Board of Appeals members. Mr. Wyatt explained the layout of the existing building. Mr. Wyatt explained that the addition will not be any closer to 2<sup>nd</sup> St. than the existing building and the roof line will not change. Mr. Wyatt stated that the kitchen will be moved to the new addition which will open up more area for the store. Mr. Wyatt stated that he will still be able to access the back yard and the drainfield. Mr. Wyatt stated he has talked with many of the neighbors and they did not have any concerns regarding the addition.

Mr. Freese asked if there was any correspondence. Mr. Schnell stated comments were submitted by Luke Houlton (Cheboygan County Road Commission). Mr. Freese asked for public comments. Ms. Chimner, Aloha Township Supervisor, stated that many people in the area are supportive of Mr. Wyatt's project. Ms. Chimner stated that this project will improve the appearance and appeal of the area. Public comment closed.

Discussion was held regarding the existing kitchen being inadequate. Ms. Street asked when Mr. Wyatt purchased the store. Mr. Wyatt stated he has owned it since May 1, 2009.

The Zoning Board of Appeals reviewed General Findings. The Zoning Board of Appeals agreed to add "Additional space is necessary to provide for the safe preparation of food." as 10. The Zoning Board of Appeals reviewed the Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals agreed to delete 23.5.4.1.4, 23.5.4.2.2, 23.5.4.3.5, 23.5.4.4.4 and 23.5.4.5.4. **Motion** by Ms. Street, seconded by Mr. Hemmer, to approve the variance based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Street), 0 Nays, 1 Absent (Brown)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

No comments.

**ZBA COMMENTS**

No comments.

**PUBLIC COMMENTS**

Mr. Morgan stated that the Planning Commission should review storage buildings being used as living space as soon as possible. Discussion was held.

**ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:55pm.

  
\_\_\_\_\_  
Mary Street, Secretary