EMMET COUNTY ZONING BOARD OF APPEALS  
TUESDAY, JUNE 18, 2019  
EMMET COUNTY BUILDING  
COMMISSIONERS’ ROOM  
200 DIVISION STREET  
PETOSKEY, MI 49770  

MEMBERS PRESENT: B. ALEXANDER, M. BUDAY, T. DRIER, B. BATES, J. MALOTT  

ALTERNATE MEMBER PRESENT: None  

MEMBER ABSENT: J. JONES (Alternate Member)  

STAFF: T. DOERNENBURG, N. SALAR  

I. Call to Order and Attendance  
Chairman Alexander called the meeting to order at 6:00 PM. All members were present.  
Alternate member Jones was absent.  

II. Minutes of May 21, 2019  
Malott motioned approval of the May 21, 2019 minutes as presented. The motion was  
seconded by Buday and passed by unanimous voice vote.  

III. Cases  
1. CASE #PZBA19-002  
Patrice Carlson for Johnson Trust Company, SETBACK VARIANCES & EXPANSION OF NON-CONFORMING USE, 6151 Graham Rd, Section 19, Springvale Township  

Legal Notice: A request by Patrice Carlson for Johnson Trust Company for setback variances and expansion of a non-conforming use at 6151 Graham Rd, Section 19, Springvale Township. The property is zoned RR Recreational Residential and is tax parcel number 24-14-17-19-301-026. The request is for a front yard setback waiver (40 ft. setback variance) and a waterfront setback variance of up to 34 feet to allow a second story addition to the existing non-conforming residential accessory building. The reviews are per Articles 23 and 25 of the Zoning Ordinance.  

Doernenburg explained that the applicant is revising the plans and has requested postponement. There was no public comment on the case.  

2. CASE #PZBA19-005  
Monica & Eric Eckwielen, SIGN VARIANCE, 8772 Paradise Trl, Section 12, Carp Lake Township  

Legal Notice: A request by Monica and Eric Eckwielen for a sign variance at 8772 Paradise Trail, Section 12, Carp Lake Township. The property is zoned RR Recreational Residential and is tax parcel 24-03-06-12-351-020. The request is to allow a 21.95 sq. ft. sign where an 18 sq. ft. sign is the maximum allowed (a 3.95 sq. ft. variance) and to allow the sign to remain at 16’6” height where the maximum height is 8 feet (an 8’6” height variance). The sign is setback 175 feet from the road right-of-way. ZBA review is per Section 22.07 of the Zoning Ordinance.
Doernenburg explained the request for a sign variance on property located on the south side of Paradise Trail on Paradise Lake. The site is 80 feet wide and is a combination of 11 platted lots in the Mich Eden plat. The property is zoned RR Recreational Residential. The sign is located 175 feet setback from the road and is 21.95 sq.ft. in area and 16’6” in height. The sign was originally erected in 2018 in the road right-of-way. It has since been moved to its current location. The Ordinance allows signs to be 18 sq.ft. and 8 ft. in height. A letter of objection from an adjacent owner was received and had been distributed. The Carp Lake Township Board recommended approval. Their recommendation was read and distributed to the members.

Eric Eckwielen stated that he was present with Monica Eckwielen to answer questions.

Drier asked about the small ground mounted sign shown in the photo near the driveway entrance. Monica Eckwielen stated that the sign is no longer there.

E. Eckwielen stated that he realized he made a mistake because he erected the sign without a permit. Once he discovered his mistake, he took measures to correct. They first applied to the Emmet County Road Commission to allow the sign at the original location. That request was denied. They then moved the sign to its current location based on discussion with county staff.

Bates stated that he drove to the site and observed the signs. Many are larger than 18 sq. ft., but none are as tall as the subject sign.

Drier stated the sign is a beautiful sign. Other signs in the vicinity are lower.

M. Eckwielen stated that there are trees which partially block the view of the sign from the road. They thought they were doing the right thing by moving the sign to its current location.

Bates stated there are no natural features, other than trees between the road and the sign. Trees could be removed. It is not readily visible due to the trees.

E. Eckwielen stated the sign is out of the way, not near the lake. Lowering the sign is not a possibility. It would block the view of the lake.

Buday stated the sign is not near the road.

M. Eckwielen stated that the sign is not an advertising sign, it’s a welcome sign. E. Eckwielen added it cannot be seen from the road at 35 MPH.

Alexander stated the Zoning Board of Appeals seeks compliance. The area seems acceptable, it’s the height that is out of character. The request is for two variances, height and area. Usually reviews are conducted before installation.

E. Eckwielen stated they moved the sign so they wouldn’t be in trouble. Alexander stated they are not in trouble, the sign is not in compliance.
E. Eckwielen stated the sign cannot be seen from the road. He cannot reduce the height of the sign. It would require the sign pole be cut, re-welded, and powder coated downstate at a cost of $2,000. The sign will last 50 years. M. Eckwielen added they tried to comply. They thought it was within the Ordinance when it was first determined that it was not compliant, they made corrections.

Alexander referenced the enforcement report which shows the owners applied for a variance in 2018 but then withdrew that request.

M. Eckwielen stated that they moved the sign back. A violation letter should have been sent right away when the sign was determined to not be compliant. Instead, the letter wasn’t sent until months later when a neighbor complained about lighting on the site. They tried to work within the time frames given to bring the property into compliance. She stated she feels they were set up for failure.

Alexander stated that when staff receives calls of possible violations, they must respond.

Bates stated the sign was initially erected without permits. To say the owners were set up for failure is not a fair statement.

Doernenburg added that she thinks there was a miscommunication. The Ordinance regulates signs which are visible from a public place. The Eckwielens were offered the option of moving the sign back on the property, if it was out of public view, then it wouldn’t be regulated. The sign is in public view, so is regulated by the Ordinance.

Malott asked if there was a sign on the property when they purchased it. E. Eckwielen stated only a real estate sign. He added the cottages were in disrepair. They improved the cottages and invested a lot of money into the site.

Drier referenced the township recommendation. She is concerned with the precedent this could set. She wondered if the township would want to consider many more signs of this height and size.

Malott asked about illumination. E. Eckwielen stated there is none currently or proposed.

Malott added the sign is largely invisible. Malott then made a motion to approve PZBA19-005, Eric & Monica Eckwielen for sign variances to allow a 21.95 sq. ft. and 16”6’ high un-lit sign at 8772 Paradise Trail, Section 12, Carp Lake Township, tax parcel number 24-03-06-12-351-020 as shown on the sign plans dated Received May 13 2019 at its current location, based on the facts presented in this case and the following: the sign meets the standards of Section 22.07.11 B. due to deep use setback and trees limiting the views of the sign from public locations, on condition that the sign is never illuminated, with no lighting what-so-ever and that the viable forest screening along the road be retained, and because Carp Lake Township recommended approval. Drier seconded the motion.

Public Comment: Paul Schafer, Blackbird Road, stated the sign is beautiful and in a good location so the water can be seen.

Discussion: Buday stated the height is an issue. It could be taken down and mounted back in place.
E. Eckwielen stated the sign will rust. It could look like others in the area. He stated they’ve spent a lot of money on this property. Buday stated it’s not about the money. Alexander added the sign is twice the height it should be.

The motion failed on the following roll-call vote: Yes: Malott, Drier. No: Alexander, Bates, Buday.

Drier then motioned to approve PZBA19-005, Eric & Monica Eckwielen for sign variances to allow a 21.95 sq. ft. and 8’ high un-lit sign at 8772 Paradise Trail, Section 12, Carp Lake Township, tax parcel number 24-03-06-12-351-020 as shown on the sign plans dated Received May 13 2019 at its current location, based on the facts presented in this case and the following: the sign meets the standards of Section 22.07.11 B. due to deep use setback and trees limiting the views of the sign from public locations on condition that the sign is never illuminated, with no lighting what-so-ever and because Carp Lake Township recommended approval. The motion passed on the following roll-call vote: Yes: Drier, Alexander, Bates, Buday. No: Malott.

3. CASE #PZBA19-007 Daniel Fohrman, Jerry Fohrman, & Lynn Snell, LOT WIDTH VARIANCES, N Lake Shore Dr, Section 26, Cross Village Township

Legal Notice: A request by Daniel Fohrman, Jerry Fohrman, and Lynn Snell for lot width variances on properties located on the north side of N Lake Shore Drive, Section 26, Cross Village Township. The properties are tax parcels 24-05-04-26-200-019; 24-05-04-26-200-018, & 24-05-04-26-200-017 all zoned SR Scenic Resource. The request is to permit three lots with lot widths of 149.05 to 151.33 feet, 149.7 to 150.44 feet, and 149-71 to 150.44 feet respectively. The variance would be a lot width variance of up to 1 foot for each of the lots, reviewed per Article 25 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, authorization signature page, description of zoning request, survey, 1978 letter from Max Putters, ECPC minutes and case records from 1982/1983, Email from Fall, Email from Markel, 6/5/19 zoning evaluation form

Doernenburg explained the proposal to allow three lots along N. Lake Shore Drive, located on the northerly side of the road with Lake Michigan frontage. The three parcels were created in 1981. They do not meet the minimum lot width throughout the parcel. The parcels are 150.45, 150.44 and 150.44 feet at the Lake Michigan shoreline and narrower at the road: 149.05, 149.7 and 149.71 feet wide. The owner had received a letter from the zoning office in 1978 regarding splitting of the parcels which indicated the lot width of 150 feet was required at the building line. In 1982 a rezoning request to rezone from SR to RR was denied by the Planning Commission. The sites are listed as “High Risk Erosion” sites. They are all vacant, wooded sites. Two emails have been received opposing the request citing environmental, precedent, and density concerns. Cross Village Township recommended approval, unanimously, with no reasons given for the recommendation.

Marshall Dines representing the property owners explained the issues. The three siblings each own a lot. The proposal is to allow the lots to be built upon in their current configuration. Each lot is a fraction of a foot less than the required lot width based on the Scenic Resource Zoning District. The survey from 1981 was provided. A new survey might not change anything, so the variances are being requested. The lots may be 150 feet wide, but a survey would be unnecessarily burdensome –
to determine the exact building envelope. It is not a five foot variance, it is a fraction of a foot on each parcel. He asked the ZBA to allow the lots to be used as they were intended to be used. He has a buyer interested in one of the three lots.

Alexander stated they are beautiful lots.

Malott asked if the sites were wetland sites? Doernenburg replied they were not. There are oak trees and other hardwood trees throughout. Malott asked if the buyer is interested in all three lots. Dines replied they are not.

Bates asked about the setbacks. Doernenburg explained the sides are 15 feet, front is 40 feet from the right-of-way and waterfront is 60’. The High Risk Erosion designation means state review may be required and may require additional setback from the water.

Buday stated that a survey could show the building envelope and may clear up the request.

Dines stated that he is unsure what happened when the lots were created. The owner seemed to think the lots were buildable parcels. He’s had discussions with the current owner regarding the history of the property. There was discussion regarding the documentation provided to the ZBA.

Buday stated the information is not current. It doesn’t show the building envelope. He’s unsure the exact request since the survey doesn’t show the lot width throughout the property or a building envelope.

Dines explained the ownership of the parcels. Each owner is interested in retaining their lot, except his client. He is a real estate agent representing one property owner who is interested in selling. The others were included in an effort to clean up the lot width issue.

Paul Schafer attended the Cross Village Township meeting. They agreed that the intent was always for the lots to be buildable. The original owner had purchased additional property to ensure the lot width standards could be met.

Bates stated that a survey is needed. Buday agreed – an up-to-date survey showing the building envelope would clear up the request.

Dines explained that the survey is unnecessarily burdensome and he disagreed with the request. His buyer is interested in buying a buildable lot.

Bates made a motion to postpone case PZBA19-007, Fohrman, Fohrman, Snell for lot width variances of up to one foot on each of the following parcels: 05-04-26-200-019, 017, 018, Section 26, Cross Village Township, as shown on the survey dated Received May 22 2019, originally dated February 4, 1981, until the next regular meeting to allow time for the applicant to provide an updated survey showing the building envelope. Buday seconded the motion which passed on the following roll call vote: Yes: Drier, Alexander, Bates, Buday, Malott. No: None.
IV. Public Comments: None

V. Other Business:
   • By-laws: By-laws had been distributed. No changes were proposed. Malott motioned, seconded Drier, the by-laws be accepted with no changes. The motion passed by unanimous voice vote.
   • Enforcement Report: Distributed – little discussion.
   • Other discussion: safety and township recommendations. Staff will discuss these items with Civil Counsel for further discussion at future meetings.

VI. Adjournment:
Alexander called the meeting adjourned at 7:45 PM.

Minutes Certification:

________________________________________  __________________________________________
Mark Buday, Secretary                       Date
CERTIFICATE OF APPRECIATION

AWARDED TO

Jack Jones

By the Emmet County Zoning Board of Appeals

For his service as a member of the Emmet County Zoning Board of Appeals serving from July, 2005 through December, 2012 and as an alternate member from June, 2013 through June, 2019.

This Certificate is awarded on behalf of the Citizens of Emmet County in appreciation for the commitment and personal sacrifice that is called for in serving on the Zoning Board of Appeals. Jack was a dedicated member of the Zoning Board of Appeals who exercised good judgment in balancing the needs of citizens while protecting the integrity of the Zoning Ordinance. His positive contributions will have lasting community benefits.

It is with great pleasure, that the Emmet County Zoning Board of Appeals awards this Certificate to recognize with appreciation, Jack Jones' service to the people of Emmet County.

William Alexander, Chairman,
Emmet County Zoning Board of Appeals

June 18, 2019
RESOLUTION OF APPRECIATION

Jack Jones
Emmet County Zoning Board of Appeals
June 18, 2019

Whereas, Jack Jones has served the people of Emmet County as a member of the Zoning Board of Appeals since 2005 and served on the Emmet County Planning Commission since 1982 - serving as the Vice-Chairperson between 1986 and 1994, and

Whereas, Jack always came prepared for each meeting, having scrutinized plans and raising challenging questions related to Zoning Board of Appeals' reviews, and

Whereas, Jack has ably and faithfully served the public constantly seeking to represent the broader public interest from a County-wide perspective, and

Whereas, Jack has reviewed requests to the ZBA with support of the Zoning Ordinance, in accordance with sound planning principles, and with a common sense approach.

Now therefore be it resolved, that the Emmet County Zoning Board of Appeals publicly recognizes Jack Jones for his dedication, his impartiality in balancing individual rights with community benefit, and the many hours of personal time given on behalf of the people of Emmet County,

And be it further resolved, that a copy of this Resolution be entered into the records of the Zoning Board of Appeals, and that a copy be transmitted to the Emmet County Board of Commissioners.

The foregoing resolution was made and passed on June 18, 2019, at a regular meeting of the Emmet County Zoning Board of Appeals.

Signed

William Alexander, Chairman
Emmet County Zoning Board of Appeals

Jay Malott, Member
Emmet County Zoning Board of Appeals

Brian Bates, Member
Emmet County Zoning Board of Appeals

Toni Drier, Member/Commissioner
Emmet County Zoning Board of Appeals

Mark Buday, Member
Emmet County Zoning Board of Appeals

Tammy Doernenburg
Emmet County Planning & Zoning Director