

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, DECEMBER 23, 2009 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

Members Absent: John Moore

Others Present: Steve Schnell, Thomas Morrish, Bill Morgan, Russell Crawford

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

APPROVAL OF AGENDA

The agenda was presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the November 25, 2009 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

THOMAS R. MORRISH – Requests a 464 square foot variance to construct a 2064 square foot private storage building (Section 17.23.1f) where 1,600 square feet is the maximum allowed. The property is located on France Lane, Benton Township, section 16, parcel #104-016-300-019-03 and is zoned Lake and Stream Protection (P-LS)

Mr. Schnell reviewed the site plan with the Zoning Board of Appeals members. Mr. Schnell stated the proposed structure will include a 24ft x 28ft. workshop and a 30ft. x 48ft. private storage garage. Mr. Schnell stated the use for the whole building is considered private storage and this is a permitted use in the Lake and Stream Protection District. Mr. Schnell stated the applicant’s parcel is vacant. Mr. Schnell referred to an aerial photo of the area and noted the location of a conforming private storage building. Mr. Schnell stated this building was permitted in 2006 which is prior to how private storage buildings are currently defined. Mr. Schnell stated this was permitted as an accessory building even though there was no primary use on the property. Mr. Schnell stated this permit granted permission for the building to be 2560sf. Mr. Schnell stated this building is twice the size of what Mr. Morrish is proposing.

Mr. Schnell explained that Mr. Morrish’s two parcels can’t be combined into one parcel because they do not touch under the easement.

Mr. Morrish stated he would like to construct a storage building for his boat and motor home. Mr. Morrish stated the storage building will be 30ft. x 48ft. Mr. Morrish stated he would like to build a workshop and greenhouse that would be attached to the storage building. Mr. Morrish explained that he has tried to reconfigure the proposed buildings to meet the maximum square footage that is allowed, however, he is not able fit everything in the building as he originally planned. Mr. Morrish stated he also considered putting the 24ft. x 26ft. building next to the house but the utilities run through this area and it is a natural drainage area. Mr. Morrish stated that Dennis Coan’s storage building is much bigger than what he is proposing. Mr. Morrish stated that Joe Gustin’s storage building is smaller than what he is proposing. Mr. Morrish stated he talked with Joe Gustin and he does not have any problems with the proposed storage building. Mr. Morrish stated that Joe Gustin does not want a hedge required between the two buildings. Mr. Morrish stated the siding and shingles will match the house.

Mr. Freese asked if there was any correspondence. Mr. Schnell stated there was a call from Joe Gustin. Mr. Freese asked for public comment. There were no public comments. Public comment closed.

Ms. Street asked if there would still be enough room on the parcel for a residence if this variance is approved. Discussion was held regarding property owners purchasing back lots for the purpose of building storage buildings. Mr. Freese stated that he believes the maximum size allowed for private storage buildings may be an issue. Discussion was held. Mr. Schnell stated he will research permits that were issued in the past for these types of buildings.

Mr. Morrish stated that he believes that both parcels could be combined into one parcel. Mr. Schnell stated if these parcels are combined a variance would not be needed. Mr. Schnell asked Mr. Morrish if the title company believes they can be combined. Mr. Morrish stated the property lines do not touch. Mr. Schnell stated the parcels can't be combined if the property lines do not touch. Discussion was held.

Ms. Street questioned why there is a maximum square foot of 1600sf for private storage buildings when property owners are asking for their buildings to be larger. Ms. Street noted this issue should be reviewed by the Planning Commission. Discussion was held.

Ms. Street stated that the parcel with the residence is limited. Mr. Freese stated this is a problem that is created by the road that runs through the middle of the parcels. Mr. Freese stated in usual circumstances the parcels would be contiguous. Discussion was held.

Mr. Freese stated the portion of the proposed building that will be private storage meets the private storage regulations. Mr. Freese noted that when the workshop and the greenhouse are added on it exceeds the 1,600 square feet which is the maximum allowed. Mr. Freese stated that Mr. Morrish tried to locate the workshop and greenhouse on the main parcel but is not able to do so because of utilities and topography. Discussion was held.

Ms. Street asked if there will be enough space for a future residence if this storage building is constructed. Mr. Freese stated there will be enough room to the north of the storage building for a residence. Mr. Schnell stated that there would have to be a review to make sure that all Health Department requirements would be met. Discussion was held. Mr. Brown believes that the proposed building will be similar to other private storage buildings in the area.

The Zoning Board of Appeals revised General Findings:

1. The property is zoned P-LS.
2. The proposed private storage building is 2,064 square feet.
3. The applicant owns an adjacent property and has his single family home on the adjacent property.
4. The applicant purchased another parcel to the west of his parcel on which his home is located, however, this parcel is covered by underground utilities and is the natural flow from France Lane which floods in the spring.
5. The proposed building has two separate portions; 1440sf storage building and 624sf greenhouse/workshop
6. The 1440sf area designated for a storage building would be allowable as a stand- alone on the parcel under the zoning law; however, the addition of the shop/greenhouse area necessitates the variance of 464sf.

The Zoning Board of Appeals reviewed and revised the Findings of Fact Under Section 23.5.4:

23.5.4.1 That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

- The property is adjacent to a single family home that is owned by the applicant.
- The storage portion of the building is in conformance with the zoning regulations; however, the addition of the greenhouse/shop area could have been located next to the residence if not for topographical and buried utilities and results in the situation requiring a variance.

23.5.4.2 That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

- The variance is not self-created because the waterfront property owned by the applicant is too small for this size building and must be located on an adjacent property.
- The topography on the parcel on which the residence is located does not allow location of the storage building or the workshop.

23.5.4.3 That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

- The private storage building location on an adjacent parcel preserves the lower density of the applicant's lakefront parcel and meets the intent of the ordinance's lakefront development goals.
- It is an unnecessary burden to not have a storage building.
- There are other storage buildings in the immediate area which exceed the 1600sf size limitation.

23.5.4.4 That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.

- The storage portion of the building is reasonable for the area and the addition of the shop/greenhouse area which is separated from this building would allow construction without a variance are the most reasonable sizes in this situation.
- There are other storage buildings in the immediate area which exceed the 1600sf size limitation.

23.5.4.5 That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

- This private storage building will keep equipment storage indoors in keeping with the rest of the neighboring properties.
- There are other storage buildings in the immediate area of a commensurate size with this building.

The Zoning Board of Appeals approved the revised Findings of Fact Under Section 23.5.4. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Discussion was held regarding increasing the maximum square footage (1,600sf) allowed for private storage buildings.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Ms. Street to adjourn. Motion carried. Meeting adjourned at 7:48pm.

Mary Street

Mary Street, Secretary