



# 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, JULY 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.) Steven Sweany - Requests a 1.1 ft. side setback variance (where 5.6 ft. is required) to construct a garage addition in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9150 Silver Strand Rd., Munro Township, Section 18, parcel #080-S15-000-031-00. An 8 ft. side setback and is required in the Lake and Stream Protection (P-LS) zoning district. However, per Section 17.1.J. of the Zoning Ordinance, if the subject lot is less than 80 feet in width (the subject lot is 56.2 ft. in width), then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.
- 2.) Trent Burrus/Kathryn Joy Bingham Jung/Jung Cottage Trust - Requests a 5 ft. side setback variance to construct a home addition in a Lake and Stream Protection (P-LS) zoning district. The property is located at 830 Giauque Beach Rd., Mullett Township, Section 31, parcel #130-031-200-009-00. A minimum 8 ft. side setback is required in the Lake and Stream Protection (P-LS) zoning district.

**The variance request for Trent Burrus/Kathryn Joy Bingham Jung/Jung Cottage Trust has been withdrawn.**

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JUNE 27, 2018 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, John Thompson, Nini Sherwood

**Members Absent:** John Moore

**Others Present:** Michael Turisk, Carl Muscott Russell Crawford, Cheryl Crawford, Gary Friske

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 Ms. Sherwood, to accept the agenda as presented. Motion carried. 4 Ayes (Freese, Hemmer, Thompson, Sherwood), 0 Nays, 1 Absent (Moore)

**APPROVAL OF MINUTES**

Minutes from the May 29, 2018 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer seconded by Mr. Thompson to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Thompson, Sherwood), 0 Nays, 1 Absent (Moore)

**PUBLIC HEARING & ACTION ON REQUESTS**

**Gary Friske** - Requests a 22ft. rear setback variance from the rear property line to construct a 1,200 sq.-ft. (30ft. x 40ft.) pole barn in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 910 Wintree Drive, Tuscarora Township, Section 1; parcel #161-W86-000-020-00. A minimum 30ft. rear setback from the rear property line is required in the M-AF zoning district.

Mr. Tursisk reviewed information included in the staff report.

Mr. Freese explained that there were front, rear and side setbacks due to the 12 foot small side on the northeast corner establishes this as a side setback and therefore the northwest property line is the rear property line requiring a setback of 30 feet. Mr. Freese had a scaled drawing which he presented to the other board members with cut outs of the proposed storage building and house and showed where these two items could easily located within the setback boundaries on the parcel. Mr. Friske explained that there were two mature white pines located in the center of the property which he wished to preserve. Mr. Friske indicated that the property has a drop off the north west side. Mr. Freese stated that there were mature oaks which had been cut in the locations that Mr. Friske proposed to build the dwelling and storage building. Mr. Freese indicated that this did preclude building in such a way that the setback could be met even if requiring removal of the white pines.

Mr. Freese asked for public comments. Mr. Muscott stated that mature pines were more likely to be blown over and that preservation of the trees might cause a problem. Public comment closed.

The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Hemmer seconded by Mr. Thompson, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Thompson, Sherwood), 0 Nays, 1 Absent (Moore)

**Morris Stevens** - Requests a variance from the 600 sq.-ft. maximum square footage standard for a guesthouse to permit a 748 sq. ft. guesthouse. The subject property is zoned Lake and Stream Protection (P-LS), and located at 1643 Resort Rd., Tuscarora Township; Section 8; parcel #161-P63-000-006-00.

Mr. Tursisk reviewed information included in the staff report. Mr. Turisk indicated that Mr. Stevens wished to be in communication by phone for this hearing. Problems were encountered in contacting Mr. Stevens by telephone but contact was eventually made.

In view of the fact that Mr. Stevens was not able to see the material being presented, Mr. Freese explained that the variance requested, could be eliminated by blocking a portion of the existing dwelling off and opening a door into the existing garage which would make the blocked off portion a portion of the garage. Mr. Freese stated that the bedroom

and two closets if blocked from the rest of the house and a door cut from this area into the garage the 600sf for a guesthouse would be met and eliminate the need for a variance. Mr. Freese asked Mr. Stevens if he wished to agree to these changes and withdraw his request for the variance or whether he wished to proceed with the hearing on the variance request. Mr. Stevens stated he wished to proceed with the variance request and if the variance was denied he could always go ahead with the changes to the existing building and eliminate the need for the variance.

Mr. Freese asked for public comments. There were no public comments. Public comment closed.

The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Freese seconded by Mr. Thompson, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Thompson, Sherwood), 0 Nays, 1 Absent (Moore)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

No comments.

**ZBA COMMENTS**

No comments.

**PUBLIC COMMENTS**

Mr. Muscott stated he was in the audience when Mr. Graham (legal counsel) gave a tutorial on how the Zoning Board of Appeals should function and approximately 2 out of every 100 applications could be approved. Mr. Muscott stated that he is not sure why these two applications even came to the Zoning Board of Appeals to review. Mr. Freese stated that the applicants could not be talked out of applying. Mr. Turisk explained that the applicants have to be provided due process. Discussion was held.

**ADJOURN**

**Motion** by Ms. Sherwood to adjourn. Motion carried. Meeting adjourned at 7:46 pm.

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John Thompson, Secretary

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Steven Sweany

## 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. Mailing List (2 Pages)
6. Staff Report and Findings of Fact (6 Pages)
7. Email Dated 01/15/18 From Robert and Mary Ann Huntington to Steve Sweany
- 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, JULY 25, 2018 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Steven Sweany** – Requests a 1.1 ft. side setback variance (where 5.6 ft. is required) to construct a garage addition in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9150 Silver Strand Rd., Munro Township, Section 18, parcel #080-S15-000-031-00. An 8 ft. side setback and is required in the Lake and Stream Protection (P-LS) zoning district. However, per Section 17.1.J. of the Zoning Ordinance, if the subject lot is less than 80 feet in width (the subject lot is 56.2 ft. in width), then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.
- 2.) **Trent Burrus/Kathryn Joy Bingham Jung/Jung Cottage Trust** – Requests a 5 ft. side setback variance to construct a home addition in a Lake and Stream Protection (P-LS) zoning district. The property is located at 830 Giauque Beach Rd., Mullett Township, Section 31, parcel #130-031-200-009-00. A minimum 8 ft. side setback is required in the Lake and Stream Protection (P-LS) zoning district.

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](http://www.cheboygancounty.net/planning). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto: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 #:	\$110.- 6079
CASH/CHECK:	CC
ACTION /DATE:	

PLEASE PRINT

**PROPERTY LOCATION**

Address 9150 Silver Strand Rd	City / Village Levering	Township / Sec. Munro / 18	Zoning District  P-LS
Property Tax I.D. (Parcel) Number 080-S15-000-031-0	Subdivision or Condo. Name / Plat or Lot No. Silver Strand Beach		

**APPLICANT**

Name Steven Sweany	Telephone 540-955-4532	Fax N/A	
Address 306 Breckinridge Ct	City & State Berryville	Zip Code 22611	E-Mail ssweany77@gmail.com

**OWNER (If different from applicant)**

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

From the intersection of US-31 and Van Rd (just North of the Pellston airport on US-31)

Travel East on Van Rd to deadend at Silver Strand

Turn left (North) on Silver Strand

Travel approximately 1/4 mile, 9150 Silver Strand is on the 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: N/A
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat Silver Strand Beach
- C. Present use of the property is: Summer Cottage
- 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.

RECEIVED

JUN 18 2018

CHEBOYGAN COUNTY  
 COMMUNITY DEVELOPMENT DEPT.

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. Extend existing pole barn 20 feet to the West (toward Silver Strand Rd). The Extension will allow for vehicle parking as well as boat storage and provide direct driveway access to Silver Strand Rd from the pole barn (doors on existing structure do not provide direct access to Silver Strand Rd)

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 narrowness of the lake front lot prevents construction of another pole barn for vehicle use

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

Pole barn existed when the current owner purchased property in 2010.

Date of construction unknown to the applicant

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

Owner will be forced to park vehicles outside year-round when property becomes his permanent residence

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.

A single uniform structure will be consistent with other dual purpose structures in the neighborhood and will not negatively impact property values

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 neighbor most directly affected by this variance (property owner to the South) supports granting this variance request

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

Date 18 June 2018

**AFFIDAVIT**

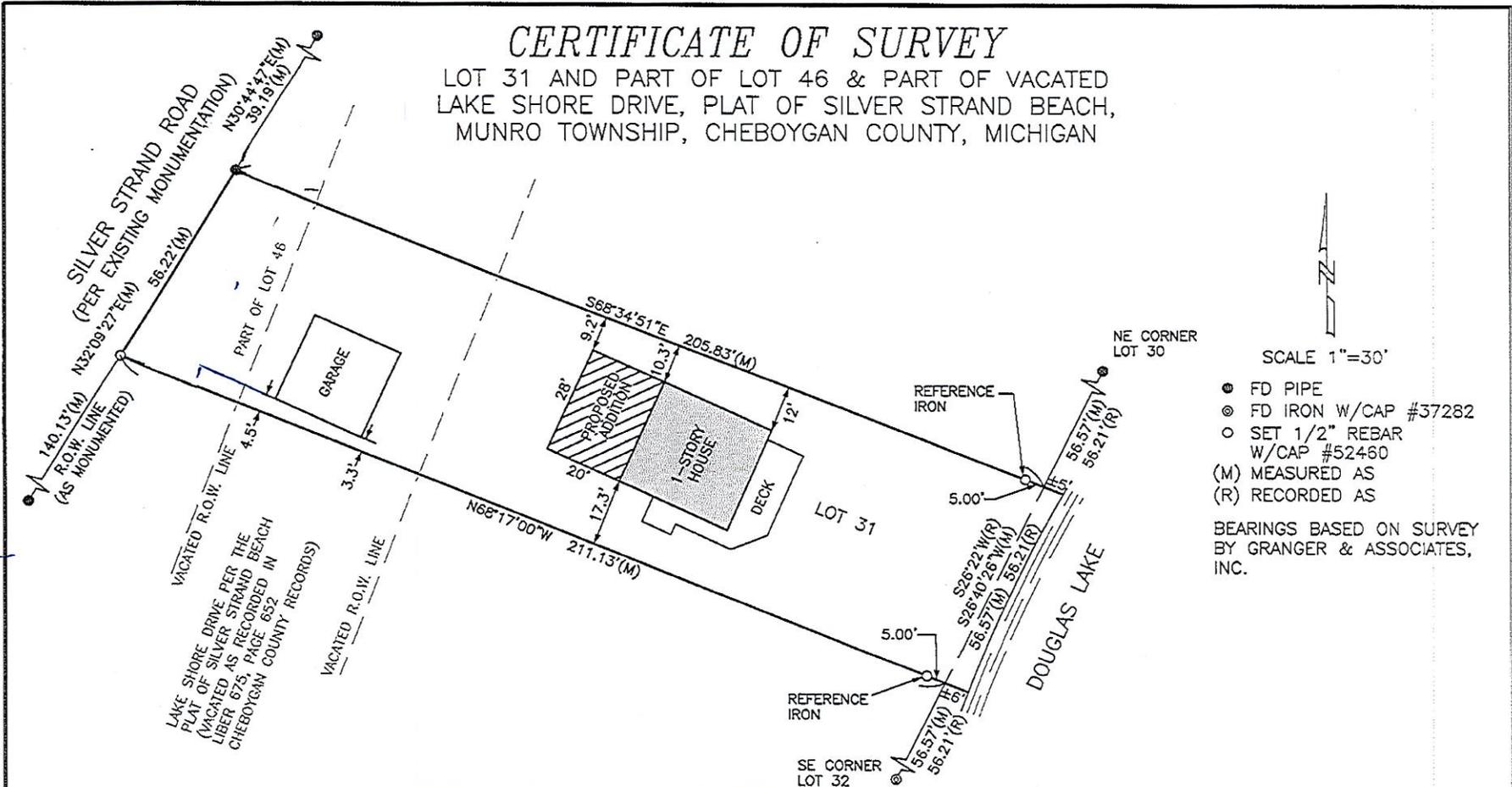
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature

Date 18 June 2018

# CERTIFICATE OF SURVEY

LOT 31 AND PART OF LOT 46 & PART OF VACATED  
LAKE SHORE DRIVE, PLAT OF SILVER STRAND BEACH,  
MUNRO TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



  
 SCALE 1"=30'  
 ● FD PIPE  
 ⊙ FD IRON W/CAP #37282  
 ○ SET 1/2" REBAR W/CAP #52460  
 (M) MEASURED AS  
 (R) RECORDED AS  
 BEARINGS BASED ON SURVEY BY GRANGER & ASSOCIATES, INC.

CLIENT:  
STEVE SWEANY  
REV.: JUNE 11, 2018  
DATE: DECEMBER 7, 2010

*Granger and Associates, Inc.*  
Engineers • Surveyors  
224 S. Main Street  
Cheboygan, Michigan 49721  
231-627-2763

SEC. 18, T37N, R3W  
DRAWN ML SHEET 1 OF 1  
JOB NO. C6751-00

COPYRIGHTED GRANGER & ASSOCIATES INC. 2010  
ALAN J. GRANGER P.S. No. 52460

**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.                     |

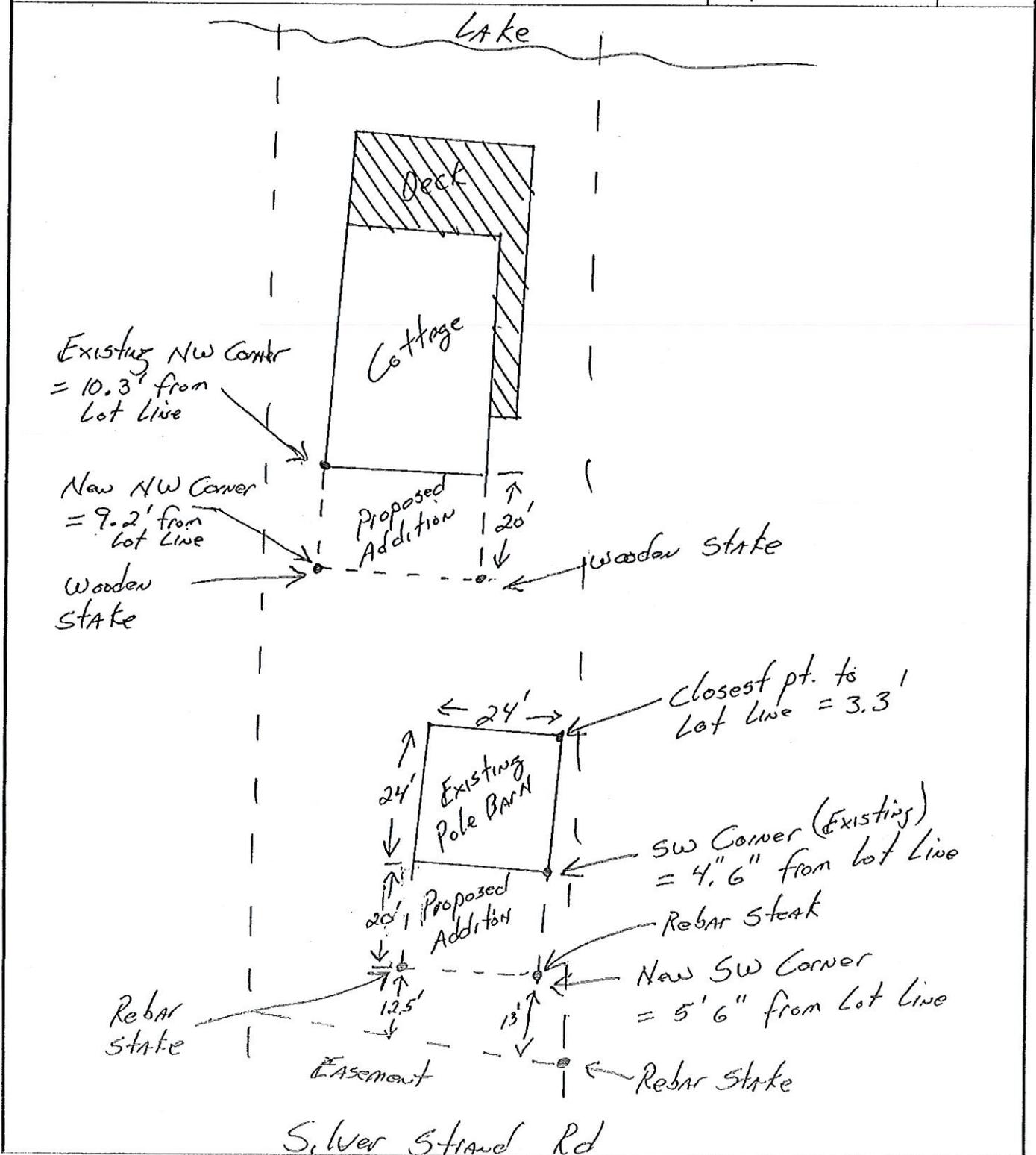
Distance from property line to proposed structure:

Front: 40' Rear: 12' Side: 5'6" Side: 5'6"

Zoning District:

P-LS

North:



080-S15-000-027-01  
TSCHIRHART, JILL  
2785 CLAIRMOUNT DR  
SAGINAW, MI 48603

080-S15-000-048-00  
BLACK, JOAN H REVOC TRUST  
1190 MAYFLOWER AVE  
MELBOURNE, FL 32940

080-S15-000-027-01  
TSCHIRHART, JILL  
2785 CLAIRMOUNT DR  
SAGINAW, MI 48603

080-S15-000-028-00  
MURPHY, GARRY & CHERYL H/W  
9180 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-030-00  
BLACK, JOAN H, TRUSTEE  
1190 MAYFLOWER AVE  
MELBOURNE, FL 32940

080-S15-000-031-00  
SWEANY, STEVEN C  
306 BRECKENRIDGE CT  
BERRYVILLE, VA 22611

080-S15-000-032-00  
HUNTINGTON, MARY ANN, TRUSTEE  
PO BOX 782  
PELLSTON, MI 49769

080-S15-000-033-00  
HUNTINGTON, MARY ANN, TRUSTEE  
PO BOX 782  
PELLSTON, MI 49769

080-S15-000-034-00  
HUNTINGTON, MARY ANN, TRUSTEE  
PO BOX 782  
PELLSTON, MI 49769

080-S15-000-037-00  
BOSIN, DOUGLAS & DENISE H/W  
9090 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-046-00  
VANPELT, FLAVEL & CATHY, TTEES  
5841 TIMBER TRL  
PELLSTON, MI 49769

080-S15-000-051-04  
MURPHY, GARRY & CHERYL H/W  
9180 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-077-00  
HUNTINGTON, MARY ANN, TRUSTEE  
PO BOX 782  
PELLSTON, MI 49769

080-S15-000-027-01  
OCCUPANT  
9190 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-048-00  
OCCUPANT  
9135 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-027-01  
OCCUPANT  
9190 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-028-00  
OCCUPANT  
9180 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-030-00  
OCCUPANT  
9160 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-031-00  
OCCUPANT  
9150 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-032-00  
OCCUPANT  
9140 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-033-00  
OCCUPANT  
9130 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-034-00  
OCCUPANT  
9120 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-037-00  
OCCUPANT  
9090 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-046-00  
OCCUPANT  
9133 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-077-00  
OCCUPANT  
9131 SILVER STRAND RD  
LEVERING, 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/](http://www.cheboygancounty.net/planning/)

### DIMENSIONAL VARIANCE REQUEST STAFF REPORT

<b>Item:</b> A request for an approximately 1.1-ft. side setback variance (where a minimum of approximately 5.6-ft. is required) to construct a garage addition on a property in a Lake and Stream Protection (P-LS).zoning district.	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> July 19, 2018	<b>Expected Meeting Date:</b> July 25, 2018

#### GENERAL INFORMATION

Applicant: Steven Sweany

Property Owner: Same

Contact Person: Same

Phone: 540.955.4532

#### BACKGROUND INFORMATION

The applicant requests a side setback variance of approximately 1.1-ft. (where approximately 5.6-ft. is required) for a proposed addition to a non-conforming detached garage. The .03-acre (13,068 sq.-ft.) property is zoned Lake and Stream Protection (P-LS) and is located at 9150 Silver Strand Rd. in Munro Township, adjacent to the west shoreline of Douglas Lake. Per the applicant, the proposed addition would provide for parking and boat storage, as well as to facilitate direct access to Silver Strand Rd.

A minimum 8-ft. side setback is required in the Lake and Stream Protection (P-LS) zoning district; however, per Section 17.1.J. of the Zoning Ordinance, if the subject lot is less than 80 feet in width, then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater. The subject property is approximately 56 ft. in width, therefore, a minimum of approximately 5.6-ft. of side setback is required for the proposed garage addition.

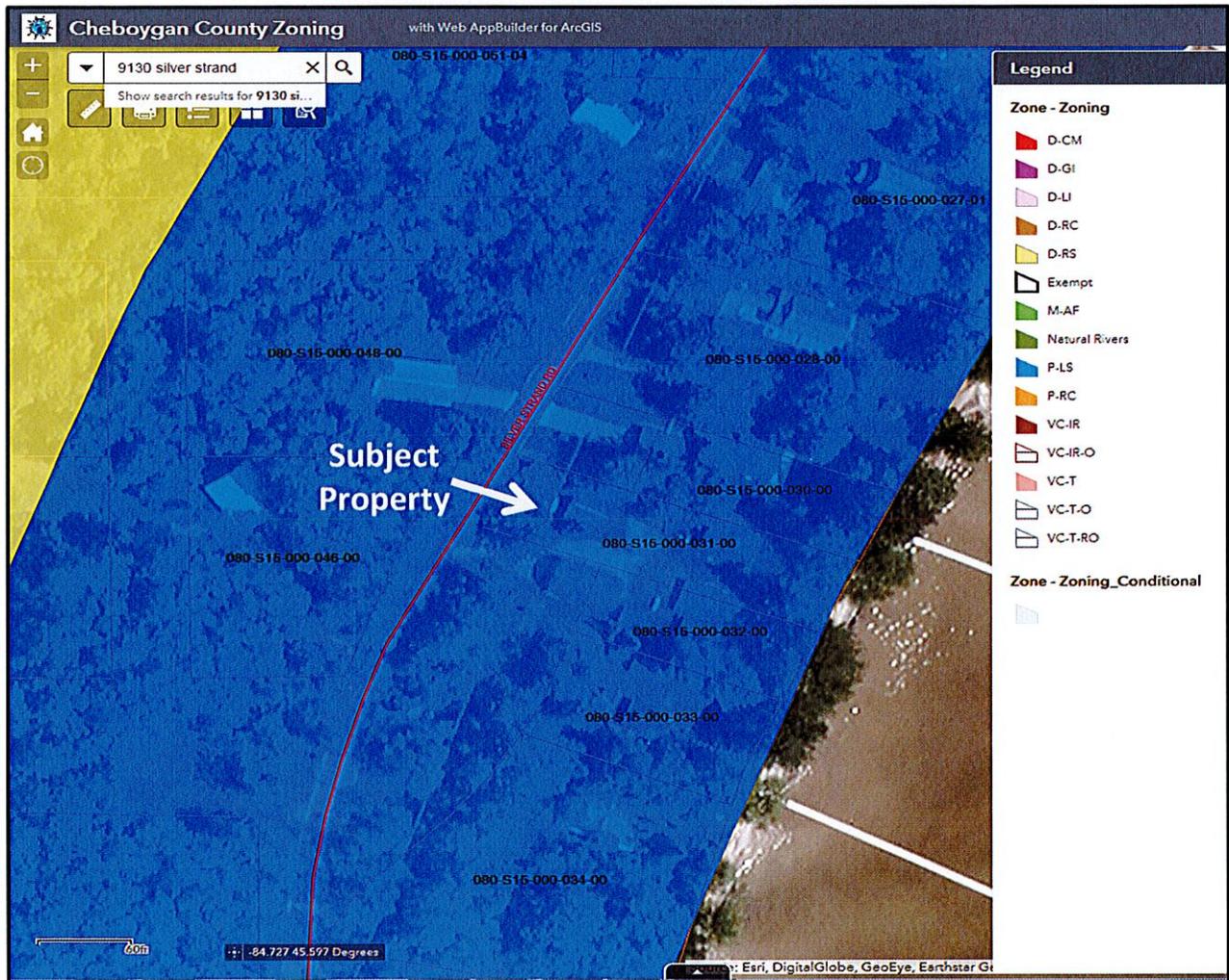


Figure 1; zoning map/aerial of subject property (9150 Silver Strand Rd.) and environs

The submitted survey indicates that the side setback at its shortest would be approximately 3.3-ft. Given the configuration of the lot and location of the existing structure, the proposed addition would become increasingly conforming as it extends towards Silver Strand Rd.

### Surrounding Zoning:

**North:** Lake and Stream Protection (P-LS)

**East:** Douglas Lake

**South:** Lake and Stream Protection (P-LS)

**West:** Same

### Surrounding Land Uses:

Residential land uses are to the north and south, with scattered residential scale storage at the west side of Silver Strand Rd. Douglas Lake is immediately east.

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

Given the subject property’s P-LS zoning designation and adjacency to Douglas Lake, at least that portion of the subject property near to the shore is considered sensitive. This request, however, does not pertain to a structure within the waterfront setback area.

**Public Comments:**

The applicant’s neighbor adjacent and to the south has submitted a letter of support for the variance request.

**VARIANCE CONSIDERATIONS**

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 in a Lake and Stream Protection (P-LS) zoning district.
2. A minimum side setback of 8-ft. is required in the(P-LS zoning districts, per Section 17.1.
3. Section 17.1.J. of the Zoning Ordinance allows for each side setback to be 10% of the lot width (or 5-ft., whichever is greater) if the subject property is less than 80-ft. in width.
4. The subject parcel is approximately 56-ft. in width.
5. The minimum side setback requirement for the proposed addition to the detached garage is approximately 5.6-ft.
6. The applicant is seeking approval of a reduced setback (of approximately 1.1-ft.) to allow for the expansion of a detached, non-conforming garage.

**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.**

- A. The physical conditions of the property that support granting the variance request are as follows:

1. The subject property may be considered comparatively narrow given the current minimum lot width standard of 80-ft. for the P-LS zoning districts, suggesting that compliance with the minimum *side setback standard* is made more difficult as a result (see exhibit 4).

The standard has been met.

B. The physical conditions of the property that support *denying* the variance request are as follows:

1. At approximately 56-ft. in width, the subject property is configured such that the proposed addition would comply with minimum side setback requirements if relocated towards the opposite (north) property boundary, so there are no physical constraints or features on the property that would necessarily preclude the applicant from building the proposed addition in compliance with the current minimum side setback standard (see exhibit 4).
2. As noted above, the subject property could be considered comparatively narrow; however, this property configuration is not unique in the general area, more specifically, along the Douglas Lake shoreline.

The standard has not been met.

**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).**

A. Actions that have occurred that *support* granting the variance request that were not caused by the applicant, property owner or previous property owner:

None identified

The standard has been met.

B. Actions that the applicant, property owner or previous property owner have taken that results in the request for the variance and therefore requires *denial* of the variance request:

1. The detached garage does not appear to have a permit, and thus inspection for zoning compliance was likely not performed.

The standard has not been met.

**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.**

A. Zoning Ordinance requirements result in the following conditions which prevent use of the property or cause undue hardship:

1. The location of the existing detached garage combined with the narrowness of the subject property renders strict compliance with the current minimum side setback standard unnecessarily burdensome and does not allow for a reasonable use of the subject property (see exhibit 4).

The standard has been met.

B. Factors that show no adverse effects caused by the zoning regulation conditions:

1. Conformance with the current minimum side setback standard by, for example, relocating the proposed addition, would allow continued use of the subject property for a permitted purpose and conformity with the minimum side setback standard/Zoning Ordinance is therefore not unnecessarily burdensome.

The standard has not been met.

**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.**

A. Factors that show the variance request cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of surrounding property owners:

1. Due to the relative narrowness of the property combined with the location of the existing detached garage, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district (see exhibit 4).

The standard has been met.

B. Factors that show the variance request is more than needed and/or would infringe upon the rights of surrounding property owners:

1. Other options exist, namely offsetting the proposed addition/expansion so as not to create a greater non-conformance with regard to the current minimum side setback requirements. The variance request does not represent the minimum necessary to grant reasonable relief (see exhibit 4).

The standard has not been met.

**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.**

- A. Factors which show how granting the variance would not result in unfavorable impacts on surrounding properties, neighborhood or zoning district:
  - 1. Granting a variance to allow a reduced side setback would not cause adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due in part to similar conditions in the general area.
  - 2. The proposed addition would be constructed with a similar configuration as the existing structure.
  - 3. The variance request *may* be considered comparatively minor.

The standard has been met.

- B. Factors that show how granting the variance would adversely impact the neighborhood or zoning district.
  - 1. A broad or general land use goal is to limit, reduce or terminate when possible the *expansion* or occurrence of non-conforming properties, land uses and structures.

The standard has not been met.

**Steve**

---

**From:** Yahoo <mary.huntington@sbcglobal.net>  
**Sent:** Monday, January 15, 2018 11:10 AM  
**To:** Steve Sweany  
**Subject:** Variance

Robert and Mary Ann Huntington (9130 Silver Strand Rd) support the granting of a variance for the garage expansion at 9150 Silver Strand Rd, Levering MI. We are the owners of the property immediately to the south of the Sweany property. Robert and Mary Ann Huntington

Sent from my iPad

## Deborah Tomlinson

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**From:** Trent Burrus <t\_d\_burrus@yahoo.com>  
**Sent:** Tuesday, July 17, 2018 11:27 AM  
**To:** Deborah Tomlinson  
**Subject:** Cancel variance meeting

To whom it may concern,

We would like to cancel are variance meeting for the Bingham Jung project scheduled for July 25th 2018.

Sincerely Trent Burrus.

Sent from Yahoo Mail on Android