

ZONING BOARD OF APPEALS MEETING
June 5, 2019

The Regular Zoning Board of Appeals meeting was called to order by Chairperson Sangster at 7:00 p.m.

Present: Board Members Bronson, Barrette, Chorey, Horntvedt and Sangster

Also Present: Thomas E. Eustice, City Manager/Zoning Administrator

Review and Approval of Regular Zoning Board of Appeals Minutes of December 5, 2018:

Board Member Horntvedt noted a correction to the minutes in the second to the last sentence at the top of page 3 from fallible to allowable.

Motion by Barrette seconded by Chorey to approve the Regular Zoning Board of Appeals Minutes of December 5, 2018 as corrected; passed by unanimous vote.

Tom Bishop has filed a demand of appeal with the Zoning Board of Appeals requesting a variance to construct a 16 ft. x 24 ft. detached accessory building in the side yard at 546 Bayview Drive, a One-Family Residential (R-1) Zone, which accessory building is only allowed in a rear yard per the Zoning Ordinance of the City of Cheboygan - City Manager/Zoning Administrator Eustice informed the Board that this is an unattached accessory building, which by Ordinance unattached accessory buildings are required to be in the rear yard. This being a waterfront property the front yard is the waterfront and the rear yard is the road frontage. Non-waterfront pieces are the opposite. Chairman Sangster asked if that is a State-wide definition. City Manager/Zoning Administrator Eustice replied yes and went on to state in this case there is allowable room in the rear yard but the area where this accessory building could be built there is a septic tank and septic field; there is no City sewer on Bayview Drive, only City water. So, in Mr. Bishop's rear yard he has his sewer utilities that you cannot build on, which creates a hardship since you cannot build in the required rear yard. As a result, Mr. Bishop is asking for a variance to put this accessory building in the side yard and it is going to look identical to the home, as far as the aesthetics. City Manager/Zoning Administrator Eustice went on to explain it is basically a garage on a basement. The front of the building will be a walkout and the back of the building will just be one level from the backside as it will be built into a hill.

Board Member Horntvedt questioned if the garage door on the back faces the septic field there would be no room for a driveway. City Manager/Zoning Administrator Eustice replied there is room for a driveway. Board Member Horntvedt commented the location of septic/drain field/tank is not shown in the drawings. Contractor Todd Charboneau showed a drawing to the Board of the location of the tank and drain field done by Mr. Ron Tebo. Board Member Horntvedt asked if there is enough of ingress and egress between the property line and the drain field to put a driveway to the door of the garage. Mr. Charboneau replied in speaking with Mr. Bishop he does not plan on putting a driveway in there, as the building will be used to put in lawn equipment to get the same out of the garage; in the lower level is plans in putting things for the River, tubes, etc. In the upper level of the building he will use for lawn and snow removal. An actual driveway will not be put in so as not to interfere with the grass area.

Regular Zoning Board of Appeals Meeting, June 5, 2019

Board Member Horntvedt asked City Manager/Zoning Administrator Eustice if Mr. Bishop has the option of extending his house to the property line. City Manager/Zoning Administrator Eustice replied if the building were attached to the house, it could be placed in the side yard. Board Member Horntvedt then commented the effect to adjacent properties is somewhat weakened by the fact that he could do the exact same thing by attaching it to the house and feels it creates less of an impact on the character of that neighborhood by just using a portion of the property. Mr. Charboneau commented that Mr. Bishop has met with the neighbor to the north who is 100% in favor of the building as it will create a buffer and will not interfere with her view as she is actually in front of Mr. Bishop. Board Member Horntvedt said he is assuming if she did have an issue with the request she would have written a letter or been in attendance at this meeting. City Manager/Zoning Administrator Eustice informed the Board he spoke with the neighbor, Mary Wehr, after doing a site visit because he had a concern as to whether or not it would interfere with her site lines from the house. She told him she was thinking of putting up a fence anyway and her living room is located in the back of the house, as is the Bishop's and you can see each other's living rooms and this is going to put a buffer. Her house is closer to the River than the Bishop home and from her front deck there are no obstructions in sight lines down the River.

Chairman Sangster stated with great drawings it is always a difficult position to be thrown into when there is so much work and effort into it and all the quality has been outstanding. He is sure it has added a lot of appeal to the neighborhood. He agreed that Mr. Bishop is kind of hindered by the drain field, noting the Ordinance is obviously written for a majority of the City with 80% to 94% of the residents not having drain fields. There are some legitimate concerns with that to him. Again, aesthetically and as to Board Member Horntvedt's point as to Mr. Bishop continuing with this and achieving it some other way, but it will probably make more of an impact on that lot than what he is actually asking to do. Chairman Sangster then asked the Board for additional comments. There were none. City Manager/Zoning Administrator Eustice commented that Mr. Marty Andrews called him regarding the property across the street from Mr. Bishop's. He then asked Mr. Bishop if he bought the property across the street. Mr. Bishop replied no, Ms. Wehr bought the property. City Manager/Zoning Administrator Eustice said Mr. Andrews had a concern about whether someone was going to put a pole barn on the other side of the road. Mr. Bishop commented Ms. Wehr actually bought it so nobody could put up a pole barn up. Chairman Sangster stated he wanted the record to be clear that the Board is not authorizing any pole barn; the structure is to be well-built and not pole barn structure. The Board does whatever it can to allow people to use their property, which is important. Just to be clear on this, this building is different than a pole barn; this is matching the aesthetics of the current/existing home. He went on to state the hardship is clearly there for him; there may be a few points where the line could be split on down the line, but he believes it is an asset. Board Member Chorey asked if the building were attached to the house if there would even be a zoning variance issue. Board Member Horntvedt replied it would not and is beyond in what he needs in terms of square footage and, as he talked with Chairman Sangster on, it blocks more view and becomes a wall of house from end to end of that lot. To him the requested variance seems like a lower impact. Board Member Chorey stated the Board may end up granting on a case by case basis when it comes to the situation of drain fields. Chairman Sangster agreed, adding it is obviously a concern anytime we do anything with precedence or different issues, but he wants to make clear his intent and understanding that this is an existing house with a matching style/stick built building with a drain field in the middle of the area that impedes some of these issues. Board

Member Horntvedt asked City Manager/Zoning Administrator Eustice because this is essentially a potential precedent in the future and somebody might want to draw on this and apply it to their own situation and make it a non-matching structure, if the Board passes a variance can it include conditions that it matches the siding, roofing materials, trim, exterior appearance of the house exactly, so that if this ever comes up with a precedent the Board can exert the minimizing of the impact by doing it like this. City Manager/Zoning Administrator Eustice replied conditions can be set by the Board. Board Member Horntvedt said to move forward on this request, he would want some kind of language that covers this. Board Member Chorey said there are people out there that want to add buildings and more storage and they are in limited space areas, so if they do match their house and stay within the setbacks, etc. Chairman Sangster noted that four yes votes are needed tonight to pass the variance request and thinks it is important if there is a motion that there are conditions that the building matches the house, but it needs to be placed into the record although it is stated, and he would also think adding the condition that it does not impede in the operation of the existing drain field. He then noted that all building permits and codes will be enforced, although we know they are but it is more for the record. Board Member Chorey commented if these are not placed into the record people in the future will not know what the Board intended. Chairperson Sangster said he tries to be very specific about those things and the detail is all discussed just to make sure we are trying to maintain a certain tactics on these things.

Chairman Sangster then asked for any additional comments from the public. Mr. Ray Lofgren commented that Chairman Sangster and Board Member Horntvedt seem to be taking this situation properly and applauds them for doing that, knows that it will be a real nice building and knows the Board cannot vote because of circumstantial people in the community, but as Board Member Chorey said also, it is going to take matching and will be aesthetically beautiful. Chairman Sangster said Mr. Lofgren is right in that the Board cannot vote one way because of who the person is but the Board has done a lot of these and have done very well with them and that is where the comfort level of looking aesthetically comes in and these are the things the Board worries about, because in the past it is not something the Board has stood on. The Board wants to make sure these buildings are aesthetic and appropriate to the area if they are granted. Chairperson Sangster then stated if there is no other discussion,

Motion by Chorey seconded by Barrette to grant the variance to construct a 16 ft. x 24 ft. detached accessory building in the side yard at 546 Bayview Drive with the stated contingencies as follows: roofing materials, siding, trim and exterior matching the exterior appearance of the home (style/stick built building), the building will not impede in the operation of the existing drain field, and all building permits and codes will be enforced. A Roll Call Vote was taken. Yes votes: Bronson, Barrette, Chorey, Horntvedt and Sangster. Motion carried unanimously.

Election of Officers:

Chairperson -

Motion by Horntvedt seconded by Chorey to appoint Richard Sangster as Chairperson; passed by unanimous vote.

Vice-Chairperson –

Motion by Sangster seconded by Horntvedt to appoint George Chorey as Vice-Chairperson; passed by unanimous vote.

Secretary –

It was noted for the record that Thomas E. Eustice, City Manager/Zoning Administrator is the Secretary for the Board.

Other Business:

Proposed Apartment Buildings - Chairperson Sangster inquired as to whether or not it is zoned for multi-family where some of the inquiries are being made for housing in the Cuyler Street area. He went on to ask should we be ready for any hurdles and be ready to be out in front of that. City Manager/Zoning Administrator Eustice replied the property could get rezoned multi-family, as the properties are now all one-family residential, but the approach they are going to take is a Planned Unit Development (PUD) and they are prepared to do that. He went on to state under a Planned Unit Development you can put all sorts of contingencies on the project. Chairperson Sangster said he feels that is appropriate because there are stages/phases to it. Board Member Horntvedt asked if the investors/developers that are talking to the City are in favor of a Planned Unit Development. City Manager/Zoning Administrator Eustice replied yes. Board Member Bronson commented the Century Products building is zoned Light-Industrial. City Manager/Zoning Administrator Eustice informed the Board that it is not certain at this time whether the Century Products building will be purchased. Board Member Bronson then commented the other area is parking lot (formerly Procter & Gamble). He suggests that Mr. Clarence Roznowski of Great Lakes Tissue, because the parking lot is One-Family Residential (R-1), work on making the property multi-family. Board Member Horntvedt made the comment he has not seen this project as a discussion item for the Planning Commission, wondering if it should not be at a future Planning Commission meeting so people can familiarize themselves as to what is happening in this area. City Manager/Zoning Administrator Eustice agreed. Chairperson Sangster said there should definitely be some discussion, which is why he brought this up today. City Manager/Zoning Administrator Eustice informed the Board there are already land acquisitions occurring, adding Hope Network that wants to building the development wants to buy the Co-Op just to get it out of there because they do not want to put up apartment complexes and look at the Co-Op building.

Former Catholic High School Building - Board Member Chorey inquired on the old Catholic High School, asking if it is strictly single family. City Manager/Zoning Administrator Eustice said it is, but again this is something that could be done under a Planned Unit Development (PUD), noting Hope Network also looked at that building but does not appear to have that much interest in it yet. He added that building also contains a gymnasium. Board Member Bronson stated those kind of projects is the reason the Planned United Development (PUD) Ordinance was written, to try and work with buildings such as this, as it is not a home but is located with the single family district, also noting the old Board of Education building is located in a One-Family Residential District (R-1). Board Member Chorey wondered if this property could be marketed as possible development. Chairperson Sangster said that was tried before, to try and get it rezoned before sale, which is a tough sell. City Manager/Zoning Administrator Eustice commented it is tougher to do on vacant land. He went on to state this building is an obsolete building in a residential district, which is why a PUD or the Overlay Use Ordinance could apply.

Regular Zoning Board of Appeals Meeting, June 5, 2019

Review of Minutes – Board Member Horntvedt asked when reviewing minutes there are grammatical errors, which changes the meaning and that is the problem. He then stated he would like to make three additional correction to the December 5, 2018 minutes.

Motion by Horntvedt seconded by Chorey to make three additional changes to the minutes of December 8, 2018 – middle of fourth paragraph – change to “going to be blocking the sight lines for drivers at the stop sign; second page, second to the last line in first paragraph – change to “elevated another one and one-half feet”; second page, second paragraph, second to last line – change to “Chorey then stated”; passed by unanimous vote.

A brief discussion held on the importance of having the minutes accurate. Board Member Chorey said it just needs to be clarified. City Manager/Zoning Administrator Eustice commented it is important because we are making local law and it opens us up to liability if they are not correct.

Adjournment:

Motion by Horntvedt seconded by
carried.

to adjourn the meeting at 7:32 p.m. Motion

Richard B. Sangster, Chairperson