

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, SEPTEMBER 22, 2010 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

Members Absent: None

Others Present: Scott McNeil, Elaine Keiser, Bill Morgan Jr., Russ Crawford, Cheryl Crawford, Michelle Tromble, Rick Tromble, John F. Brown

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

APPROVAL OF MINUTES

Minutes from the July 28, 2010 Zoning Board of Appeals meeting were presented. Mr. Moore referred to the 1st paragraph on page 2 and stated all references to “lean to” should be changed to “lean-to”. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as amended. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Elaine Keiser Architect, Inc. / Rick Tromble – Requests a 7ft. 2 ½in. side setback variance, 10ft. rear setback variance and a 2ft. front setback variance for construction of a new residence. The property is located at 5299 Tromble Drive, Aloha Township, section 5, parcel #140-005-307-062-00 and is zoned Lake and Stream Protection (P-LS).

Ms. Keiser stated she is the architect for this project and she is representing Rick and Michelle Tromble. Ms. Keiser stated they plan to take an existing home and move it to another nearby parcel. Ms. Keiser explained they would like to construct a new home in the same location. Ms. Keiser stated the existing home encroaches on the lake by 3ft. Ms. Keiser stated the new home would encroach 2ft. towards the lake.

Ms. Keiser stated the corner of the existing home is on the east property line and she would like to maintain that line at that point for the porch on the new house. Ms. Keiser stated on the south side of the parcel Mr. and Mrs. Tromble own another parcel. Ms. Keiser stated Mr. and Mrs. Tromble have transferred 10ft – 15ft. of the south parcel to the north parcel so there would not have to be a side yard setback variance request. Ms. Keiser stated this transfer happened approximately 1 week ago.

Ms. Keiser stated the request is now for a 2ft. front setback variance and a 12ft. variance for the east property line. Ms. Keiser stated the 12ft. variance would allow the property owners to maintain what currently exists.

Mr. Tromble explained this parcel has been owned by the Tromble family since the mid 1800’s and the existing house was put on this property in 1980 and has been remodeled 3 times. Mr. Tromble stated there are three additions on the existing house and it has never been properly insulated. Mr. Tromble explained that he believes it is better to build a new house.

Mr. Freese asked if there is any correspondence in regards to this request. Mr. McNeil stated no. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Moore stated there are discrepancies such as the 34ft. of beach that is not land. Discussion was held regarding the legal description. Mr. Moore stated the description reads “to the shore” which excludes the 34ft. Mr. Moore stated the variance request should be 32ft. 4in. with a setback of 7ft. 8in.

Mr. McNeil stated this would be a conservative approach. Mr. Freese questioned if this is a lakefront lot when there is a parcel in between the Tromble parcel and the water. Mr. McNeil stated yes. Mr. Freese questioned if the 40ft. setback is still required. Mr. McNeil stated yes. An aerial photo of the parcel was reviewed by the Zoning Board of Appeals members. Ms. Street questioned who owns the property between the Tromble parcel and the water.

Mr. Moore stated the dimensions on the site plan match the legal description dimensions. Mr. Moore stated the lines may not be placed properly over the aerial photo. Mr. Moore noted the gazebo is on the beach. Ms. Street questioned where you would begin measuring the 40ft. setback. Discussion was held regarding the location of the high water mark. Mr. Moore stated in the past the ordinary high water mark was considered where the grass stopped growing on a lakefront lot.

Discussion was held regarding the non-conforming status of the existing house. Mr. Freese noted that the proposed house would not be considered as legal non-conforming. Mr. Freese believes the house could be relocated in such a way that there will be less of a nonconformity if it is shifted clockwise 5 degrees. Ms. Keiser explained the original plan was to remodel the existing house and the footprint of the house would not change. Ms. Keiser agreed with Mr. Freese that the house could be shifted clockwise 5 degrees. Mr. Freese stated approximately 5ft. of the rear setback variance could be eliminated by moving it to the south closer to the new setback line. Ms. Keiser agreed with Mr. Freese. Ms. Keiser stated she would be happy to adjust the eastern setback line. Discussion was held.

Ms. Keiser proposed moving the house more parallel to the drive. Ms. Keiser stated the house would still be approximately 13 inches off of the property line. Mr. Freese stated this change will reduce the non-conformity quite a bit. Discussion was held. Mr. Freese stated there is still a problem with the front setback variance request.

Mr. Freese stated if the offset building projection is eliminated and there is a straight front, there will be an additional 2 ½ feet of front setback clearance. Mr. Freese stated by rotating and moving the building to the south there will be an additional 3 ¾ feet. Discussion was held regarding the proposed porch being bigger than the existing porch. Discussion was held regarding the proposed porch not being allowed in the setback area.

Mr. Moore stated that he believes the 34ft. is lake bottom and that the setback would begin at the described property line which then leaves very little legally buildable space on this parcel. Mr. Freese stated he is concerned with the way the request was written in the legal notice. Mr. Freese stated the notice stated the request is for a 2ft. front setback variance. Mr. Moore stated the notice was for a 2ft. variance but it should have been a request for a 38ft. variance. Mr. McNeil suggested that the motion could be subject to review by legal counsel. Discussion was held regarding the addition that was built in 2000. Mr. Freese stated a variance request should have been reviewed by the Zoning Board of Appeals in 2000 for the addition. Mr. Freese agreed with Mr. McNeil's suggestion to have this motion reviewed by legal counsel. Discussion was held. Mr. Moore stated he would prefer to table the request and ask legal counsel to review before making a decision. Mr. Hemmer stated he would prefer to table the request. Mr. Brown stated the lot is unique in shape and there will be less non-conformity with the proposed plan than there is currently. Mr. Brown and Ms. Street believe that the request should be reviewed but subject to review by legal counsel. Mr. Freese stated there are two board members who want to table the request and there are three board members who want to review the request but subject to review by legal counsel.

The Zoning Board of Appeals reviewed and revised the General Findings and the Specific Findings of Fact under Section 23.5.4. The Zoning Board of Appeals agreed the revised Specific Findings of Fact under Section 23.5.4 have been met. **Motion** by Mr. Brown, seconded by Mr. Moore, to approve the variance request as amended based on the General Findings and the Specific Findings of Fact Under Section 23.5.4 with the condition of final approval from legal counsel regarding the legal notice of advertisement being adequate. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Morgan stated he was impressed with Ms. Keiser as an architect.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 8:24pm.

Mary Street

Mary Street, Secretary