



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, FEBRUARY 24, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Roxanne Daust** – Requests an 11.4 ft. rear setback variance for construction of a garage (22 ft. x 32 ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6820 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-017-00. A rear setback of 12 feet is required in this zoning district. (Tabled from regular meeting of January 27, 2016).

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 27, 2016, AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, John Thompson, Nini Sherwood
Members Absent: None
Others Present: Scott McNeil, Carl Muscott, Tony Matelski, Jim Burke, Cal Couine, Russell Crawford, Cheryl Crawford

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Minutes from the December 23, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust – Requests an 11.4ft. rear setback variance for construction of a garage (22 ft. x 32 ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6820 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-0000. A rear setback of 12 feet is required in this zoning district.

Mr. McNeil stated this request is for a rear setback of .63ft. to replace an existing garage in the same location. Mr. McNeil stated the lots in this subdivision run to the water and this is a waterfront lot. Mr. McNeil stated the rear setback is on Grace Street. Mr. McNeil stated 12ft. is the rear setback requirement in the Lake and Stream Protection zoning district. Mr. McNeil stated the applicant is requesting an 11.4ft. rear setback variance for construction of a new garage.

Mr. Freese asked if there is any other correspondence other than the one letter that was received. Mr. McNeil stated no.

Mr. Freese asked if the applicant would like to speak regarding this request. Ms. Daust did not attend the meeting. Discussion was held. Mr. McNeil stated he would call the applicant. Mr. Freese stated that the Zoning Board of Appeals will move on to the next item on the agenda while Mr. McNeil calls Ms. Daust.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting Election of Officers & Verification of Regular Meeting Schedule

Motion by Mr. Moore, seconded by Mr. Hemmer, to nominate Mr. Freese for Chairperson. Motion carried unanimously.
Motion by Mr. Hemmer, seconded by Mr. Freese, to nominate Mr. Moore for Vice-Chairperson. Motion carried unanimously.
Motion by Mr. Moore, seconded by Mr. Freese, to nominate Mr. Thompson for Secretary. Motion carried unanimously.

Mr. Freese stated that the Zoning Board of Appeals meeting is held on the fourth Thursday of the month. Discussion was held regarding the 2016 meeting schedule. **Motion** by Mr. Freese, seconded by Mr. Moore, to approve the 2016 Zoning Board of Appeals meeting schedule. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust (continued)

Mr. McNeil stated that he tried to call Ms. Daust and was put through to the answering machine. Discussion was held regarding the applicant driving from Marquette and the possibility of the Mackinaw Bridge being closed. Mr. Moore stated that the Mackinaw Bridge is not closed, according to their website. Discussion was held regarding allowing more time for the applicant to show up. Mr. Freese stated that the Zoning Board of Appeals will move on to the next item on

the agenda.

ZBA COMMENTS

Mr. Freese welcomed Nini Sherwood, who is a new Zoning Board of Appeals member,

Mr. Moore stated it is nice to have the larger map which helps to find the location of the subject parcel. Discussion was held.

PUBLIC HEARING & ACTION ON REQUESTS

Roxanne Daust (continued)

Mr. Freese stated this is a legal non-conforming structure on a legal non-conforming lot. Mr. Freese stated the applicant proposes tearing down the whole garage to build a new garage. Mr. Freese stated that legally if they tear it down, they have to meet the setback requirements to build a new garage. Mr. Freese stated the applicant does have the right to have a garage. Mr. Freese stated the only place for a new garage is in the same location, but noted that the garage could be moved back 5 feet. Mr. Freese stated the garage could be moved up against the house and the air conditioning unit and gas service will have to be moved over 3-4 feet. Mr. Freese stated this would reduce the variance amount that is being requested. Mr. Freese stated that 4 of the 5 standards are being met. Mr. Freese referred to standard 23.5.4.4 and read "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." Mr. Freese stated if the garage is going to be torn down the applicant can move it back 5 feet. Discussion was held regarding the applicant raising the garage in order to fix the foundation. Mr. Thompson noted that the garage does not look bad at all. Mr. Freese stated you can't tell if the foundation is bad with all of the snow. The Zoning Board of Appeals discussed tabling Ms. Daust's request. **Motion** by Mr. Freese, seconded by Mr. Thompson, to table the request. Motion carried unanimously.

PUBLIC COMMENTS

Mr. Muscott stated the option of raising the garage to put in a new foundation may be cost effective. Mr. Muscott stated this may be an option that the applicant has not considered.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:17pm.

John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Roxanne Daust – Updated 02/17/16

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Photos (14 Pages)
5. Direction Map (1 Page)
6. Mailing List (4 Pages)

The following item was added to the exhibit list on 01/25/16

7. E-mail dated 01/20/16 from Michael and Barbara Bizon to Debbie Tomlinson (1 page)

The following items were added to the exhibit list on February 17, 2016

8. E-mail from Roxanne Daust to Scott McNeil dated February 15, 2016 (1 page)
9. Photos submitted with exhibit 5 (11 pages)
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

Note: Zoning Board of Appeals members have exhibits 1 and 2.

**CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.**
870 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

NOTICE OF APPEAL APPLICATION

\$100.00 APPLICATION FEE

Pd \$100.00

RECEIPT #:	4881
CASH/CHECK:	002104
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6820 Grace Street	City / Village Indian River	Township / Sec. Tuscaro Sec 24	Zoning District T35N,R3W 640/917
Property Tax I.D. (Parcel) Number 161-S79-000-017-00	Subdivision or Condo. Name / Plat or Lot No. Sturgeon Island Shores / Lot 17		

APPLICANT

Name Roxanne Daust	Telephone 906-360-0981	Fax 906-226-0678
Address 128 Pineview Drive	City & State Marquette, MI	Zip Code 49855
		E-Mail rdaust@rangebank.com

OWNER (If different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

Indian River, West on Barbara and left on Grace Street. Cross over bridge. First house on right.

Please Note: All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. Property Information

- A. List all known deed restrictions: none
- B. This property is unplatted, platted, will be platted. If platted, name of plat Lot 17
- C. Present use of the property is: Single family home
- D. A previous appeal has has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

The existing garage is not within the current set-back per zoning ordinance. The current foundation is cracked and needs to be rebuilt in the footprint.

2. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following. All variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. **Please explain how the request meets each standard.**

a. 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 current foundation is cracked. We would like to rebuild the garage in the same footprint.

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

We recently purchased the property and planned to replace the garage. We were unaware that the garage did not meet current set-back requirements.

c. 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.

There are several very large cracks in the foundation and we feel it would continue to deteriorate if not fixed.

d. 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.

We are only asking to replace the current garage with the same footprint. This falls in-line with other garages in the neighborhood.

e. 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.

The garage will be in the current footprint.

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? Yes No

Owner's Signature

[Signature]

Date

1-11-15

AFFADAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature

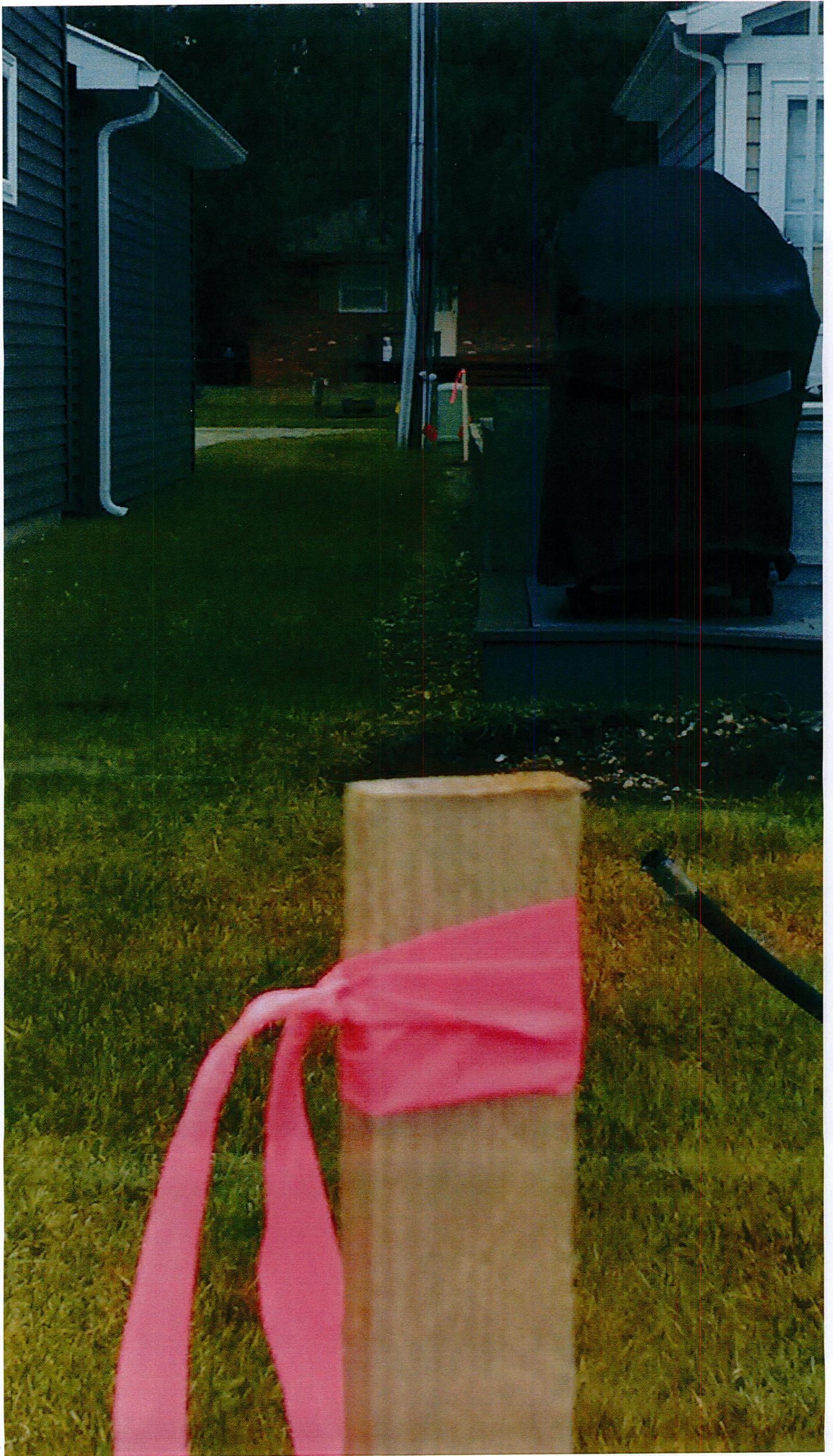
[Signature]

Date

1-11-15





















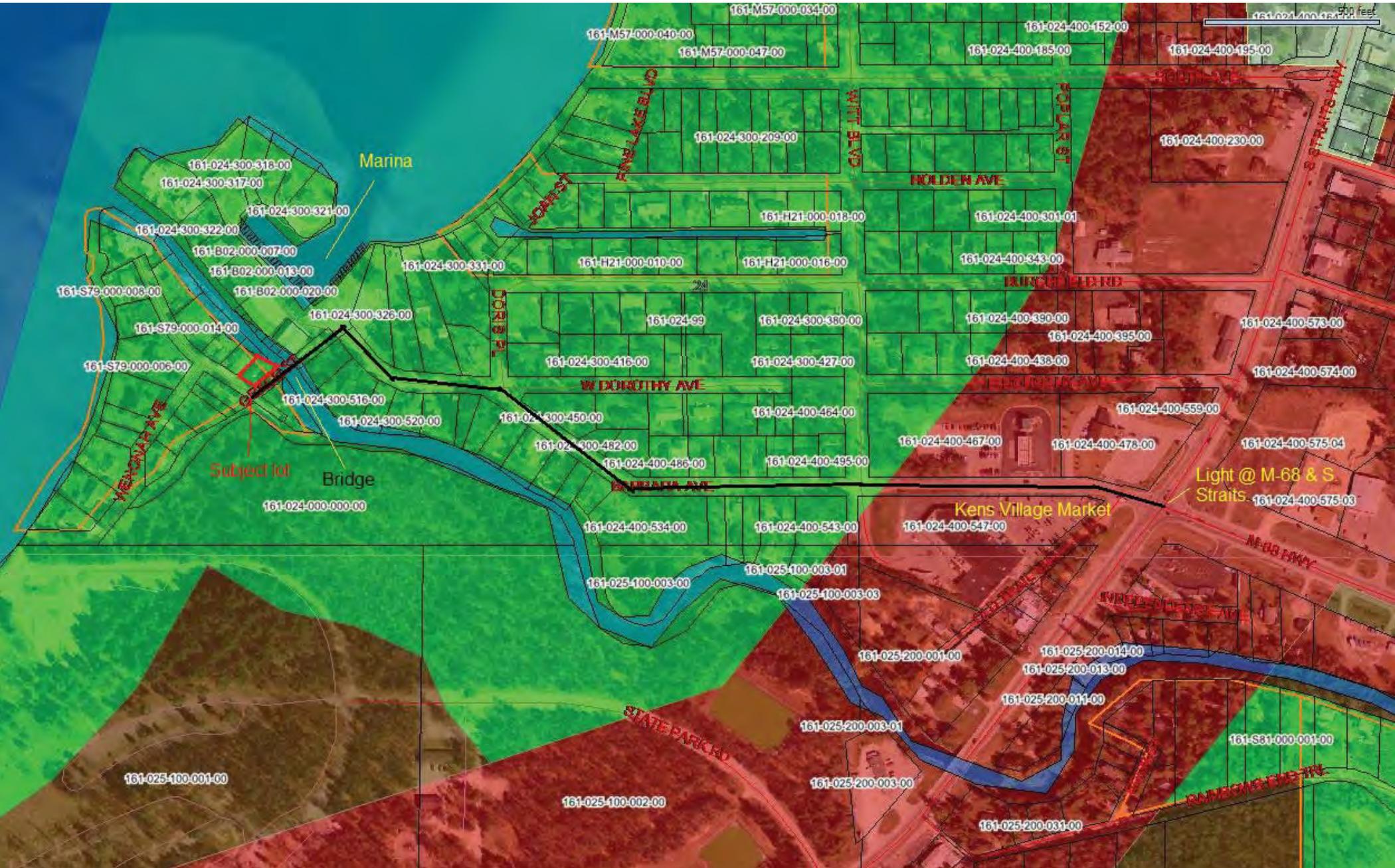






CORNER - LOT 117





16-161-024-300-323-00
MOTLEY, RICHARD W & JUDY H/W
620 S SILVERY LN
DEARBORN MI 48124

16-161-024-300-324-00
HATFIELD, WILLIAM L/EWPTS &
PO BOX 419
INDIAN RIVER MI 49749

16-161-024-300-325-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-024-300-326-00
LAPRAIRIE, HOWRD & LISA, CO-TT
PO BOX 263
INDIAN RIVER MI 49749

16-161-024-300-514-00
STURGEON ISLAND SHORES
8580 W EATON HWY
GRAND LEDGE MI 48837

16-161-024-300-515-00
STOCK, ALBERT M & BARBARA A
735 E GRAND RIVER, PO BOX 575
FOWLerville MI 48836

16-161-024-300-516-00
KEMP, RONALD REVOC LIVING TR
2370 PINECREST ST
HARBOR SPRINGS MI 49740

16-161-024-300-519-00
FAY, JANE DAVIS TRUST
11848 ROCK LANDING DR, STE 101
NEWPORT NEWS VA 23606

16-161-B02-000-001-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-002-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-003-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-004-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-005-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-006-00
BARRIS, JENNIFER JANE
4169 MOUNTAIN VIEW CT
FREELAND MI 48623

16-161-B02-000-007-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-008-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-009-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-010-00
PRAITHER, WILLIAM & DIAN H/W
5570 CRENTON DR
WESTERVILLE OH 43081

16-161-B02-000-011-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-012-00
HAMILTON, KERRY & WAVE H/W
13808 ROCKY RIDGE
HARTLAND MI 48353

16-161-B02-000-013-00
ZIMMERMAN, VIRGINIA
6281 E STATE RD, 114-92
ROANOKE IN 46783

16-161-B02-000-014-00
REINECKER, WAYNE & JOYCE, CO-
4252 WALSH RD
WHITMORE LAKE MI 48189-9629

16-161-B02-000-015-00
VANDERVEEN, EVELYN E
1866 CASCADE FARMS SE
GRAND RAPIDS MI 49546

16-161-B02-000-016-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-017-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-018-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-019-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-020-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-021-00
SAWAYA, GEORGE JR & CYNTHIA
6338 BALMORAL CT
WESTLAND MI 48185

16-161-B02-000-022-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-023-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-033-00 CROWLEY, PAUL & GERTRUDE, CO 2 BUFFALO CT LE CLAIRE IA 52753	16-161-B02-000-043-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-024-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-034-00 BURT LAKE MARINA, INC PO BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-044-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-025-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-035-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-045-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-026-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-036-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-004-01 SIWECKI, HENRY 2650 KUJAWA RD GAYLORD MI 49734
16-161-B02-000-027-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-037-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-005-00 SIWECKI, HENRY 2650 KUJAWA RD GAYLORD MI 49734
16-161-B02-000-028-00 BROWN, WILLIAM & JAYNE H/W 819 WEST OLIVER ST OWOSSO MI 48867	16-161-B02-000-038-00 CRAMTON, MICHAEL 3936 DORIS AVE INDIAN RIVER MI 49749	16-161-S79-000-006-00 EARLOON LLC 2540 KOALA DR EAST LANSING MI 48823
16-161-B02-000-029-00 STOCK, ALBERT M & BARBARA A 735 E GRAND RIVER, PO BOX 575 FOWLerville MI 48836	16-161-B02-000-039-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-007-00 WEILER, TIMOTHY & KENDRA CLE 3558 DARCY DR BLOOMFIELD HILLS MI 48301
16-161-B02-000-030-00 KUBIAK, RONALD & MARGARET H/ 12934 BERSFORD DR STERLING HEIGHTS MI 48313	16-161-B02-000-040-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-010-00 EOLL, GREGORY, EST OF PI 471 SILVER SHANDON DR SAN MARCOS CA 92078
16-161-B02-000-031-00 FALQUET, LARRY & MARY H/W 5945 BERRY LN INDIAN RIVER MI 49749	16-161-B02-000-041-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-014-00 MYERS, KIRK & ROBIN 8580 W EATON HWY GRAND LEDGE MI 48837
16-161-B02-000-032-00 PFEFFER, JOHN & KRISTIN H/W 225 E GRAND RIVER BRIGHTON MI 48116	16-161-B02-000-042-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-015-00 SCHAEFER, JEFFREY 2479 COIT NE GRAND RAPIDS MI 49505

16-161-S79-000-016-00
BIZON, MICHAEL REVOCABLE TRU
2214 QUEENSBERRY LN
SHELBY TOWNSHIP MI 48316-2038

16-161-S79-000-017-00
DAUST, ROXANNE
2810 GRANITE PTE
MARQUETTE MI 49855

16-161-S79-000-018-00
ZITO, RONALD & BETHANY H/W
7450 JORDAN RD
GRAND BLANC MI 48439

16-161-S79-000-020-00
MOSLEY, BRENT ET UX
BOX 17
BATH MI 48808

16-161-S79-000-021-00
MOSLEY, BRENT ET UX
BOX 17
BATH MI 48808

16-161-S79-000-022-00
BENEDEK, JOEL A & TAMI H/W
242 WINCHESTER DR
SALINE MI 48176-9264

16-161-S79-000-024-00
BAKER, STEVEN J ET UX
PO BOX 329
INDIAN RIVER MI 49749

16-161-S79-000-025-00
JOHNSON, DONNA, 1/3 INTEREST &
2588 CROFTHILL DR
AUBURN HILLS MI 48326

16-161-024-300-323-00
OCCUPANT
6889 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-007-00
OCCUPANT
6889 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-024-00
OCCUPANT
3950 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-024-300-324-00
OCCUPANT
6843 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-010-00
OCCUPANT
6890 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-025-00
OCCUPANT
3954 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-024-300-325-00
OCCUPANT
6830 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-014-00
OCCUPANT
6856 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-326-00
OCCUPANT
6796 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-015-00
OCCUPANT
6844 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-514-00
OCCUPANT
6821 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-016-00
OCCUPANT
6832 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-515-00
OCCUPANT
6809 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-017-00
OCCUPANT
6820 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-516-00
OCCUPANT
6797 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-018-00
OCCUPANT
6780 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-519-00
OCCUPANT
6767 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-020-00
OCCUPANT
6823 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-005-00
OCCUPANT
3935 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-S79-000-021-00
OCCUPANT
3928 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-S79-000-006-00
OCCUPANT
6863 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-022-00
OCCUPANT
3946 WENONAH AVE
INDIAN RIVER, MI 49749

Scott McNeil

From: Roxanne Daust [rdaust@rangebank.com]
Sent: Monday, February 15, 2016 3:46 PM
To: Scott McNeil
Subject: FW: Grace
Attachments: IMG_0062.JPG; ATT00001.txt; IMG_0063.JPG; ATT00002.txt; IMG_0061.JPG; ATT00003.txt; IMG_0060.JPG; ATT00004.txt; IMG_0059.JPG; ATT00005.txt; IMG_0058.JPG; ATT00006.txt; IMG_0057.JPG; ATT00007.txt; IMG_0056.JPG; ATT00008.txt; IMG_0055.JPG; ATT00009.txt; IMG_0054.JPG; ATT00010.txt; IMG_0053.JPG; ATT00011.txt

Hi Scott,

I am forwarding several pictures of the inside of the garage that show the foundation cracks. I will not be able to make the February 24th board of appeals date but I plan to have Dennis Anderson in attendance. Is the meeting still scheduled for 7:00 pm that night?

Thank you,

Roxanne Daust
Executive Vice President
100 N Front Street
Marquette, MI 49855
(906) 228-8043 direct
(906) 869-4257 mobile
rdaust@rangebank.com

-----Original Message-----

From: Roxanne Daust
Sent: Monday, February 15, 2016 3:40 PM
To: Roxanne Daust <rdaust@rangebank.com>
Subject: Grace

EXHIBIT 8



Exhibit 9















SONY
AVIA

4K
ULTRA HD

Upscale everything you watch

49 inches
XBR C

NETFLIX
AMAZON
YOUTUBE
and more



mistral

solution







CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

DIMENSIONAL VARIANCE STAFF REPORT

Item: Request for and 11.4 ft. rear setback variance request to allow construction of a garage. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: February 16, 2016	Expected Meeting Date: January 27, 2016 tabled to February 24, 2016

GENERAL INFORMATION

Applicant: Roxanne Daust

Property Owner: Roxanne Daust

Contact person: Roxanne Daust

Phone: 906-360-0981

Requested Action: Approve a 11.4 ft. rear setback variance to allow replacement of an existing garage in its current location.

BACKGROUND INFORMATION

The applicant is seeking a 11.4 ft. rear setback variance to construct a garage in the same location as the existing garage. The garage measures 22.4 ft. x 32.4 ft. The existing garage is located within .6 feet of the rear lot line. A survey is included with the application.

A 12 ft. rear setback is required for waterfront property in this zoning district.

A map with direction to the subject site is located at the end of this report.

The zoning board of appeals tabled this matter until the regular meeting of February 24, 2016. The applicant has provided photos of the floor and interior wall of the subject garage with an email message. The email message and photos have been added to the exhibits list as exhibits 8 and 9.

Surrounding Zoning:

North: P-LS, Lake and Stream Protection District.

West: Same
South: Same
East: Same

Surrounding Land Uses:

Residential land uses surround subject property. A commercial marina is located across the river from the subject property

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain)

The site does not contain any known sensitive areas. The subject site is located on Sturgeon River.

Public Comments:

None

VARIANCE CONSIDERTIONS

Please note that all of the conditions listed below must be satisfied in order for a dimensional variance to be granted.

General Findings

1. Property is located in a Lake and Stream Protection (P-LS) zoning district.
2. A rear setback of 12 feet is required per Section 17.1.
3. The applicant is seeking a 11.4 ft. rear setback variance to allow construction of a 22.4 ft. x 32.4 ft. garage.
4. The existing garage structure is located within the rear setback.
- 5.
- 6.

23.5.4. (Rev. 09/11/04, Amendment #36)

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

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 existing garage and/or dwelling structure is located with the rear setback which is a unique physical condition.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

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).

Regarding side setback:

The need for the variance is due to unique circumstances relative to the location of the existing garage and/or dwelling structure and is not the result of action of the property owner or previous property owners.

OR, The need for the variance is due to actions of the property owner.

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.

Due to the location of the existing garage and/or dwelling structure, strict compliance with front setback regulations will be unnecessarily burdensome.

OR, conformance with setback regulations will allow continued use of the lot for a permitted purpose and conformity with setback regulations is not unnecessarily burdensome.

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.

Due to the location of the existing garage and/or dwelling structure, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, The variance request does not represent the minimum necessary to grant reasonable relief and other options exist and/or granting the variance will not do substantial justice to other property owners in the district

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.

Granting a variance to allow a .6 ft. rear setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions in the neighborhood.

OR, Granting a variance to allow a .6 ft. front setback variance will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood

