

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS SPECIAL MEETING & PUBLIC HEARING
WEDNESDAY, OCTOBER 14, 2009 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Steve Schnell, Michael McMullen, Todd Charboneau,

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 unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Michael McMullen

Requests a 142ft. front setback variance, where 200ft. is required, to construct an addition to an existing residence. The property is located at 6669 Haz Dr., Ellis Township, section 2, parcel #210-002-400-009-00 and is zoned Natural Rivers Protection (P-NR).

Mr. Schnell presented the proposed site plan and stated the whole property is within 200ft of the river's edge. Mr. Schnell explained that there are no side or rear setbacks for the Natural River's zoning district and noted that it is most likely an oversight. Mr. Schnell stated there is a 200ft. setback from the stream which essentially makes this an unbuildable property. Mr. Schnell stated the existing building is a non-conforming structure. Mr. Schnell stated a variance would allow the for existing building to be expanded to 36' x 48'. Mr. Schnell stated if the variance is granted the proposed building would become conforming building as there would be permission to disobey they 200ft. setback requirement. Mr. Schnell stated the variance would be for this building only and any future buildings would require an application to the Zoning Board of Appeals for a variance also. Mr. Schnell presented an aerial photo showing surrounding properties that are also shallow or less than 200ft deep and not able to comply with the 200ft. requirement. Mr. Schnell stated this may be something in the Zoning Ordinance to be looked at and corrected so that these parcels are not unbuildable. Mr. Freese stated there have been other variances granted for this area.

Mr. McMullen stated his daughter is getting married soon and he would like to build this addition onto the house for her and her family of four. Mr. McMullen explained this is his only option to build.

There were no letters to be read. Mr. Freese asked for public comment. There were no public comments. Public comment closed.

Mr. Schnell stated that a notice was sent to Brian Bury at the DNR advising him of this request. Mr. Schnell stated that he has not received any comments from Mr. Bury regarding this request. Mr. McMullen stated that Mr. Bury visited the site. Mr. Freese stated the DNR always submits comments regarding variances in the Natural Rivers Protection District.

Mr. Schnell referred to sections 11.3 and 11.3.1 and stated the objections of the Natural Rivers Protection District area to maintain water quality, prevent ecological and aesthetic damage, permit reasonable and compatible uses of land, limit of prohibit developments that may destroy the rivers, fish and wildlife, protect the rivers natural floodwater storage capacity and to ensure the recreational uses which do occur are done in an orderly manner consistent with the qualities of the stream. Mr. Schnell stated according to the Natural Rivers Protection District that if a variance is granted it is important that structure should be so located so that it best meets the objectives of the district. Mr. Schnell stated that the DNR would look at this and make sure that the vegetative strip would not be removed and minimize any vegetation removal, topography changes. Mr. Schnell stated that he does believe that there would not be a lot of changes made to the vegetative strip due to the addition. Mr. McMullen stated that there would not be a lot of changes. Discussion was held.

Ms. Street asked Mr. McMullen how many lots he owns along the river. Mr. McMullen stated he owns four lots on this side of the river and one on the other side of the river. Mr. McMullen stated he also owns a lot on the west side of Haz Drive. Ms. Street

questioned where this lot is located in relationship to the rest of Mr. McMullen lots that he owns. Mr. McMullen explained that he lives on the first lot along the river and he is requesting the variance for the second lot.

Board held discussion. Mr. Freese noted that the addition will bring the residence into conformance with the 720sf requirement for new dwellings. Mr. Freese stated the addition will be no closer to the river than the existing structure. Mr. Freese stated that the aerial photo should be added as an exhibit.

The Zoning Board of Appeals reviewed the Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals agreed to delete 23.5.4.3.3. The Zoning Board of Appeals agreed the revised Findings of Fact Under Section 23.5.4 have been met. **Motion** by Mr. Moore, seconded by Ms. Street, to approve the variance based on the Findings of Fact Under Section 23.5.4. Motion carried unanimously.

Todd Charboneau / Colby Sherwood

Requests a 26' 6" front setback variance, where 30ft. is required, to construct a covered deck. The property is located at 1465 Nicolet Dr., Beaugrand Township, section 14, parcel #041-B02-100-065-00 and is zoned Lake and Stream Protection (P-LS).

Mr. Schnell stated the layout of the property is triangular in shape. Mr. Schnell stated this parcel is within 500ft of the water and is zoned Lake and Stream Protection. Mr. Schnell noted that since this parcel is not on the water the front setback requirement is 30ft. Mr. Schnell stated the distance from the house to the corner is 13ft. 6in. Mr. Schnell stated the proposed covered porch will be 10ft. x 13ft. which is 3ft. 6in. from the closest part of the property. Mr. Schnell explained that the roadway as it exists today is straighter and does not bend like the platted road appears on the original plat. Mr. Schnell explained that bend in the road puts the property line very close to the front of the existing house. Mr. Schnell stated the applicant is claiming the uniqueness of the property as the reason for this application.

Mr. Charboneau stated that from the edge of the road to the proposed porch is 36ft. Mr. Charboneau stated the road will most likely stay as it is currently and this addition will be within the property lines.

There were no letters to be read. Mr. Freese asked for public comment. Mr. Sherwood stated he has power of attorney for his son Colby Sherwood who is the property owner and wants to construct this porch. Mr. Sherwood stated the porch will make the house more aesthetically pleasing. Mr. Sherwood stated the road is quite a distance from the house and he does not believe that the road will ever be widened. Mr. Sherwood stated that in the 1950's before this subdivision was developed all of the road were private roads and there was a private well system. Mr. Sherwood stated that in this location there were shut off valves for the underground water system that the whole subdivision was part of. Mr. Sherwood believes this may be the reason or the weird angle that comes in off the road towards the house. Public comment closed.

Board held discussion. Mr. Freese noted that other homes in the area have porches and this one does not have a porch.

The Zoning Board of Appeals reviewed the Findings of Fact under Section 23.5.4. The Zoning Board of Appeals agreed to delete 23.5.4.3.2 and 23.5.4.4.3. The Zoning Board of Appeals agreed the revised Findings of Fact under Section 23.5.4 have been met. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the variance based on the Findings of Fact Under Section 23.5.4. Motion carried unanimously.

John and Virginia Morris

Requests a 9ft. front setback variance, where 40ft. is required, to enclose an existing porch. The property is located at 677 Grandview Beach Dr., Tuscarora Township, section 5, parcel #162-S77-000-009-00 and is zoned Lake and Stream Protection (P-LS).

Mr. Schnell explained that the existing deck is 31ft from the lake and the requested variance is for 9ft. from the required 40ft. front setback requirement. Mr. Schnell stated that the applicant wants to extend the deck vertically and make it taller to create a covered and screened in porch. Mr. Schnell stated the applicant has started some of the construction on this project already. Mr. Schnell stated the side setback requirements will be met.

Ms. Morris stated she wants to enclose the porch so she will not be bothered by bugs and to also enjoy the view. Ms. Morris explained that they started the project and later realized that they may need zoning approval. Ms. Morris stated when they realized that they needed zoning approval they stopped working on the project. Discussion was held regarding erosion along the lakeshore from wave action.

Mr. Freese asked for public comment. There were no public comments. Public comment closed. Mr. Schnell stated that an e-mail was received Mike Cherveney who had no objections to this request as long as the expansion did not extend further than what already exists.

Mr. Freese stated that the existing building, without the porch, is in direct line with the houses on either side. Mr. Freese stated that if the porch is screened in it will extend out the distance of the porch beyond the front line of both other houses.

Mr. Freese stated that the DEQ Wetlands Map and the subdivision plat are to be added to the exhibit list. Discussion was held.

The Zoning Board of Appeals reviewed the Findings of Fact Under Section 23.5.4. The Zoning Board of Appeals agreed that 23.5.4.1 has been met. The Zoning Board of Appeals agreed 23.5.4.2, 23.5.4.3, 23.5.4.4 and 23.5.4.5 have not been met.

Motion by Ms. Street, seconded by Mr. Moore, to not approve the variance based on the Findings of Fact under Section 23.5.3.1. Motion carried unanimously.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr., seconded by Mr., to adjourn. Motion carried. Meeting adjourned at 7:41pm.

Mary Street

Mary Street, Secretary