



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, JANUARY 25, 2017 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.) **Joseph Gelina** - Requests a 35 ft. front setback variance for an addition to a storage building (19 ft. 2 in. x 10 ft. 6 in.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4278 W. Temple Rd., Koehler Township, Section 5, parcel #171-005-300-005-00. A 40 ft front setback is required for the subject property in this zoning district.
- 2.) **Anthony Coppola** - Requests a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district. The property is located at 3147 Harold B Street., Koehler Township, Section 4, parcel #172-T34-000-016-00. A 30 ft front setback is required for the subject property in this zoning district.
- 3.) **Andy Stempky** – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00.

UNFINISHED BUSINESS

NEW BUSINESS

- 1.) Annual Meeting – Election of Officers & Verification of Regular Meeting Schedule

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, NOVEMBER 23, 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, Mike Ridley, Bruce Biebuyck, Russell Crawford, Cheryl Crawford, Carl Muscott, Tony Matelski, Mary Smit

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. Hemmer, seconded by Mr. Thompson, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the October 26, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Thompson, seconded by Mr. Moore, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Tuscarora Township

Requests a 9 ft. rear setback variance for a storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6566 Oak Glen St., Tuscarora Township, Section 24, parcel #161-M57-000-007-00, #161-M57-000-009-00, #161-M57-000-010-00, #161-M57-000-023-00. A 12 ft. rear setback is required in this zoning district.

Mr. McNeil stated that in July 2015, the Zoning Board of Appeals approved a rear setback variance for a storage/utility building within Devoe Beach Park. Mr. McNeil stated that subsequently the township put the building in a different location and is now seeking a variance for the current location. Mr. McNeil stated that a 12ft. rear setback variance is required and the applicant is requesting a 9ft. rear setback variance.

Mr. Ridley stated that in 2014, Veteran’s Pier set aside the money for this shed. Mr. Ridley stated in 2015, Veteran’s Pier put a down payment on a 12ft. x 24ft. storage building. Mr. Ridley stated that the original variance application was for a 12ft. x 24ft. storage building. Mr. Ridley stated that in May 2015 the Park Commission took over and approved a 12ft. x 24ft. storage building. Mr. Ridley stated the variance application was reviewed by the Zoning Board of Appeals in July 2015. Mr. Ridley stated that there has been a lot of concern about the size of the building and the building ended up being 12ft. x 20ft. which is smaller than what was requested. Mr. Ridley stated that they did get a building permit for this storage building. Mr. Ridley explained that the storage building was placed in its current location because of the clearance between the parking bumpers in the parking lot. Mr. Ridley noted that the parking bumpers are 42ft. bumper to bumper. Mr. Ridley stated that he does not believe there is an impact on the neighbor based on the location where it was placed. Mr. Ridley stated it is safer in the location where it was placed. Mr. Ridley stated that the building is wired in. Mr. Ridley explained that the new placement of the storage building was a judgement call.

Mr. Freese stated that the regulation requires a 22ft. wide maneuvering lane and a 20ft. wide parking lane. Mr. Freese stated that the distance from the edge of the blacktop to the other edge of the blacktop in front of the building is 42ft. 3in. and meets the requirements of the ordinance. Mr. Freese stated that the rest of the parking lot also meets the regulation. Mr. Freese stated that the location of the property line has not been determined. Mr. Freese noted that the storage building, in its current location, is 28in. from the cyclone fence on the northeast corner and 4ft. 7in. from the fence on the southeast corner. Mr. Freese stated that Zoning Board of Appeals required that the building be moved to the edge of the blacktop which still allowed exactly what the regulation allows for with regards to parking and maneuvering.

Mr. Thompson stated he spent a lot of time at the site and he can understand how this can happen. Mr. Thompson stated if he was the one placing the building, he would have placed it in this location as well. Mr. Thompson stated that at the last meeting there was a discussion regarding snow load and the neighbor’s yard and fence. Mr. Thompson stated that snow will not be an issue unless we have 25ft. of snow.

There were no public comments.

The Zoning Board of Appeals added the following to the General Findings:

5. A parking space length of 20ft. and a maneuvering lane width of 22ft. (for a total of 42ft.) are required under section 17.5 of the ordinance.
6. Blacktop parking lot width in front of the storage building is 42ft. 3in.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Bruce Biebuyck

Requests a 3ft. side setback variance, a 5 ft side setback variance and a 1 foot front setback variance for a deck addition to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 1430 Topinabee Shore Drive., Mullett Township, Section 30, parcel #130-L05-001-013-00. A 5 ft. side setback is required for this lot in this zoning district. A 9 ft. front setback is required for the deck in this zoning district pursuant to Section 10.4.8. of the Cheboygan County Zoning Ordinance #200 which reads as follows: On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the Average setback on the adjoining developed lots.

Mr. McNeil stated that the applicant is seeking 3 variances for a deck that has been built. Mr. McNeil stated that the ordinance allows the front setback to be based on the average of the setback of structures on either side. Mr. McNeil stated that he determined that the subject site would require a 9ft. front setback. Mr. McNeil stated that the structure is actually 8ft. from the front property line. Mr. McNeil stated that a 1ft. front setback variance is being requested. Mr. McNeil stated that the north side of the building is built right up to the property line. Mr. McNeil stated that there is a 5ft. side setback requirement for this lot. Mr. McNeil stated that a 5ft. variance is being sought on the north side lot line. Mr. McNeil stated that the lot is 16ft. wide and the deck is 14ft. wide. Mr. McNeil stated there is a 2ft. existing side setback. Mr. McNeil stated that a 3ft. variance from the 5ft. requirement is being requested on the south side.

Mr. Biebuyck stated he is requesting a variance to allow him to have a patio set and barbecue. Mr. Biebuyck explained that his insurance company required that the existing steps be removed and replaced with a 36in. x 36in. landing. Mr. Biebuyck stated that he looked at other decks in the area before building his own deck. Mr. Biebuyck stated that he kept his deck further back than the deck to the north. Mr. Biebuyck stated that the deck is 14ft. x 11ft. which is big enough for a patio set and a barbecue.

Mr. Freese asked if there is any additional correspondence. Mr. McNeil stated that there is no other correspondence other than the additions that were added to the updated exhibit list.

Mr. Freese asked for public comments. Mr. Richards stated that when he bought the property 10 years ago he believed that property owners could not change the footprint of their property. Mr. Richards stated that his realtor advised him of this requirement and this was a primary factor in the decision to buy his property. Mr. Richards stated that he later learned that you can change the footprint, but there are stringent codes that you must follow. Mr. Richards stated he felt secure in knowing the zoning laws. Mr. Richards stated that a couple of years ago Mr. Biebuyck purchased property and had an opportunity to observe the 10 cottages that are family owned. Mr. Richards stated that the families all know each other and there is a great amount of respect for one another. Mr. Richards stated that if a property owner is going to do anything to your property or anything that may be an imposition to the neighbors such as a party, you talk to the neighbors. Mr. Richards stated that this is the way the neighbors operate. Mr. Richards stated that earlier this year Mr. Biebuyck purchased the property next to his property. Mr. Richards stated that he believed that they would become friends, but a month after buying the property, Mr. Biebuyck built this oversized, imposing deck. Mr. Richards stated that Mr. Biebuyck had an opportunity to observe the community and that Mr. Biebuyck did not discuss the deck with him. Mr. Richards stated that Mr. Biebuyck's deck is less than 5ft. from his deck and violates setbacks on three sides. Mr. Richards explained that the neighbor to the south has a set of stairs that comes out four feet. Mr. Richards stated that this is an advantage for Mr. Richards, otherwise it would be a 3ft. setback violation. Mr. Richards stated his concerns regarding Mr. Biebuyck's deck severely compromising his privacy and property value. Mr. Richards stated that not only is the deck imposing in terms of its size but it is also imposing in terms of its level. Mr. Richards stated that at one time he had shrubs which allowed for a great deal of privacy between the two houses in spite of their close proximity because they were at different levels. Mr. Richards explained that due to Mr. Biebuyck's deck, there is a significant feeling of claustrophobia that would affect anyone who would consider buying his property in the future. Mr. Richards stated that

this deck will negatively impact his property value and his neighbor's property values. Mr. Richards stated that the deck has caused his wife to want to come up as much anymore.

Mr. Richards stated that Mr. Biebuyck is also illegally renting on a short term basis. Mr. Richards stated that Mr. Biebuyck should have said something to him about it. Mr. Richards stated that not only is his neighbor sitting 7ft. away from him on the deck, now there are strangers that he does not know. Mr. Richards stated people have knocked on his door asking him to move his vehicle so they can get their truck out. Mr. Richards stated there have been kids running up and down his dock without permission. Mr. Richards explained that the renters have also asked if they can use other neighbor's recreational equipment. Mr. Richards stated there have been power boats parked on the shore in front of his cottage. Mr. Richards stated there have been disturbances late at night. Mr. Richards stated that several neighbors have commented to him about noise in the evening. Mr. Richards explained that due to the close proximity it does not take much to disturb someone else. Mr. Richards stated the most important issue for him is the deck due to the privacy issue. Mr. Richards stated that it seems to him that Mr. Biebuyck doesn't think that the rules apply to him, in terms of being a good neighbor and in terms of following the zoning code. Mr. Richards stated that Mr. Biebuyck has taken the approach of don't ask for permission but beg for forgiveness. Mr. Richards stated that this deck has already been constructed and if the Zoning Board of Appeals does not grant the variance, the deck will have to be torn down or reduced in size. Mr. Richards explained that he is opposed to this request. Mr. Richards requested that the Zoning Board of Appeals deny the variance request and require that the deck be removed or modified to be in complete compliance with the zoning code.

Mr. Muscott stated that this neighborhood is unique in Topinabee with boathouses with virtually zero clearance between the buildings. Mr. Muscott stated that none of the buildings in this area are conforming. Mr. Muscott stated his concerns regarding the buildings being close together and that setbacks are necessary for fire safety reasons. Mr. Muscott stated that no one enjoys the setbacks now and he would hate to see it made worse by any situation. Mr. Muscott stated this situation is unique to the community and he would like to see it remain as a non-conforming use but he would not like to see further ingress of residential use any more than necessary.

Public comment closed.

The Zoning Board of Appeals reviewed the General Findings. The Zoning Board of Appeals revised General Finding #3 "The deck addition measures 11 ft. deep and 14 feet wide."

Board held discussion. Mr. Freese stated that the front setback is an average of the two setbacks on either side. Mr. Freese stated that this would require a 1ft. reduction in the size of the deck. Mr. Freese stated that the regulation has been created so it is reasonable. Mr. Freese stated that he believes a 1ft. reduction will not hurt anything as far as the use of the deck. Mr. Freese stated that regarding the side setback, the deck is not encroaching any further on the side setback than what the building is already encroaching. Mr. Freese stated that it is not reducing the accessibility for fighting fires. Mr. Freese stated that the size of the deck will not change the ability to get through this area. Mr. Freese stated there is a problem as far as the short term rental but that is not within the Zoning Board of Appeals purview. Mr. Freese stated that the ability to get along with neighbors is a problem and happens all the time and is not within the Zoning Board of Appeals purview. Mr. Freese stated that in Mr. Muscott's email he mentions that the use of the buildings as dwellings and the possibility of contaminating the lake with gray water. Mr. Freese stated that this is a concern but is not within the Zoning Board of Appeals purview. Mr. Freese stated that Mr. McNeil can review these concerns with the exception of getting along with the neighbors.

The Zoning Board of Appeals added the following to the General Findings:

6. Cottages along this section of the beach typically range from 0ft. to 4ft. side setbacks as does this dwelling.
7. The proposed deck does not intrude into the side setback any further than does the dwelling itself.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Sherwood to approve the side setback variance requests and to deny the front setback variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Biebuyck asked what does he need to do to comply. Mr. Moore stated that 1ft. is to be taken off of the front of the deck. Mr. Biebuyck asked when does this need to be completed. Mr. McNeil stated that the standard procedure is 30 days from the time you receive the notice from the Zoning Board of Appeals.

Mr. Richards stated that he does not believe that consideration was given to the property values. Mr. Richards stated he will have to see what other options are available. Mr. Richards stated that he brought his computer with him, but was unable to bring it through the front door so he was unable to show his pictures. Mr. Richards stated that this approval took \$20,000-\$30,000 off of the value of his property and he does not believe that this is fair.

An audience member stated that she is one door south of Mr. Richards and even though she is affected less him, she is still affected by this decision.

Mr. Richards stated that he understands there is an appeal process. Mr. Freese stated that there is an appeal process through the Circuit Court.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:36pm.

John Thompson, Secretary

DRAFT

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Joseph Gelina

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (11 Pages)
5. Pictures (4 Pages)
6. Mailing List (2 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, JANUARY 25, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

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Please visit the Planning and Zoning office or visit our website to see the application and the associated plan drawings. Site plans may be viewed at www.cheboygancounty.net/planning. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, 870 S. Main St., PO Box 70, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.

**CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.**
870 SOUTH MAIN ST., PO Box 70
CHEBOYGAN, MI 49721
(231) 627-8489 (TELEPHONE)
(231) 627-3646 (FAX)

DIMENSIONAL VARIANCE APPLICATION

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	5374
CASH/CHECK:	2188
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 4278 Temple Road	City / Village Indian River	Township / Sec. Koehler / 5 /	Zoning District P-LS LAKE & STREAM PROTECTION DISTRICT
Property Tax I.D. (Parcel) Number 171-005-300-005-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Joseph Gelina	Telephone 989-944-1452	Fax	
Address P.O. Box 388	City & State Shepherd, Michigan	Zip Code 48883	E-Mail JoeGelina@gmail.com

OWNER (If different from applicant)

Name SAME as above	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

East Mullett Lake Road to Temple Road. Near end of Temple Road

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: unknown
- B. This property is unplatted, platted, will be platted. If platted, name of plat unknown
- C. Present use of the property is: seasonal recreational and residential
- 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 _____.
- E. Attach a site plan drawn per the attached directions. See additional information attached.

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. Attach a covered porch to an existing structure that is located within 25 feet of the water line.

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. See Attached

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

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 See Attached

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. See Attached

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. See Attached

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

Joseph Belwa

Date 11-3-2016

AFFIDAVIT

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

Joseph Belwa

Date 11-3-2016

To Whom,

I would like to preface this letter by stating that there was no intent, on my part, to skirt or not comply with any Zoning Ordinance code. However the disinformation and misinformation I was made aware of has placed me in this current situation.

At the beginning of this year I was fortunate enough to have had the opportunity to acquire a piece of property, at the mouth of the Indian River. This property has a very rich history, in the early years of the development of visitors to the Mullett Lake area. It was used as a fishing camp to many visitors, from a number of states, who enjoyed the beauty of this incredible area. The cabins have fallen into disrepair, over the years, as the owners were older and made no attempt to repair or upgrade the cabins.

I have worked close with the Cheboygan building inspectors in the renovations, we have made. We are restoring and updating the cabins, for summer recreational usage. All building permits have been obtained and approved. Inspectors have been out to the property 8 or 9 times for rough and final inspections.

There has been a concrete block storage garage, down by the water, for at least the last 50+ years. To be more useful, a covered porch/carport structure would be useful. I contact the building department to see what size, this type of structure could be, to require a building permit. I was told that this type of structure would require a permit if it was over 200 sq ft. The plans for the structure were less than 200 sq ft. I ordered the materials and when the builders were slow and the weather was nice, they started to erect the covered porch structure.

When the building inspector came out for the last cabin rough inspection, he mentioned I needed a building permit for that structure. I discussed the conversation I had with his office a week or so earlier about the size I was told needed a permit. He stated that since it is attached to an existing structure, the whole structure, not just the new part, is considered the foot print and therefore, needs a permit. Work was immediately stopped on the project and the permit, drawings and fee were submitted. A week later I called the building department about the permit approval. I was told that the permit for the covered porch was approved but could not be released until a zoning permit was obtained. This was the first time I was informed about a zoning permit. I immediately requested to be forwarded to the zoning department and talked with Scott. He sent me a variance application and we set up an appointment for him to visit the property.

2a. 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 at 4278 Temple road in Indian River measures 1.59 acres, in square footage. It has 321+ feet of frontage along the water. Because of the topographical contours of the property, angles of the property lines, layout of the neighborhood and proximity to the water, a variance is requested.

- All structures in the adjacent properties, including the cabins and home on this property, are built at the top of a ridge line. Allowing for all property owners to have a full unobstructed view of the lake. The lake is 14-16+ feet below the height of this ridge line with green space between the homes and the lake.
- There was a 50+ year old concrete structure down by the water, on the eastern side of the property. There is a small building on the adjacent property, to the east, in the same area along the water.
- Placing a covered porch in the green space area would require significant excavation, to level the ground. There are 3 flowing wells on the property and 2 ground areas of wet springs. Excavation could potentially unearth a spring that could cause a soil erosion problem.
- Because of the topographical nature of the property, placing a covered porch in the green space area would cause obstruction of view of the lake, from 1-3 cabins and the adjacent properties to the east and west.
- A covered porch to the west of the current concrete structure, near the water, causes no obstruction of view to the beautiful lake area, by neighbors or visitors.
- The topographical nature of the property allows visitors and neighbors a clear view of the lake over the top of the structures near the water.

2b. That the need for the requested variance is not the result of actions of the property owner or previous owners.

A general variance request to build a covered porch attached to an existing building within 25 feet of the water, is not the result of owner's actions.

The request for a variance at this time, is related to disinformation and misinformation that resulted in the construction start of the structure. Further investigation beyond the information received from the building department would have resulted in applying earlier for a variance request.

2c. 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.

This historic property was once a busy fishing vacation destination for many out of state visitors, back in the 30's, 40's and 50's. In the early seventies the lodge was moved and a home was built on the area of the lodge. Since that time, little upkeep or maintenance was performed on the property. No maintenance was performed on the 5 cabins, on the property, over the last 15-20 years. They fell into extreme disrepair, by the effects of nature. Since the purchase of this property we are trying to restore and update this summer recreational area, for enjoyment of visitors to the Mullett Lake area.

- The covered porch, off the concrete garage, will provide for additional protected storage area.
- It will provide visitors an area near the water, to view the beauty of the lake, in inclement weather.
- A covered porch will provide visitors a close area they can watch children playing in the water, yet be able to stay out of the direct sun's rays, if they are sun sensitive.

2d. 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 requested variance provides no obstruction of lake view for any of the cabins on the property, or the property owners in the immediate adjacent properties.

The covered porch is attached to the existing concrete structure to provide support to the structure and eliminate any undue destructive northern lake wind forces from off the lake. This will assure the structure will remain solid and pleasing.

2e. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The entire area surrounding the Temple Road property, requesting the variance, are seasonal recreational properties. There are 6 summer rental cabins just to the west of the property. Many property owners in the area are weekend inhabitants. Summer season is quite active but winter season is very vacant. Most properties are closed for the winter season. The property owners, in the area, are all good neighbors and enjoy activities together. They are always willing to help one another when someone is in need.

The covered porch will have no impact on property values or activities of neighbors in the zoning district.

SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|-----------------------------------------------------------------------------|-------------------------------------------------------------|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

Distance from property line to proposed structure:

Front: _____ Rear: 53 FT Side: 6-8 FT Side: _____

Zoning District:

P-25

North:

SEE
ATTACHED

CERTIFICATE OF SURVEY

PART OF GOV'T LOT 1 & GOV'T LOT 2,
SECTION 5, T35N-R2W, KOEHLER TOWNSHIP
CHEBOYGAN COUNTY, MICHIGAN

FOR:

HELEN MONTHEI

SEC. 5, T35N-R2W
FB: KOEHLER 1

DRAWN: BKF
CHECK: BKF

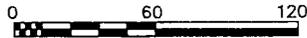
PROJECT NO.
03-067S

SHEET 1 OF 2

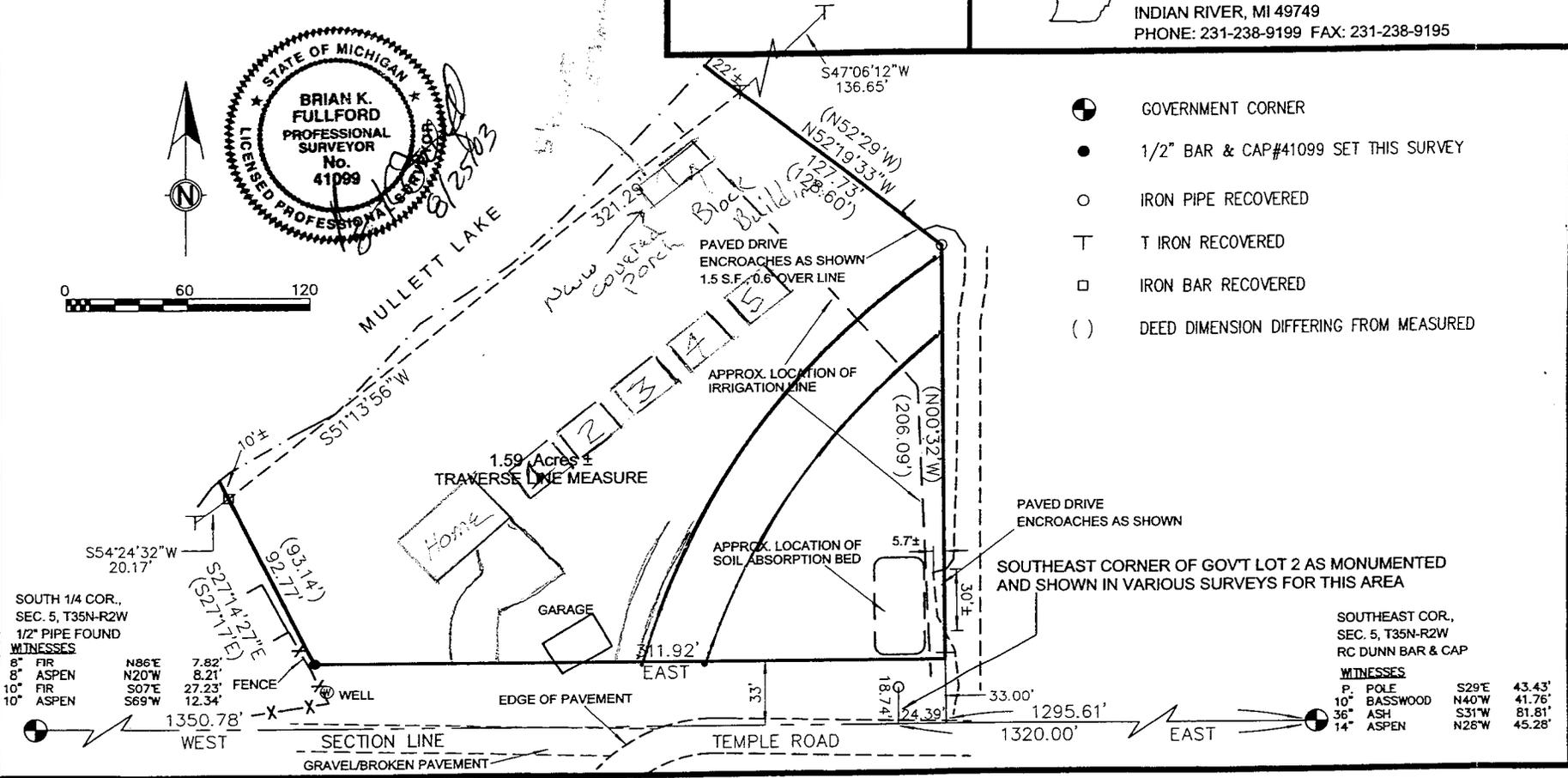


FULLFORD SURVEYING & MAPPING, P.C.

PO BOX 969
6301 WEST M-68, SUITE A
INDIAN RIVER, MI 49749
PHONE: 231-238-9199 FAX: 231-238-9195



8/25/03

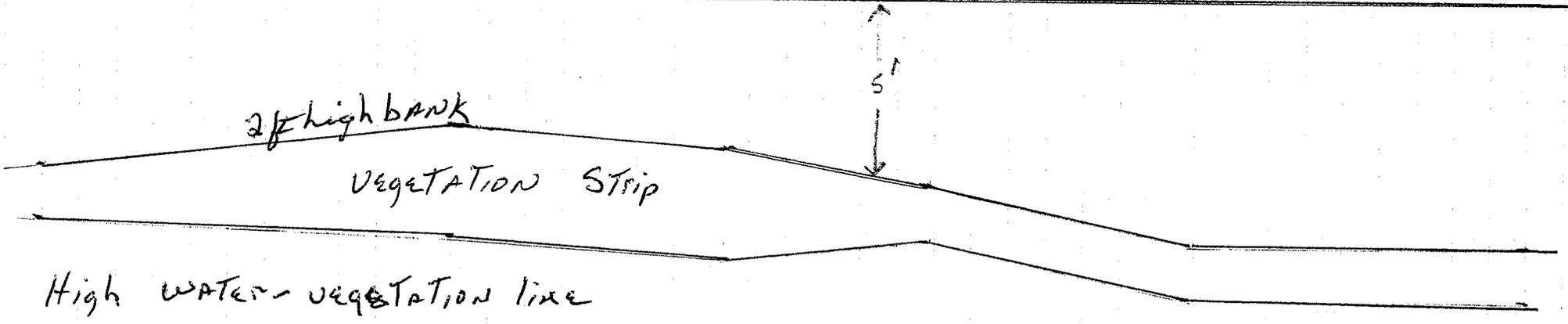
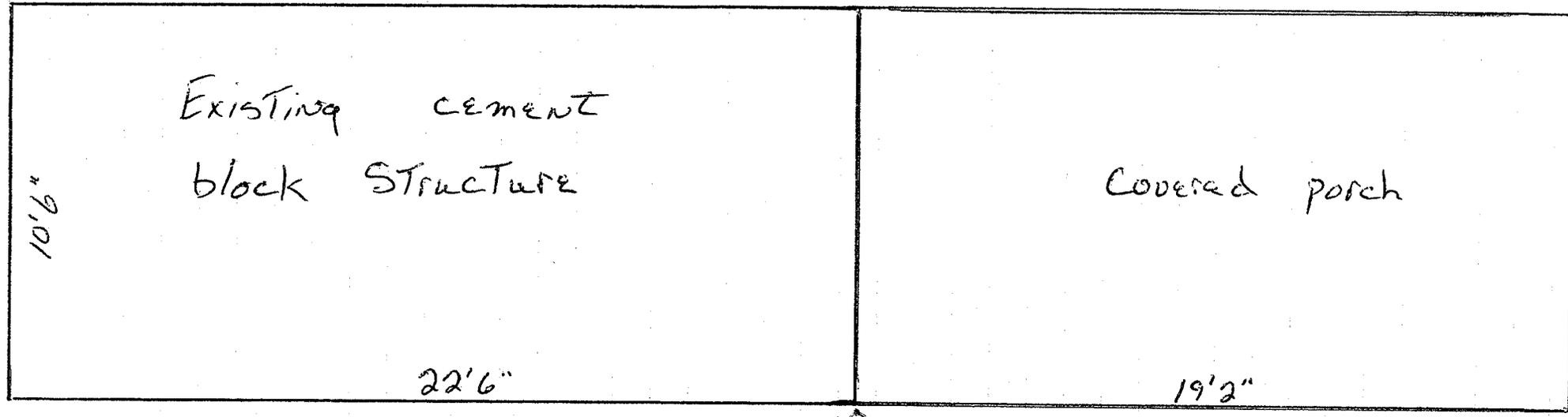


- ⊙ GOVERNMENT CORNER
- 1/2" BAR & CAP #41099 SET THIS SURVEY
- IRON PIPE RECOVERED
- T T IRON RECOVERED
- IRON BAR RECOVERED
- () DEED DIMENSION DIFFERING FROM MEASURED

SOUTH 1/4 COR.,
SEC. 5, T35N-R2W
1/2" PIPE FOUND
WITNESSES
8" FIR N86°E 7.82'
8" ASPEN N20°W 8.21'
10" FIR S07°E 27.23'
10" ASPEN S69°W 12.34'

SOUTHEAST COR.,
SEC. 5, T35N-R2W
RC DUNN BAR & CAP
WITNESSES
P. POLE S29°E 43.43'
10" BASSWOOD N40°W 41.76'
36" ASH S31°W 81.81'
14" ASPEN N26°W 45.28'

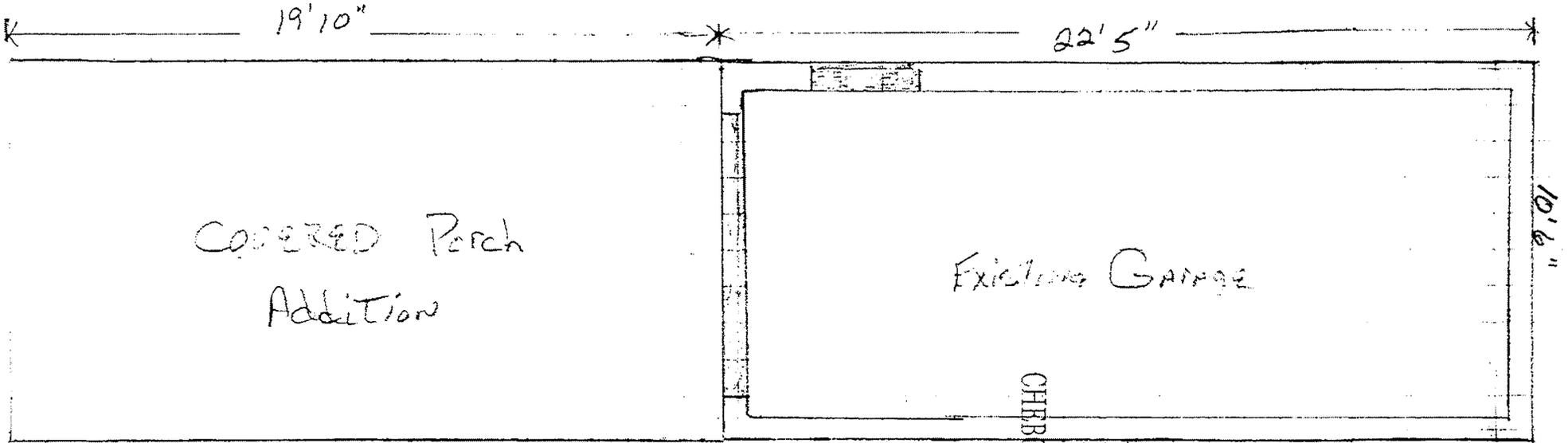
1/4" = 1'



WATER

1/4" = 1'

Foot Print



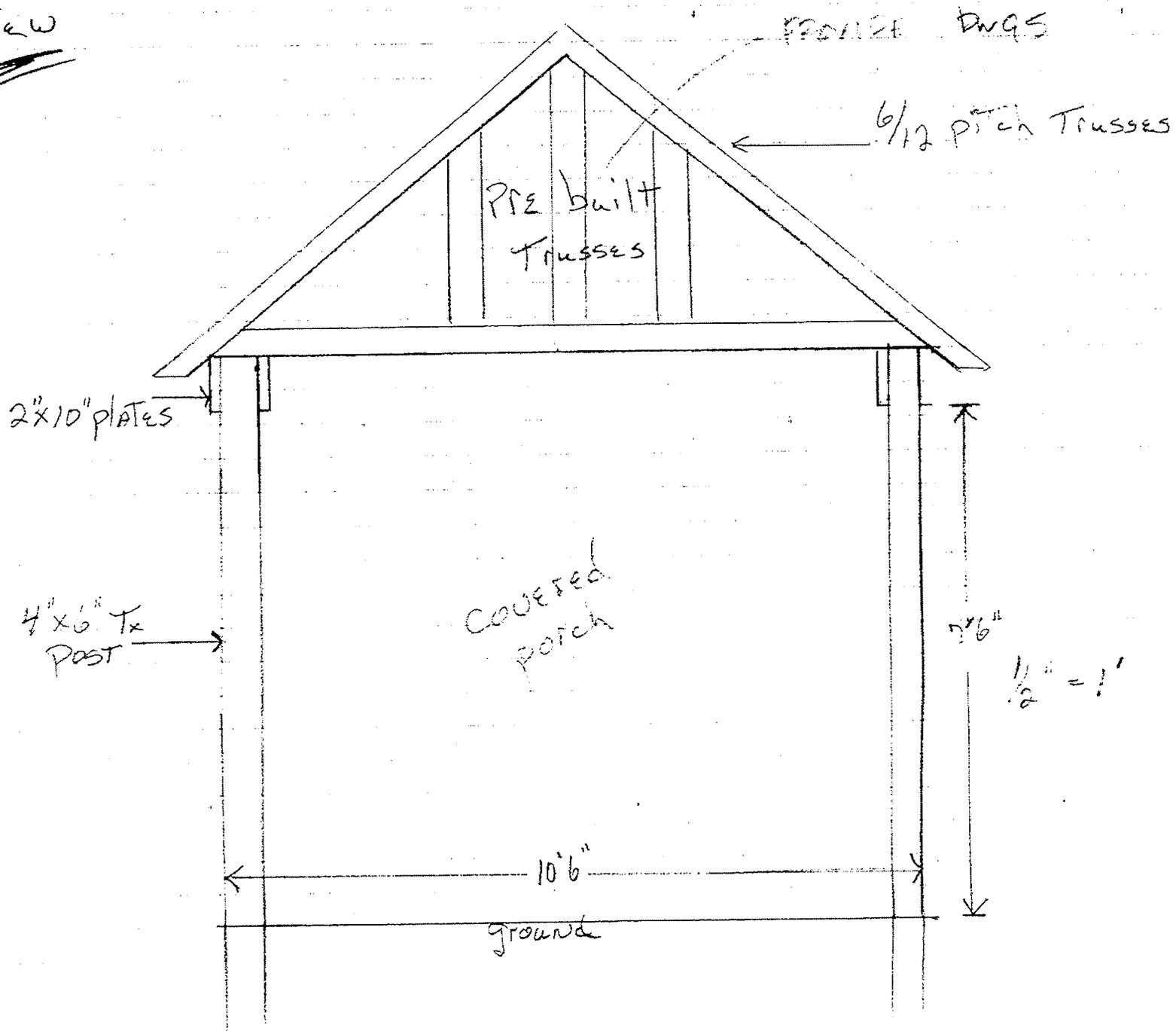
CHEBROGAN COUNTY CONST. CODE

DATE *October 5, 2016*

BY *A. Orsak*

REVIEWED FOR
CODE COMPLIANCE

front
View



Addition
Side View

pre built
Trusses
↓ every 4' w/ 2' LAT. PER!

Double
2x10" plate

GARAGE

← 5' 0" →

← 4" x 6" Post (treated)

Ground Level

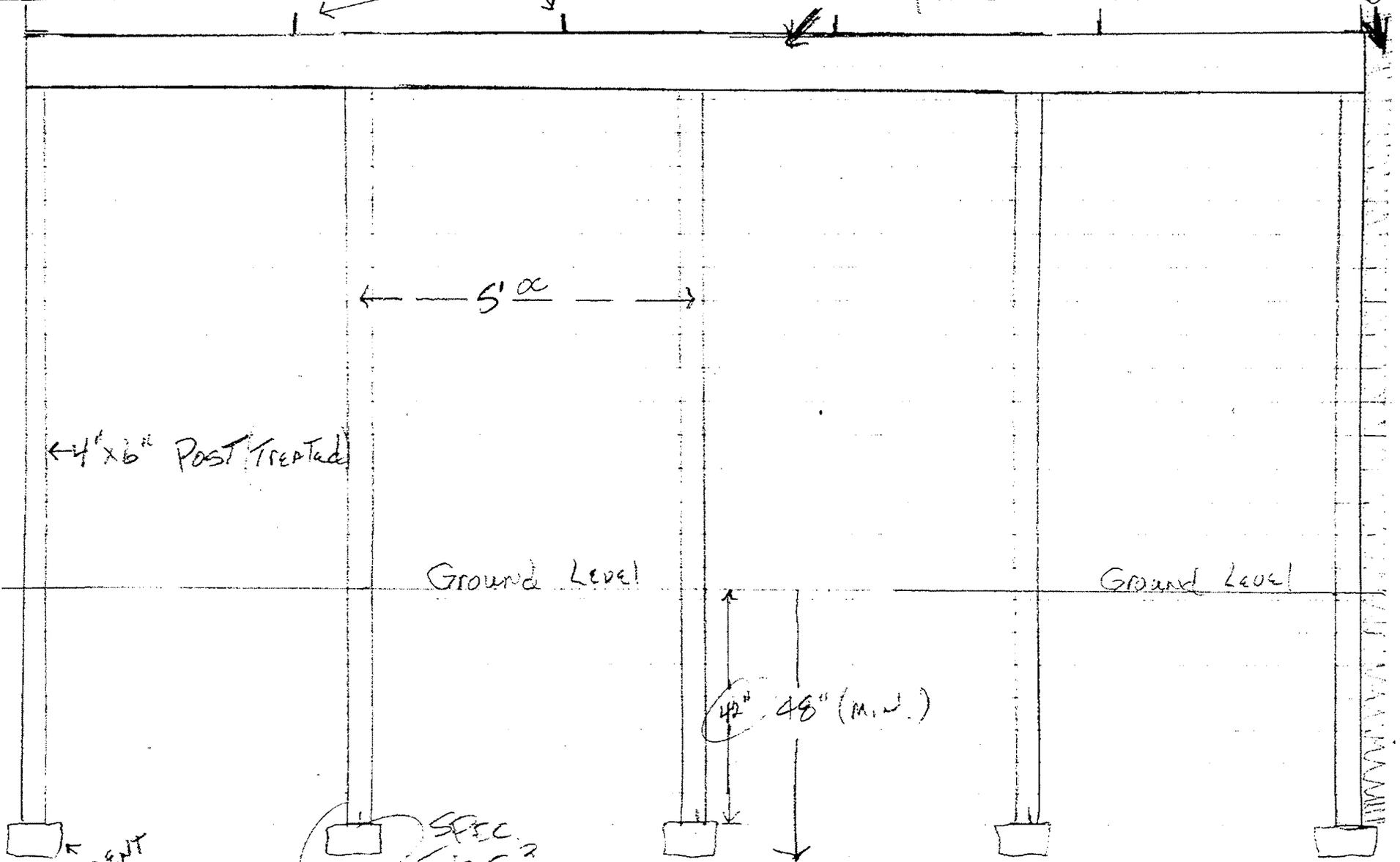
Ground Level

42" 48" (min.)

← Cement

SPEC. 2
SIZE 2

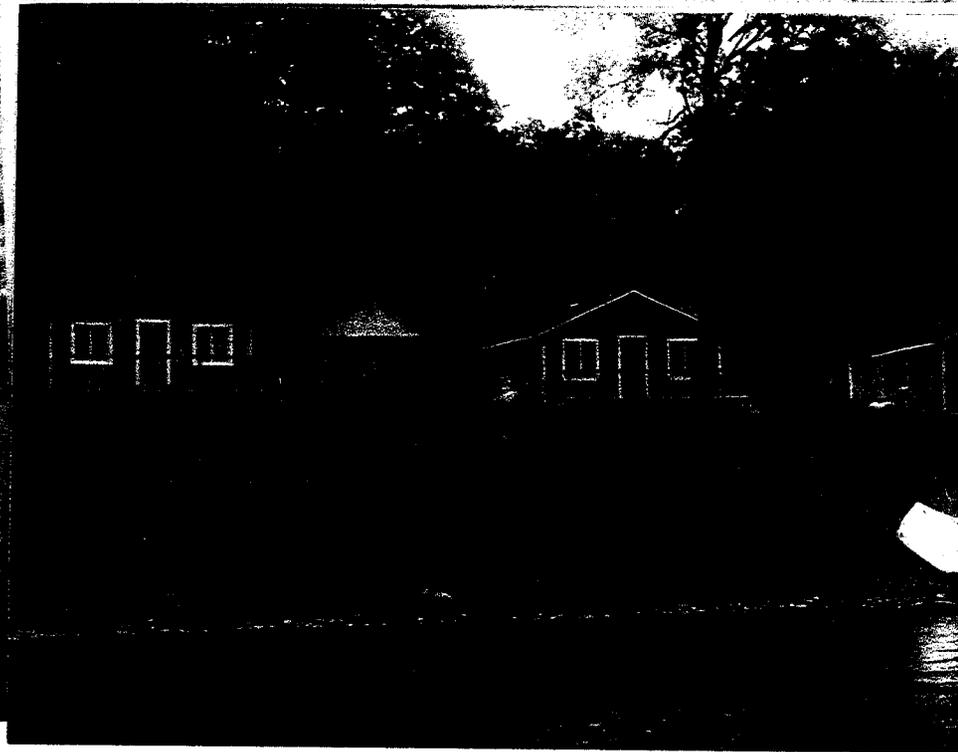
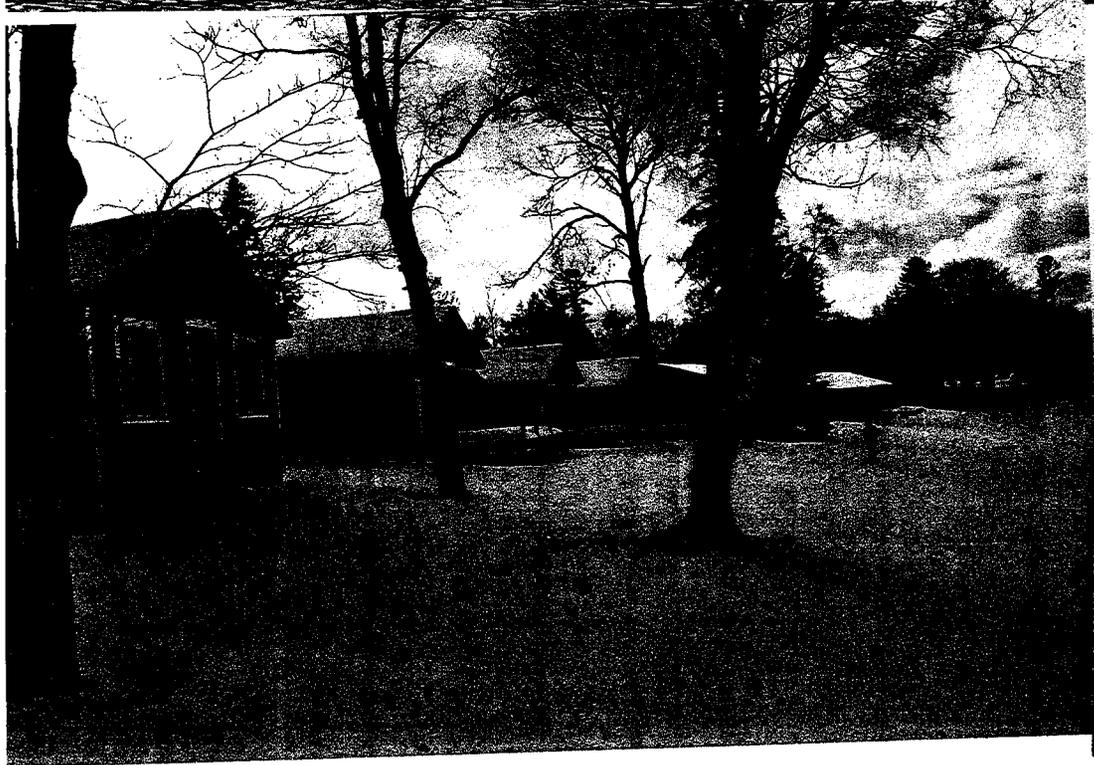
1/2" = 1'





5







16-171-005-300-004-00
COBURN, MICHAEL & HEIDI H/W
16985 LOCHERBIE AVE
BEVERLY HILLS MI 48025

16-171-008-200-001-10
JACOBS, ROBERT O & SUSAN E
14288 DUFFIELD
MONTROSE MI 48457-9139

16-171-005-300-005-00
GELINA, JOSEPH & SANDRA H/W
8928 S GENUINE RD
SHEPHERD MI 48883

16-171-008-200-011-00
HILDEBRAND, RAYMOND & HELE
310 TRENTON AVE
FINDLAY OH 45840

16-171-005-300-006-00
PIOTRACZK, ROBERT D & KATHLE
4236 W TEMPLE RD
INDIAN RIVER MI 49749

16-171-008-200-012-00
EDWARDS, HEATHER L, TRUSTEE
395 HELEN ST
ENON OH 45323

16-171-005-400-001-00
PIOTRACZK, ROBERT D & KATHLE
4236 W TEMPLE RD
INDIAN RIVER MI 49749

16-171-008-200-014-00
BURRUS, SUZANNE REV LIV TRUS
4255 W TEMPLE RD
INDIAN RIVER MI 49749-9511

16-171-005-400-002-00
PRICE, DOMINIC & MARLA PRICE,
5288 WEST GRAND RIVER RD
OWOSSO MI 48867

16-171-008-200-015-00
MONTHEI, DAVID & JOYCE REVOC
1038 TEMPLE RD
INDIAN RIVER MI 49749

16-171-005-400-002-06
MONTHEI, CRYSTAL LIV TRUST
4200 W TEMPLE RD
INDIAN RIVER MI 49749

16-171-005-400-003-00
REED, JAMES & ORA H/W
4176 W TEMPLE RD
INDIAN RIVER MI 49749

16-171-008-200-001-04
PERSALL, MARK & CATHLEEN H/W
9219 NICHOLS RD
MONTROSE MI 48457

16-171-008-200-001-06
JACOBS, ROBERT JR AND
1026 GREENWOOD AVE
LANSING MI 48915

16-171-008-200-001-09
JACOBS, LYLE & DAWN, CO-TTEES
3246 N WEST RIVER RD
SANFORD MI 48657

16-171-005-300-004-00
OCCUPANT
4320 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-008-200-012-00
OCCUPANT
4364 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-005-300-005-00
OCCUPANT
4278 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-008-200-014-00
OCCUPANT
4255 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-005-400-001-00
OCCUPANT
4236 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-008-200-015-00
OCCUPANT
1038 TEMPLE RD
INDIAN RIVER, MI 49749

16-171-005-400-002-00
OCCUPANT
966 RIVERS END DR
INDIAN RIVER, MI 49749

16-171-005-400-002-06
OCCUPANT
4200 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-005-400-003-00
OCCUPANT
4176 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-008-200-001-06
OCCUPANT
4349 W TEMPLE RD

16-171-008-200-001-09
OCCUPANT
4325 W TEMPLE
INDIAN RIVER, MI 49749

16-171-008-200-001-10
OCCUPANT
4330 W TEMPLE RD
INDIAN RIVER, MI 49749

16-171-008-200-011-00
OCCUPANT
4374 W TEMPLE RD
INDIAN RIVER, MI 49749



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 a 35 ft. front setback variance for an addition to a storage building (19 ft. 2 in. x 10 ft. 6 in.) in a Lake and Stream Protection (P-LS) zoning district	Prepared by: Scott McNeil
Date: January 9, 2017	Expected Meeting Date: January 25, 2017

GENERAL INFORMATION

Applicant: Joseph Gelina

Property Owner: Same

Contact person: Same

Phone: 989-944-1452

Requested Action: Approve a request for a 35 ft. front setback variance for a 19 ft. 2 in. x 10 ft. 6 in. addition to an existing storage building in a Lake and Stream Protection (P-LS) zoning district

BACKGROUND INFORMATION

The zoning district is P-LS, Lake and Stream Protection District. A 40ft front setback from the high water mark is required for the subject lot per section 17.11

The applicant has built a 19 ft. 2 in. x 10 ft. 6 in. addition to an existing storage building in the water front setback.

The site includes cabin rental units

This comes to the board as a result of enforcement.

A map to the location of the subjects site is located at the end of the draft specific findings.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection District

East: Same

South: Same

North: Mullett Lake.

Surrounding Land Uses: Residential uses surround the subject site.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The subject site is located on the Mullett Lake. There are no other environmentally sensitive areas on the subject site.

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. The property is zoned Lake and Stream Protection (P-LS)
2. A front setback of 40 feet is required in a P-LS zoning district per Section 17.1.
3. The applicant is seeking a 35 foot front setback variance for a 19 ft. 2 in. x 10 ft. 6 in. addition to an existing storage building for a 19 ft. 2 in. x 10 ft. 6 in. addition to an existing storage building
- 4.
- 5.

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 addition at the proposed location is necessary due to location of an existing storage building and/or topography of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of an accessory structure.

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 addition at the proposed location is necessary due to location of an existing storage building and/or topography of the lot.

OR, other options for location of an accessory structure exist and the requested variance is the result of actions of the applicant and the need for the requested variance is self created.

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.

Do to location of an existing storage building and/or topography of the lot, conformity with setback regulations would be unnecessarily burdensome.

OR, there are no unique circumstances or physical conditions and conformity with setback requirements is not unnecessarily burdensome.

25.5.4.4. 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 variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district Do to location of an existing storage building and/or topography of the lot.

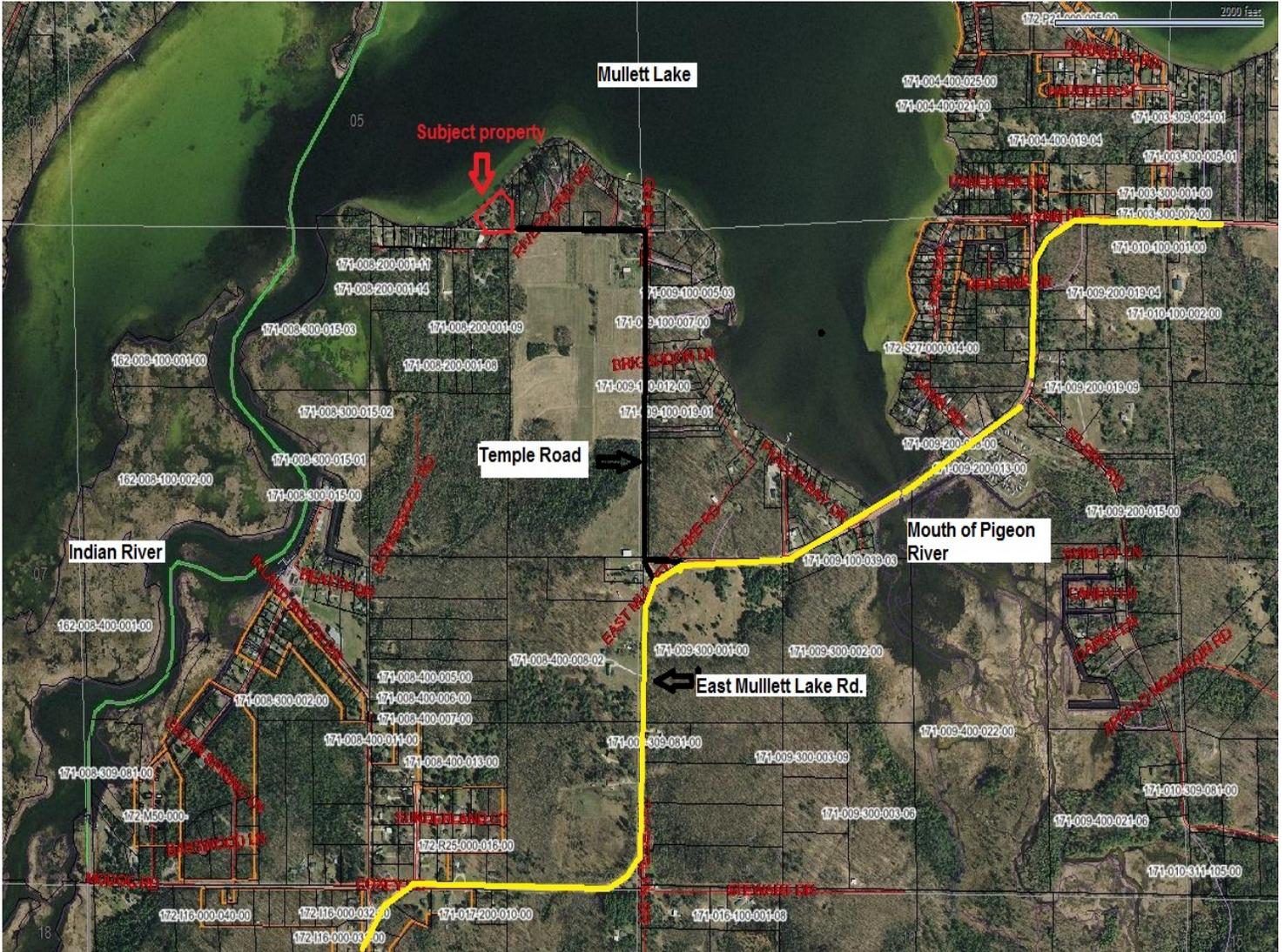
OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

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 the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property.

OR, granting the variance will cause adverse impacts on the neighboring property.

Map to subject site



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Anthony Coppola – *Revised 01/17/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (4 Pages)
5. Pictures (2 Pages)
6. Mailing List (2 Pages)

The following items were added to the exhibit list on 01/17/17:

7. Email dated 01/13/17 from Rich Werth (1 Page)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, JANUARY 25, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Joseph Gelina** - Requests a 35 ft. front setback variance for an addition to a storage building (19 ft. 2 in. x 10 ft. 6 in.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4278 W. Temple Rd., Koehler Township, Section 5, parcel #171-005-300-005-00. A 40 ft front setback is required for the subject property in this zoning district.
- 2.) **Anthony Coppola** - Requests a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district. The property is located at 3147 Harold B Street., Koehler Township, Section 4, parcel #172-T34-000-016-00. A 30 ft front setback is required for the subject property in this zoning district.
- 3.) **Andy Stempky** – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00.

Please visit the Planning and Zoning office or visit our website to see the application and the associated plan drawings. Site plans may be viewed at www.cheboygancounty.net/planning. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, 870 S. Main St., PO Box 70, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.

CHEBOYGAN COUNTY
 PLANNING & ZONING DEPT.
 870 SOUTH MAIN ST., PO BOX 70
 CHEBOYGAN, MI 49721
 (231) 627-8489 (TELEPHONE)
 (231) 627-3646 (FAX)

DIMENSIONAL VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	5414
CASH/CHECK:	8549
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 3147 HAROLD B STREET		City / Village KOCHUER/4	Township / Sec.	Zoning District
Property Tax I.D. (Parcel) Number 16-172-T34-000-016-00		Subdivision or Condo. Name / Plat or Lot No. TIFFANY PARK / 16		D-25

APPLICANT

Name ANTHONY G. COPPOLA		Telephone 248-390-2891	Fax	
Address 60320 TREVOR DRIVE		City & State SOUTH LYON, MI	Zip Code 48178	E-Mail ttcoppola@ameritech.net

OWNER (If different from applicant)

Name		Telephone	Fax	
Address		City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

EAST MULLETT LAKE RD. TO PARROTT'S POINTE RD.
TO HAROLD B STREET - LAST PROPERTY ON THE LEFT

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 _____
- 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 _____.
- E. Attach a site plan drawn per the attached directions.

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.

BUILD A SINGLE FAMILY 2 STORY 3 BEDROOM 2 BATH HOME TO REPLACE A MOBILE HOME WHICH HAS BEEN REMOVED. REQUIRE A 9' VARIANCE OF THE FRONT SETBACK

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 PROPERTY HAS A SMALL BUILDING WINDOW DUE TO THE EXISTING DRIVEWAY, POLE BARN, WELL AND SEPTIC SYSTEM WHICH REQUIRES THE NEW HOME TO CAUSE THE FRONT SETBACK

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

THE LOTS WHEN CREATED ARE SMALL WHICH RESTRICTS THE BUILDINGS TO STAY WITHIN THE SETBACKS. OTHER PROPERTIES ON THE STREET ALSO DO NOT COMPLY WITH SETBACKS.

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

PROPOSED BUILDING IS 2 STORY TO MINIMIZE THE FOOTPRINT AND STILL HAVE 3 BEDROOM/2 BATH LIVING AREA. TO COMPLY WITH ALL REQ'TS WOULD A SMALLER HOME WHICH DOES NOT MEET OUR REQUIREMENTS

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.

DUE TO THE EXISTING SEPTIC FIELD A 9' VARIANCE IS THE MINIMUM REQUIRED FOR THE PROPOSED BUILDING. THIS WILL NOT AFFECT ANY OTHER PROPERTIES.

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.

SINCE MOST PROPERTIES ON THIS STREET HAVE POLE BARN AND ARE USED FOR STORAGE - THIS NEW HOME WILL AFFECT THE NEIGHBORING PROPERTIES AND WILL INCREASE VALUES

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 12-20-16

AFFIDAVIT

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 12-20-16

SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|-----------------------------------------------------------------------------|-------------------------------------------------------------|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

Distance from property line to proposed structure:

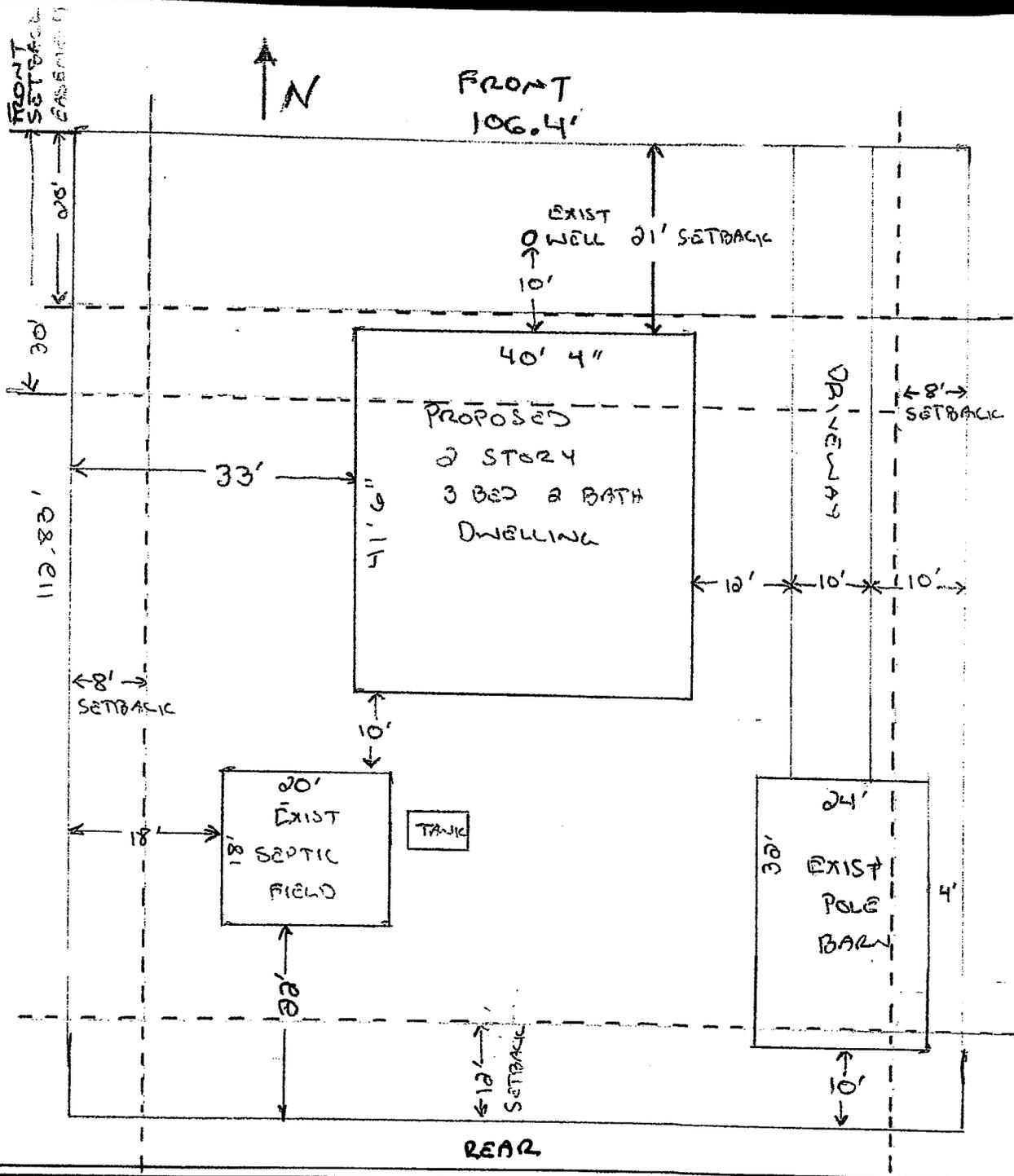
Front: 21' Rear: 50' Side: 33.5' Side: 32'

Zoning District:

North:

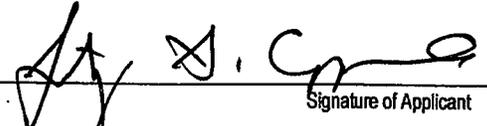
SEE ATTACHED.

PLOT PLAN



AFFIDAVIT

I agree the statements made above are true, and if found not to be true or incomplete, any zoning permit that may be issued may be void. I agree to comply with the conditions and regulations provided with any permit that may be issued. I agree the permit that may be issued is with the understanding all applicable sections of the Cheboygan County Zoning Ordinance will be complied with. I agree to notify Cheboygan County Planning & Zoning Dept. for inspection before the start of construction and when locations of proposed structure(s) are marked on the ground.


Signature of Applicant

12-20-10
Date



FRONT SETBACK

THIS PICTURE IS OF PREVIOUS STRUCTURE
WHICH HAS BEEN REMOVED



FRONT SETBACK

SHOWS NEIGHBORING PROPERTY BUILDINGS ALSO
EXCEEDING FRONT SETBACK

16-171-004-400-019-04
JDC, AMC, JDC III FAMILY
6506 GLYNDEBOURNE
TROY MI 48098

16-171-004-413-121-00
LANDWEHR, HENRY & SHERYL H/
333 CARDINAL RD
SEBRING FL 33876

16-172-T34-000-001-00
LANDWEHR, HENRY & SHERYL H/
333 CARDINAL RD
SEBRING FL 33876

16-172-T34-000-002-00
THEISEN, WILLIAM & JOYCE H/W
2879 E MULLETT LAKE RD
INDIAN RIVER MI 49749

16-172-T34-000-003-00
THEISEN, WILLIAM & JOYCE H/W
2879 E MULLETT LAKE RD
INDIAN RIVER MI 49749

16-172-T34-000-004-00
CRIBB, FRANK & ELIZABETH TRUS
3123 PARROTTS RD
INDIAN RIVER MI 49749

16-172-T34-000-006-00
STEVENS, DONALD & ELAINE, TTE
306 NELLIE CT
CLINTON MI 49236

16-172-T34-000-011-00
COURTNEY, MARK & ELIZABETH H
995 STRATFORD PLACE
BLOOMFIELD HILLS MI 48304

16-172-T34-000-014-00
HARDING, DOUGLAS & VALERIE H/
1088 MEECHER RD
GAYLORD MI 49735

16-172-T34-000-015-00
SILSBE, DAVID & TONI H/W
1816 SHERLYNN DR
BRIGHTON MI 48114

16-172-T34-000-016-00
COPPOLA, ANTHONY & TERRY H/
60320 TREBOR
SOUTH LYON MI 48178

16-172-T34-000-017-00
CHEBOYGAN PROPERTIES LLC
2474 SUNNY RIDGE
PINCKNEY MI 48169

16-172-T34-000-018-00
SUNDANCE PARTNERS, LLC
3851 AUBURN RD
AUBURN HILLS MI 48326

16-172-T34-000-019-00
WERTH, RICHARD & CHRISTINE H/
11280 PLANK RD
MILAN MI 48160

16-172-T34-000-001-00
OCCUPANT
3189 PARROTTS RD
INDIAN RIVER, MI 49749

16-172-T34-000-018-00
OCCUPANT
3103 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-002-00
OCCUPANT
3167 PARROTTS RD
INDIAN RIVER, MI 49749

16-172-T34-000-019-00
OCCUPANT
3081 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-003-00
OCCUPANT
3145 PARROTTS RD
INDIAN RIVER, MI 49749

16-172-T34-000-004-00
OCCUPANT
3123 PARROTTS RD
INDIAN RIVER, MI 49749

16-172-T34-000-006-00
OCCUPANT
3079 PARROTTS RD
INDIAN RIVER, MI 49749

16-172-T34-000-011-00
OCCUPANT
3082 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-014-00
OCCUPANT
3148 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-015-00
OCCUPANT
3170 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-016-00
OCCUPANT
3147 HAROLD B ST
INDIAN RIVER, MI 49749

16-172-T34-000-017-00
OCCUPANT
3125 HAROLD B ST
INDIAN RIVER, MI 49749

Deborah Tomlinson

From: Werth, Rich (R.K.) [<mailto:rwerth@ford.com>]
Sent: Friday, January 13, 2017 2:44 PM
To: Scott McNeil
Cc: Rich & Chris Werth (werth.rich@gmail.com)
Subject: Comments for zoning board of appeals meeting Jan. 25, 2017

Cheboygan County Planning Board:

I am writing this to comment on the request by Anthony Coppola for a 9 ft. setback variance to build a house on parcel #172-T34-000-016-00.

My wife and I own parcel #172-T34-000-019-00 three lots down from Mr. Coppola. We feel that approving the variance and allowing Mr. Coppola to build this house will be a great improvement to our street. There are currently more barns/storage buildings on this street than there are houses; the addition of his new house would improve the overall aesthetics of the neighborhood. Since his lot is the last one at the end of a dead end road his new house would have no effect on sightlines or visibility for drivers.

For these reasons we would like to support approval of Mr. Coppola's variance request.

Thank you for the opportunity to provide our input on this matter.

Rich Werth
parcel #172-T34-000-019-00
rwerth@ford.com
313-590-2260



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 a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district.	Prepared by: Scott McNeil
Date: January 13, 2017	Expected Meeting Date: January 25 , 2017

GENERAL INFORMATION

Applicant: Anthony Coppola

Property Owner: Same

Contact person: Same

Phone: 248-390-2891

Requested Action: Approve a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district.

BACKGROUND INFORMATION

The applicant is seeking a 9 ft. front setback variance for construction of a 2 story dwelling measuring 40 ft. 4 in. x 41 ft. 6 in. in a Residential Development (D-RS) zoning district. I have verified a road right of way width of 66 ft. on Harold B Street. A 30 ft. front setback is required in this zoning district.

There is an existing storage building on the property as indicated on the plot plan provided by the applicant.

A map to the subject property is located after the draft specific findings of fact.

Surrounding Zoning:

North: D-RS, Residential Development.

West: Same

South: Same

East: Same

Surrounding Land Uses:

Residential land uses surround subject property. Vacant residential lots lie to the east and south.

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

The site does not contain any known sensitive areas.

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. The subject property is located at 3147 Harold B Street with parcel identification number 16-172-T34-000-016-00.
2. The subject property is located in a D-RS zoning district.
3. A front setback of 30 feet is required per Section 17.1.
3. The applicant is seeking a 9 ft. front setback variance for construction of a dwelling measuring 40 ft. 4 in. x 41 ft. 6 in.
4. The applicant is requesting the Zoning Board of Appeals to allow a 21 ft. front setback variance.
- 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 subject lot is shallow and/or an existing storage structure and septic field is located on the subject lot 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 shallowness of the lot and/or the location of the existing storage structure and septic field 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 due to the size of the proposed dwelling.

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 shallowness of the lot and/or the location of the existing storage structure and septic field, 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 storage structure and septic field, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

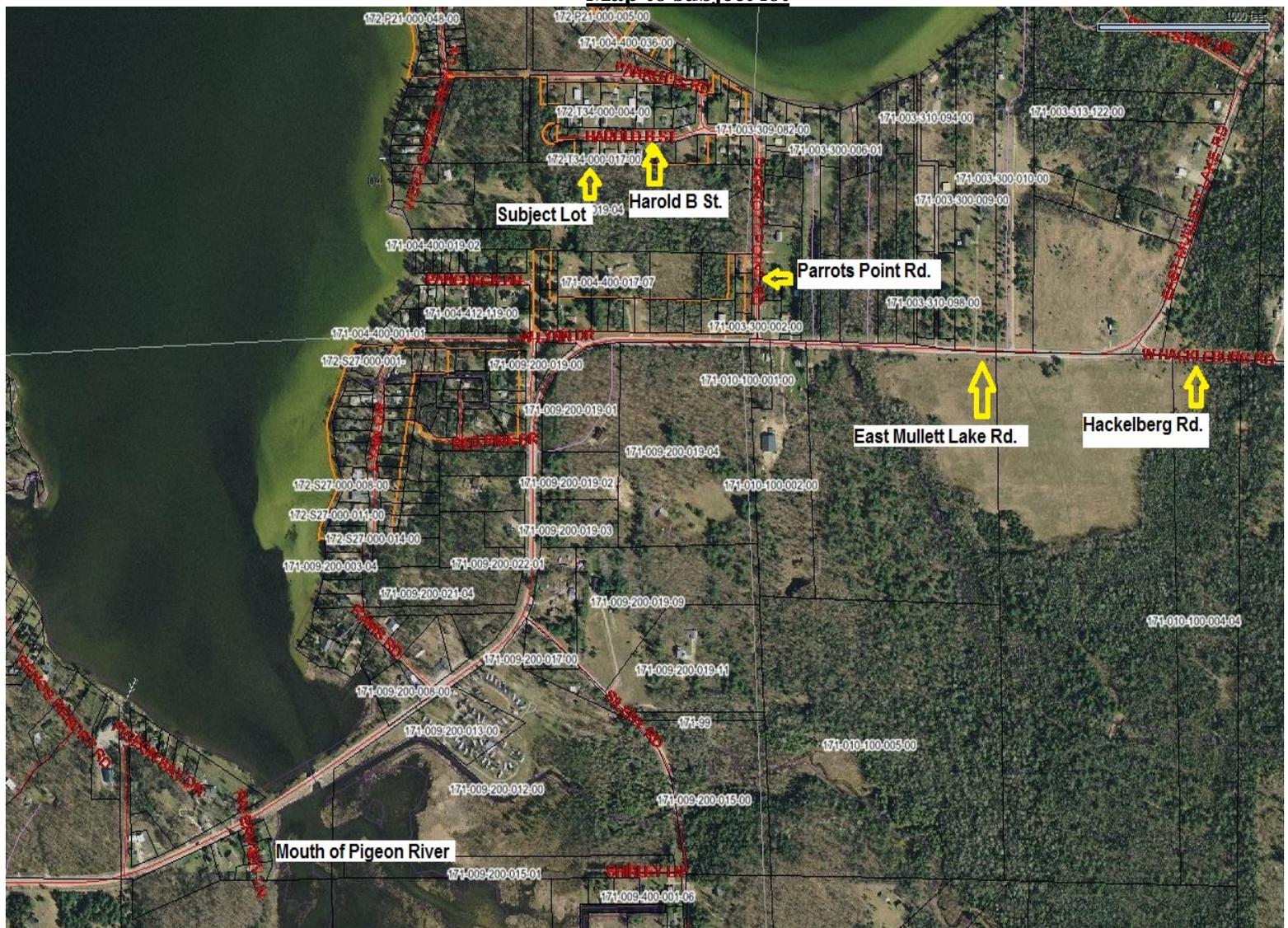
OR, The variance request does not represent the minimum necessary to grant reasonable relief and other options exist and/or granting the variance will not do substantial justice to other property owners in the district

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 21 ft. front 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 21 ft. front setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood

Map to subject lot



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Andy Stempky – *Revised 01/17/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Use Variance Application (4 Pages)
5. Letter Dated 12/19/16 From Andy and Nancy Stempky to Zoning Board of Appeals (2 Pages)
6. Mailing List (2 Pages)

The following items were added to the exhibit list on 01/17/17:

7. Letter dated 01/09/17 from Michael and Susan Donovan (1 Page)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, JANUARY 25, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Joseph Gelina** - Requests a 35 ft. front setback variance for an addition to a storage building (19 ft. 2 in. x 10 ft. 6 in.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4278 W. Temple Rd., Koehler Township, Section 5, parcel #171-005-300-005-00. A 40 ft front setback is required for the subject property in this zoning district.
- 2.) **Anthony Coppola** - Requests a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district. The property is located at 3147 Harold B Street., Koehler Township, Section 4, parcel #172-T34-000-016-00. A 30 ft front setback is required for the subject property in this zoning district.
- 3.) **Andy Stempky** – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00.

Please visit the Planning and Zoning office or visit our website to see the application and the associated plan drawings. Site plans may be viewed at www.cheboygancounty.net/planning. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, 870 S. Main St., PO Box 70, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.

**CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.**
PO Box 70
CHEBOYGAN, MI 49721
(231) 627-8489 (TELEPHONE)
(231) 627-3646 (FAX)

USE VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	5417
CASH/CHECK:	3224
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <u>5356 Hiawatha Dr.</u>	City / Village <u>Cheboygan</u>	Township / Sec. <u>Aloha Sec 3</u>	Zoning District
Property Tax I.D. (Parcel) Number <u>140-H09-000-014-00</u>	Subdivision or Condo. Name / Plat or Lot No. <u>Hiawatha Subdivision</u>		

APPLICANT

Name <u>Andy Stempky</u>	Telephone <u>231-625-2019</u>	Fax	
Address <u>7607 M-33</u>	City & State <u>Cheboygan, MI</u>	Zip Code <u>49721</u>	E-Mail <u>astempky@adi.com</u>

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

From crossroad of Chestnut Drive and Hiawatha Drive
go SW on Hiawatha Drive 840 feet to driveway.

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 Hiawatha
- C. Present use of the property is: vacation rental / personal use
- D. A previous appeal has (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 _____.
- E. Attach a site plan drawn per the attached directions.

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.

Would like to continue to rent to vacationers on a weekly basis. Will restrict rental to 14 weeks in the summer months with a maximum of 6 people.

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use 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. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

The property has a vacant property to west used sparingly for camping. Vacant lot to South, lake to North, seasonal weekly use to East. Owner lives 15 minutes away and can personally monitor use of property.

b. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

The property is used in a similar manner to neighbors on west (camping) and east (weekly seasonal). Many lake properties are seasonal use.

c. The granting of the variance will relate only to the property under control of the appellant.

Will relate only to lot 14 of owner. Other properties would require a variance by the commission

d. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

Will restrict rental to 14 weeks in the summer. Will restrict to 6 people or under and screen for family groups.

e. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

There is a large abundance of seasonal use properties on hang lake. Property would fall in line with that use including properties adjacent (A.)

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

Andy Stephy

Date

12/27/14

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

Andy Stephy

Date

12/27/16

SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|-----------------------------------------------------------------------------|-------------------------------------------------------------|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

Distance from property line to proposed structure:

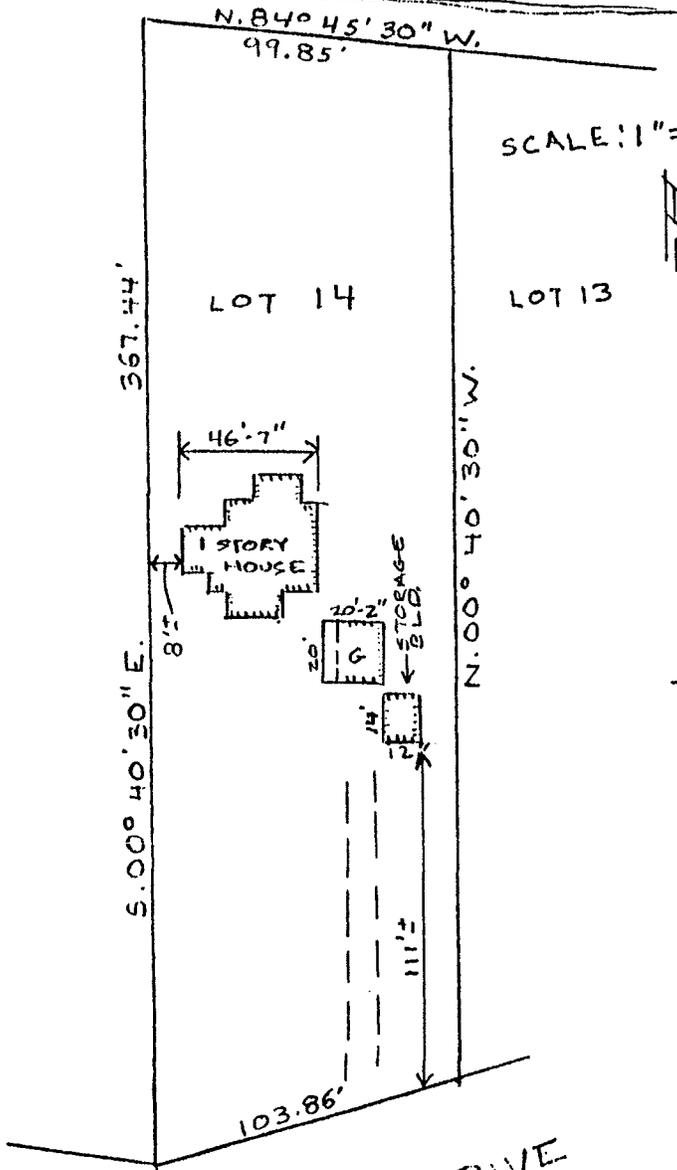
Front: _____ Rear: _____ Side: _____ Side: _____

Zoning District:

North:

See attached

MAY 3, 1991



SCALE: 1" = 60 FT.



Mortgagee:

First of America-Northern
 316 North Main Street
 Cheboygan, MI 49721

Mortgagor:

Andrew & Nancy Stempky
 5356 Hiawatha Drive
 Cheboygan, MI 49721

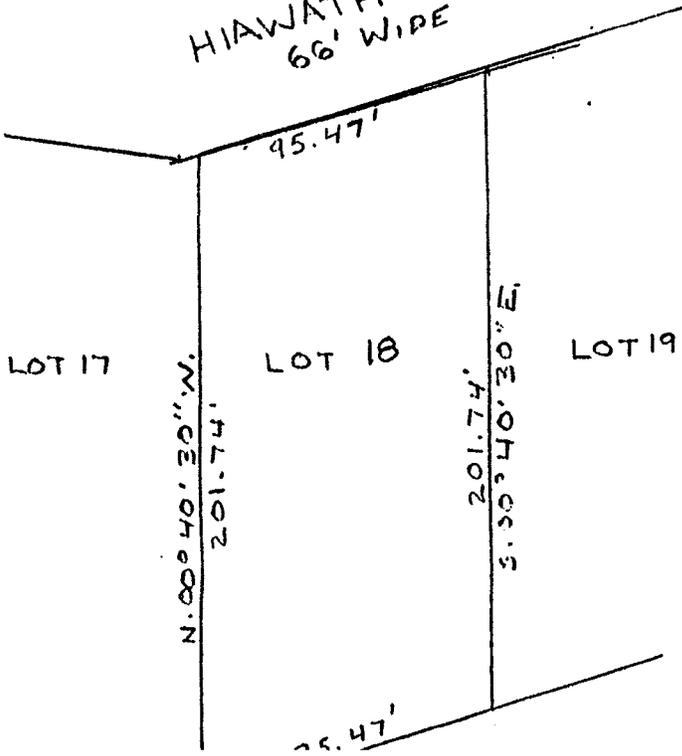
Title Insuror:

Cheboygan Title Company
 220 North Main Street
 Cheboygan, MI 49721

DESCRIPTION

Lots 14 and 18, Hiawatha Subdivision,
 according to the Plat thereof as recorded
 in Liber 6 of Plats on Page 47, Cheboygan
 County Records.

HIAWATHA DRIVE
 66' WIDE



December 19, 2016
Cheboygan County Planning Commission

Dear Commission:

My wife and I own a small house on Long Lake in Cheboygan County. We originally purchased the home in 1991 and proceeded to live there for 4-5 years prior to moving to a home closer to town to raise a family, making it more convenient to attend school functions etc. Since that time we have kept the home up and rented it out in the summer months, on a weekly basis, to make the payments. Our goal was to use the rental income as a means to pay off the mortgage and perhaps move out to the Lake property in our retirement years. This fall we received a notice of violation concerning a Cheboygan County zoning ordinance prohibiting "transient rentals" on properties bordering Lakes and Streams. We had no idea there was a zoning provision prohibiting the rental of our property. While we understand the reasoning behind the zoning, to protect property values, we do not believe renting out our property, on a weekly basis during the summer months negatively affects the value of nearby homes. We rent the cottage as a quiet getaway and try to be selective as to who we rent to in that regard.

We are blessed with an abundance of beautiful lakes in Cheboygan County. While most people cannot afford to purchase a home and live on a lake in the county, a weekly stay with their family allows them to experience northern Michigan at its finest for a reasonable price. The people who stay at our cottage are generally not the same people who would stay in a hotel or motel. They wish to experience a quiet lake experience where they have a chance to get away from the hustle and reconnect with family members (we do not have phone or internet service at our cottage). If they do not find that opportunity in Cheboygan County they will simply take their dollars and vacation in a county which allows for that service. This would deprive Cheboygan County of on average about \$2,000 to \$3,000 per family which the weekly rental spends locally in the area, including rental, gas, groceries, shopping, dining and entertainment. Over a summer this would equate to upwards of \$40,000 generated from our cottage alone which is spent in the local area. In addition to the people who travel, "up north" to vacation, we often get a booking from locals who have family who grew up here and moved away and are visiting with their families. We provide a local place to stay for a weeks' vacation with a more home like experience than a hotel or the crowded experience they may get staying in Mackinaw City.

In my discussion with Mr. Schnell he indicated the main issue is usually noise. We present our house as a quiet getaway and try to rent to smaller families only, with a maximum of 6 people. We are in touch with each renter personally as we talk to them prior to booking and meet every renter upon arrival. We provide our renters and neighbors with our personal phone number, and, should problems arise, we live 15-minutes away and handle it personally.

My wife and I have purchased the home as an investment with the hope of living there again someday. While the rental income does not cover all expenses it helps to defer the cost of the mortgage enough allowing us to make the payments and to provide the necessary repairs and improvements. We

typically rent at the most 14 weeks a year. This includes one week which we donate to a local organization for their fundraiser every year.

In this regard we are requesting a variance which would allow us to rent out our property, on a weekly basis for a maximum of 14 weeks a year. We would rent during the summer months only; screen our renters to a maximum of 6 people. We are requesting this variance for a period of 7 years until we are of retirement age and the home is paid off. We believe this would benefit Cheboygan County including the local bank we have the mortgage with, the local businesses and vendors who provide services to those visiting, the local nonprofit who benefit from the donation of a week's rental donation each summer and local families who are able to rent a home where visiting family members can stay, relax, and reconnect with Northern Michigan. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy and Nancy Stempky". The signature is stylized and cursive, with the first name "Andy" and last name "Stempky" being the most legible parts. The signature is positioned above the printed name.

Andy and Nancy Stempky

16-140-003-400-006-00
JACOBS, SHIRLEY J REVOC TRUST
16863 SHREWSBURY
LIVONIA MI 48154

16-140-H09-000-015-00
DONOVAN, SUSAN
5399 HIAWATHA DR
CHEBOYGAN MI 49721

16-140-003-400-007-00
JACOBS, RICHARD & DANUTA H/W
32501 HAVERFORD ST
FRANKLIN MI 48025

16-140-H09-000-016-00
DONOVAN, MICHAEL & SUSAN H/
5388 HIAWATHA DR
CHEBOYGAN MI 49721

16-140-003-400-008-00
DONOVAN, MICHAEL & SUSAN H/W
5388 HIAWATHA DR
CHEBOYGAN MI 49721

16-140-H09-000-017-00
DONOVAN, MICHAEL & SUSAN H/
5388 HIAWATHA DR
CHEBOYGAN MI 49721

16-140-003-400-010-00
WEISS-GELMI, DEBRA & MICHAEL
10313 LYNWOOD LN
ZEELAND MI 49464

16-140-H09-000-020-00
DEROSIA, LILLIAN & KENNETH DE
5560 CHESTNUT DR
CHEBOYGAN MI 49721

16-140-003-400-011-00
SWANSON, THOMAS & JAYME SW
2296 E MALEPORT DR
SAULT SAINTE MARIE MI 49783

16-140-H09-000-021-00
DEROSIA, LILLIAN & KENNETH DE
5560 CHESTNUT DR
CHEBOYGAN MI 49721

16-140-003-400-015-00
DEROSIA, LILLIAN & KENNETH DE
5560 CHESTNUT DR
CHEBOYGAN MI 49721

16-140-H09-000-022-00
DEROSIA, LILLIAN & KENNETH DE
5560 CHESTNUT DR
CHEBOYGAN MI 49721

16-140-H09-000-011-00
DEROSIA, LILLIAN & KENNETH DE
5560 CHESTNUT DR
CHEBOYGAN MI 49721

16-140-H09-000-012-00
WISNIEWSKI, ARTHUR & MARY H/
25631 FRIAR LN
SOUTHFIELD MI 48034

16-140-H09-000-013-00
WALLING, FLORENCE M, TRUSTEE
10167 W PIERSON RD
FLUSHING MI 48433

16-140-H09-000-014-00
STEMPKY, ANDREW & NANCY H/W
7607 N M-33 HWY
CHEBOYGAN MI 49721

16-140-003-400-006-00
OCCUPANT
5406 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-017-00
OCCUPANT
5365 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-003-400-007-00
OCCUPANT
5398 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-020-00
OCCUPANT
5343 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-003-400-008-00
OCCUPANT
5388 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-021-00
OCCUPANT
5339 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-003-400-010-00
OCCUPANT
5382 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-022-00
OCCUPANT
5331 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-011-00
OCCUPANT
5316 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-012-00
OCCUPANT
5338 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-013-00
OCCUPANT
5348 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-014-00
OCCUPANT
5356 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-015-00
OCCUPANT
5399 HIAWATHA DR
CHEBOYGAN, MI 49721

16-140-H09-000-016-00
OCCUPANT
5379 HIAWATHA DR
CHEBOYGAN, MI 49721

January 9, 2017

Planning and Zoning Department
870 South Main Street
Post Office Box 70
Cheboygan, Michigan 49721

Planning and Zoning Department:

Andy and Nancy Stempky are neighbors of ours and are hoping to receive a variance permit on their property on Hiawatha Drive that would allow them to rent their property on a weekly basis. They have been doing this for the past 15 years, not knowing that it was not allowed.

Our property is two lots from theirs at 5388 Hiawatha Drive. We are the only close neighbors that live in the area year round. My wife, Susan, and I are in favor of them receiving a variance permit for their property. In the past 15 years, there has never been a problem with renters and, in fact, we've enjoyed those renting the property. We believe that the tourism is great for the area and that allowing people to rent will promote our town and everything it has to offer.

We ask that you take into consideration that there have not been any issues with renters and that these renters bring revenue into the area.

Please feel free to contact me if you have any questions or concerns. I can be reached at 231-290-0620.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature is "Michael J. Donovan" and the second is "Susan Donovan".

Michael J. and Susan Donovan
5388 Hiawatha Drive
Cheboygan, Michigan 49721



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/

USE VARIANCE STAFF REPORT

Item: Request a use variance for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district.	Prepared by: Scott McNeil
Date: January 13, 2017	Expected Meeting Date: January 25, 2017

GENERAL INFORMATION

Applicant: Andy and Nancy Stempky

Property Owner: Same

Contact person: Andy Stempky

Phone: 231-625-2019

Requested Action: Grant a use variance for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district.

BACKGROUND INFORMATION

This variance comes to the board as result of enforcement. The applicant has been renting a dwelling located on Long Lake on a short term basis during the summer months. This reflects a lodging house use. The applicant is seeking a use variance to carry on the rental use. Lodging houses is a permitted use in the Commercial Development zoning district (D-CM) under section 6.2.27. The subject property is located in a Lake and Stream Protection zoning district (P-LS). Lodging house is not a permitted use in the Lake and Stream Protection zoning district.

You will note that the applicant states that there is a seasonal weekly use to the east of the subject property in the application. If such use is identified, the same will be a separate enforcement matter.

A map to the subject site is located after the proposed specific findings in this report.

Current Zoning: P-LS, Lake and Stream Protection

Surrounding Zoning:

West: P-LS, Lake and Stream Protection

East: P-LS, Lake and Stream Protection

South: P-LS, Lake and Stream Protection

North: Long Lake

Surrounding Land Uses:

The subject property is surrounded by residential land uses.

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

The property is located on the Long Lake. No other environmental sensitive areas have been identified.

VARIANCE CONSIDERTIONS

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

General Findings:

1. The subject property is located at 5356 Hiawatha Drive with property tax identification number 16-140-H09-000-014-00.
2. The subject property is located in a Lake and Stream Zoning District (P-LS).
3. The owner/applicant is seeking a use variance for a lodging house for a period of no more than 14 weeks per year with a maximum of 6 people at any one time.
- 4.
- 5.

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

23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist:

23.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

There are exceptional or extraordinary circumstances or conditions applicable to the property and/or to its use that do not apply generally to other properties or uses in the same district due to _____.

Or; There are no exceptional or extraordinary circumstances or conditions applicable to the subject property or to its use that do not apply generally to other properties or uses in the Lake and Stream Protection zoning district.

23.5.3.2. Such a variance is necessary for the preservation of a substantial property right possessed by other property in the vicinity.

The variance is necessary for the preservation of a substantial property right possessed by others in the vicinity due to_____.

Or, the subject property can be used for permitted uses within the district as possessed by others in the vicinity. The variance is not necessary for the preservation of a substantial property right.

23.5.3.3. The granting of the variance will relate only to the property under control of the appellant.

The appellant is seeking the use variance only for the property as described in the application which is under control of the appellant.

Or, _____.

23.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

The Cheboygan County Master Plan must be considered in all land use decisions such as a use variance.

The Cheboygan County master Plan Future Land Use Map indicates a Lake and Stream Residential future land use category for the subject property. These land use categories are described in the Master Plan as follows:

Residential

The Residential area is intentionally designed to be restrictive in character, focusing on residential uses. The area is characterized by medium-density residential development. Typical residential development methods could include platted subdivisions, site condominiums or smaller parcel splits. Uses related to residential purposes, such as assembly halls, schools and parks, can be included if designed in a way that preserves the residential character of the area. Day care and group home facilities at residential scale are also anticipated

Open-space designs, with clustered residential units are also appropriate, particularly where such a design can preserve natural or recreational resources. New clustered residential developments that include small, neighborhood commercial activity as part of a comprehensive site design could be acceptable with proper controls. It is important to ensure adequate home occupation opportunities are available in the residential future land use category.

Lake, River, and Stream Protection

The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically.

Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline buffers to prevent erosion and filter stormwater run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements for public sewer for higher density developments are recommended mechanisms for maintaining high water quality.

Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category.

Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

The Cheboygan County Master Plan also includes a Zoning Plan.

The first paragraph of Chapter 5, Five-year Implementation Plan (Zoning Plan) of the Cheboygan County Master Plan states as follows:

The Zoning Plan is an important part of a Master Plan. It explains how the land use categories on the Future Land Use Map relate to the zoning districts as well as how the Goals and Objectives relate to improvements needed in the zoning ordinance. The importance of a Zoning Plan is to facilitate immediate action to accomplish the goals of the Master Plan.

Future Land Use/Zoning Comparison Table of the Zoning Plan contains the following recommended changes relating to the Lake and Stream Protection zoning district:

Refine language for this district to better identify water resources in need of protection rather than *everything* that is on a 7.5' USGS topographical map.

Public lands are allowed in all zoning districts and no specific zoning district is proposed for this land use category.

A use variance for lodging house will not adversely affect the purposes and/or objectives Cheboygan County Master Plan or the Zoning Plan of the Cheboygan County Master Plan.

Or; A use variance for lodging house will adversely affect the purposes and objectives Cheboygan County Master Plan and/or the Zoning Plan of the Cheboygan County Master Plan.

23.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

The granting of a variance for will not be detrimental to the public welfare or materially injurious to other property or improvements in the district due to other similar uses in the area in which the property is located due to _____.

Or, the granting of a variance will be detrimental to the public welfare and/or will be detrimental to the other property or improvements which in the district in which the property is locate

Map to subject site.

