



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, SEPTEMBER 23, 2015 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.) **Brandon Griffith** – Requests a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Drive., Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this zoning district.
- 2.) **Mike Passino** - Requests a 6 ft. side setback variance to construct a lean-to addition to a dwelling and a 9 ft. front setback variance to construct a porch addition to a dwelling in a Commercial Development zoning district. The property is located on 6053 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-004-00. A 10 ft. side setback and a 25 ft. front setback are required in this zoning district.
- 3.) **David Dodd** - Requests a 20 ft. front setback variance to construct a roof extension in a Commercial Development zoning district. The property is located on 575 West US-23., Beaugrand Township, Section 25, parcel #041-025-100-006-02. A 25 ft. front setback is required in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 26, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, Mary Street, John Thompson

Members Absent: John Moore

Others Present: Scott McNeil, Carl Muscott, Tony Matelski, Joe Gustin, Russell Crawford, Cheryl Crawford, Nancy Nash, Kathy Brilley

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

APPROVAL OF MINUTES

Minutes from the July 22,2015 Zoning Board of Appeals meeting were presented. **Motion** by Ms. Street, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Street, Thompson), 0 Nays, 1 Absent (Moore)

PUBLIC HEARING & ACTION ON REQUESTS

Joseph Gustin

Requests a 320 square foot total floor area variance for a private storage building to be located on a lot containing less than 2 acres in a Lake and Stream Protection (P-LS) zoning district. The property is located at 2062 France Lane., Benton Township, Section 16, parcel #104-016-300-019-03. Private storage buildings are limited to a total floor area of no more than 1,600 square feet on lots with 2 acres or less in this zoning district.

Mr. McNeil stated that the applicant would like to construct an addition on a private storage building that would create a total of 1,920sf of floor area. Mr. McNeil stated this is a private storage building and it is not accessory to a home. Mr. McNeil stated parcels of this size are limited to 1600sf for a private storage building. Mr. McNeil stated that the applicant is requesting a variance of 320sf.

Mr. Freese asked if there was any additional correspondence. Mr. McNeil stated no.

Mr. Gustin stated many property owners on France Lane purchased property across from their homes for the purpose of a storage building. Mr. Gustin stated his neighbor to the left has a 40ft. x 60ft. storage building that is 16ft. in height. Mr. Gustin stated his neighbor to the right has a 30ft. x 48ft. storage building with an extension that he received a variance for approximately 3 years ago. Mr. Gustin stated this will not be the largest storage building in the area. Mr. Freese asked if Mr. Gustin will be storing a fifth wheel camper in this storage building. Mr. Gustin stated yes.

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

Mr. Freese noted there is enough room to build a 13ft. 4in. addition onto the existing storage building. Mr. Freese stated this can be done without a variance.

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

6. The addition requested is 30ft. x 24ft.
7. An addition of 13ft. 4in. is allowable without any variance.
8. A motor home requires less than 9ft. in width for parking.

Ms. Street asked Mr. Gustin if he intended to put in a drive on the side of the property. Mr. Gustin stated no and he was planning to back in the motor home. Mr. Gustin stated that the motor home is the last thing that goes into the storage building for storage during the winter time. Mr. Gustin noted that he also stores a pontoon boat, enclosed trailer and another trailer. Mr. Gustin explained that once these items go in to the storage building, nothing comes out as everything is stored right out to the door. Mr. Gustin stated that with this addition he will still have the smallest storage building in

the neighborhood. Mr. Gustin stated he maintains his property very nicely and this was noted by Mr. McNeil. Mr. Freese stated the fifth wheel camper or the boat can still be brought in from the side and put in the back. Mr. Freese stated there will be enough room with a 13ft. 4in x 30ft. addition to store the fifth wheel camper.

Mr. Thompson asked if the main purpose of the addition is for the fifth wheel camper. Mr. Thompson asked if another 400sf addition would be acceptable as this is still within 1600sf. Mr. Thompson asked how the 24ft. will be used. Mr. Gustin explained that it is difficult to maneuver and store the fifth wheel camper, boat and the trailers. Discussion was held. Mr. Gustin explained that the fifth wheel camper is 32ft. in length and will not fit in a 30ft. wide addition. Mr. Freese stated the pontoon boat can be stored in the back of the addition if there is a door. Mr. Gustin explained that the fifth wheel camper will still have to be stored by the front of door. Mr. Gustin explained that he has a truck and a car also and he will store the car in the winter time. Mr. Freese stated that legal counsel has advised that there is no requirement for anyone to have storage for anything other than a car. Mr. Freese stated that he believes that the extra 13ft. will allow the applicant to fit everything in that he needs if it is arranged.

Ms. Street stated that the fact that the neighbors have already done this does not change the fact that the Zoning Board of Appeals has to review this variance request. Mr. Gustin noted that his neighbor Tom Morrish was granted a variance from the Zoning Board of Appeals as he had the same problem with storage. Mr. Freese stated Mr. Morrish also wanted a greenhouse and a workshop on his house but was not able to do so because of the utilities along the side of the house. Discussion was held.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. The Zoning Board of Appeals agreed that 23.5.4.1, 23.5.4.2, 23.5.4.3 and 23.5.4.4 have not been met and 23.5.4.5 has been met. **Motion** by Ms. Street 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. 4 Ayes (Freese, Hemmer, Street, Thompson), 0 Nays, 1 Absent (Moore)

Mr. Gustin asked if he could build 13ft. without a variance. Mr. Freese states Mr. Gustin can build 13ft. 4in. in length without a variance. Discussion was held.

John Charney

Requests a 1.27 ft. side setback variance to construct an addition to a dwelling (12ft x 24ft.). The property is located on 6769 Orchard Beach Drive, Benton Township, Section 32, parcel #105-S63-000-031-00 and is zoned Lake and Stream Protection (P-LS). A 7.1 ft. side setback is required for the subject parcel in this zoning district.

Mr. McNeil explained that Mr. Charney is requesting a 1.27ft. side setback variance. Mr. McNeil noted that the side setback for lots that are less than 80ft. wide is based on 10% of the lot width with a minimum requirement of 5ft. Mr. McNeil stated in this case the side setback requirement is 7.1ft. Mr. Freese noted the side setback requirement will be 7.168ft. Discussion was held regarding the 1ft. 2in. notation on the site plan.

Mr. Freese asked if there was any other correspondence regarding this request. Mr. McNeil stated no.

Ms. Nash noted that the 1ft. 2in. notation on the site plan will only affect the back corner of the addition and this is due to the lot being on an angle.

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

Mr. Freese noted that it appears that an addition was built in the early 1970's. Ms. Nash noted that this bedroom addition meets the setback requirement. Mr. Freese noted that the setback requirement changed approximately 5 years ago. Mr. McNeil noted that previously there was an 8ft. setback requirement. Mr. Freese stated that the question for the Zoning Board of Appeals is should the variance request be granted given that the regulation has been relaxed. Mr. Freese noted that one more jog in the footprint of the addition would eliminate the need for a variance.

Ms. Street stated that offsetting the addition by 1ft. 2in. will not accomplish a lot and that the neighbor is not opposed to the request for a variance. Discussion was held regarding the Zoning Board of Appeals granting variances in the past for an extension that is parallel to the setback.

An audience member stated that she works for Nash Builders and her husband will not build a wall that is crooked as that is what the Zoning Board of Appeals is proposing be done. The audience member stated they are fixing the roof line also.

Mr. Freese stated he is not advocating building a wall that is crooked. Mr. Freese suggested bringing the wall back 1ft.

The audience member stated that it will save the property owner money if the wall is squared off. Mr. Freese stated that cost is not a factor that the Zoning Board of Appeals considers when reviewing a variance request.

The Zoning Board of Appeals reviewed the Findings of Face and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Freese 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.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott referred to the Cheboygan County Community Development Department Annual Report for 2014 and noted that of the 23 requests reviewed by the Zoning Board of Appeals there were 17 that were approved. Mr. Muscott stated that during training with legal counsel, Mr. Graham noted that variances might be granted 1% of the time if there is a good zoning ordinance. Mr. Muscott stated Zoning Ordinance #200 can stand improvements. Mr. Muscott is sympathetic to Mr. Gustin's request but he appreciates the Zoning Board of Appeals decision.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:39pm.

Mary Street, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Brandon Griffith

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Mailing List (2 Pages)
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.00 APPLICATION FEE

RECEIPT #:	\$100.00 4687
CASH/CHECK:	CC
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 11140 Pells Island View Dr.	City / Village Pellston	Township / Sec. T37N / 30	Zoning District
Property Tax I.D. (Parcel) Number 080-B04-000-034-00	Subdivision or Condo. Name / Plat or Lot No. Lot 34 of Bryant's Resort		

APPLICANT

Name Brandon Griffith	Telephone 248-462-4458	Fax 248-566-8403	
Address 11140 Pells Island View Dr.	City & State Pellston	Zip Code MI	E-Mail bgriffith@honigman.com

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

Riggsville Rd. West to Bryant Rd; Turn right on Bryant Rd. Turn right on Pells Island View Dr. approximately 200 yards past Douglas Lake Bar & Grill.

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 Bryant's Resort
- C. Present use of the property is: Residential (single family 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.

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.
We are requesting permission to build a 2nd floor addition and 6' stairway addition on the South side of the existing home, which is 17.5' from the water's edge. The existing structure was one of the first homes on the lake and has been standing in its present location for 65 yrs. The existing home is structurally solid; however, it is only 453 sf.

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 lot is only 129.6' deep (N-S on East line) and 50' wide (E-W on South line). Due to the size of the lot, there is very limited space for parking or building an addition on the South side of the existing structure. In addition, the septic field is located on the South side of the lot.

 - 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 requested variance is necessary due to the small lot size, which has been worsened by continuous erosion along the water's edge. As evidenced by the original plat, erosion has reduced the lake-side setback during the last 60 yrs. We have installed a rip-rap barrier to prevent further erosion and loss of lake-side setback

 - 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
Strict compliance with the 40' setback will result in us removing the existing home and utilizing the property as a vacant lot for a motorhome and/or RV for the foreseeable future.

 - d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.
We are seeking the minimum variance necessary for a 2nd floor on the footprint of the existing, 60 yr old home Building a large addition on the South side of the existing home would crowd, and create parking problems for, the homes on both the East and West sides of the existing home.

 - 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 requested variance will have a positive impact on the surrounding property and property values. The existing 453 sf home, while structurally solid, detracts from the look and feel of the neighborhood. The requested variance will have an even greater impact on values and tax revenues than our alternative (a vacant lot).

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

9/1/15

AFFADAVIT

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

Applicant's Signature

Date

9/1/15

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

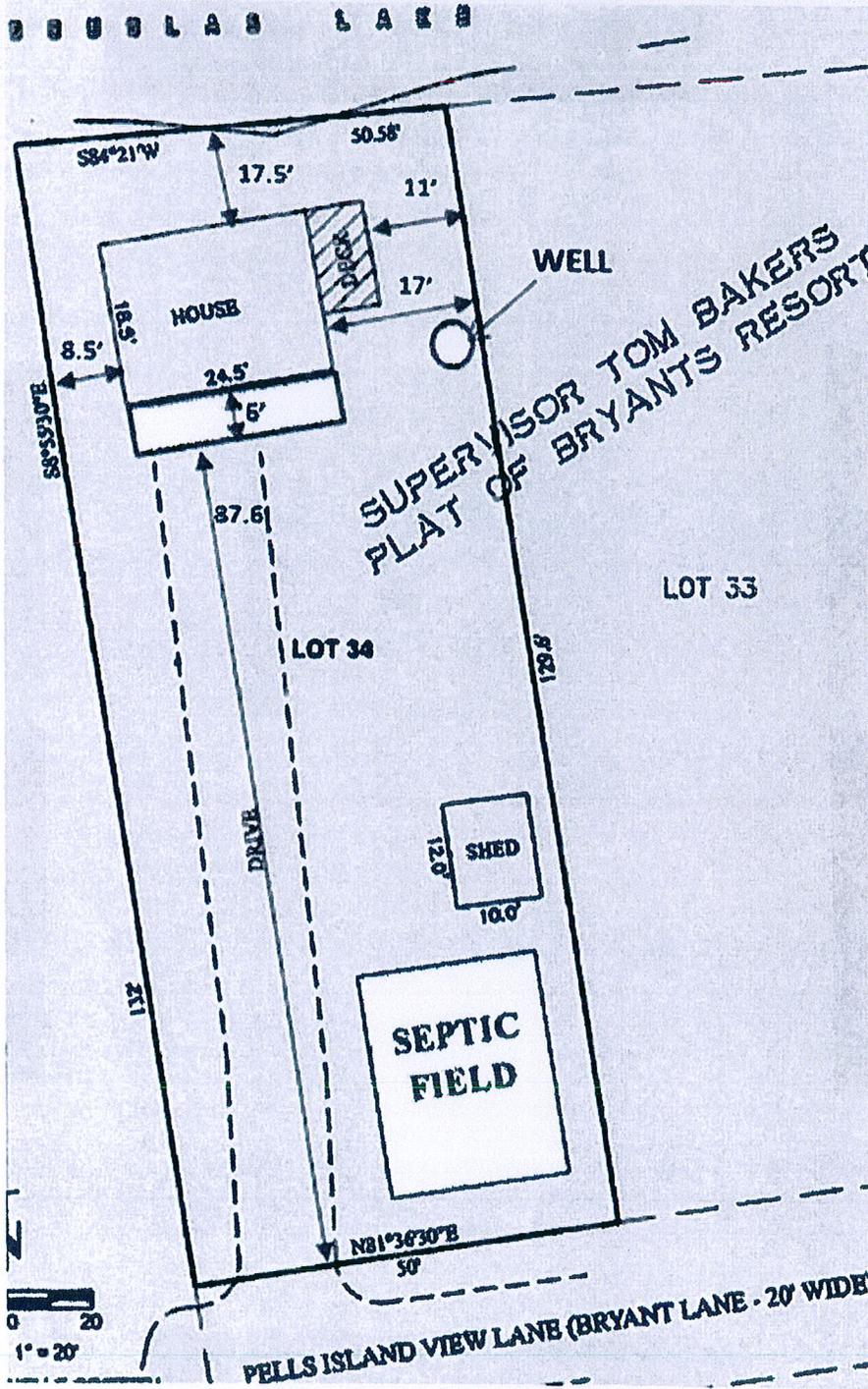
- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 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: 17.5' Rear: 87.6' Side: 17' Side: 8.5'

Zoning District:

North:



Griffith Mailing List

16-080-030-400-015-00
GORDE, PAULETTE; JOSEPH GORD
46776 PATRICK DR
MACOMB MI 48042

16-080-B04-000-029-00
SCHNEIDER, MARY LOU, TTEE 1/2 I
339 BOUGHEY
TRAVERSE CITY MI 49684

16-080-S17-000-004-00
MORSE, KATHLEEN J, TRUSTEE
11190 DOUGLAS LAKE RD
PELLSTON MI 49769

16-080-030-400-016-00
COONFER, SHERRY & WILLIAM CO
24718 ST PAUL BLVD
HARRISON TOWNSHIP MI 48045

16-080-B04-000-030-00
HUNTLEY, JANET TAYLOR TRUSTE
31790 VERONA CIR
FRANKLIN MI 48025

16-080-S17-000-005-00
MORSE, DENNIS E LOVING TRUST
11190 DOUGLAS LAKE RD
PELLSTON MI 49769

16-080-030-400-017-00
SHALKHAUSER, CHARLES F 1/3 INT
177 DEPOT ST
BEREA OH 44017

16-080-B04-000-031-00
JAHREN, ADOLPH & CHARLYE H/W
8470 BARDMOOR PL
LARGO FL 33777-1301

16-080-030-400-018-00
JAHREN, ADOLPH & CHARLYE H/W
8470 BARDMOOR PL
SEMINOLE FL 33777

16-080-B04-000-032-00
SHALKHAUSER, CHARLES 1/3 INT;
177 DEPOT ST
BEREA OH 44017

16-080-030-400-019-00
HUNTLEY, JANET TAYLOR, TRUST
31790 VERONA CIR
FRANKLIN MI 48025

16-080-B04-000-033-00
STEERE, BETTY J TRUSTEE
6789 SIDNEY RD
CRYSTAL MI 48818

16-080-030-400-020-00
SCHNEIDER, MARY LOU, TTEE 1/2 I
339 BOUGHEY
TRAVERSE CITY MI 49684

16-080-B04-000-034-00
GRIFFITH, BRANDON & MICHELLE
424 TAYLOR AVE
ROCHESTER MI 48307

16-080-030-400-021-01
SCHNEIDER, MARY LOU, TTEE 1/2 I
339 BOUGHEY
TRAVERSE CITY MI 49684

16-080-B04-000-035-00
PERRY, JOHN ERICSON; KATHERIN
1424 FOUNTAIN ST
ALAMEDA CA 94501

16-080-030-400-021-02
HUNTLEY, JANET TAYLOR TRUST
31790 VERONA CIR
FRANKLIN MI 48025

16-080-S17-000-001-00
MADISON, JEFFREY
100 S RIVER RD
BAY CITY MI 48708

16-080-030-400-021-03
GORZENSKI, CHRISTINE; JOSEPH G
46776 PATNICK
MACOMB MI 48042

16-080-S17-000-002-00
BISHOP, JACK JR & DIANA H/W
7570 TAMARAC TRL
HARBOR SPRINGS MI 49740

16-080-B04-000-025-00
PERRY, JOHN ERICSON; KATHERIN
1424 FOUNTAIN ST
ALAMEDA CA 94501

16-080-S17-000-003-00
MATTEI, PAUL & JANINE H/W
55322 KINGSWAY DR
SHELBY TOWNSHIP MI 48316

16-080-030-400-015-00
OCCUPANT
11150 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-B04-000-032-00
OCCUPANT
11114 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-030-400-016-00
OCCUPANT
11123 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-B04-000-033-00
OCCUPANT
11130 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-030-400-017-00
OCCUPANT
11117 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-B04-000-034-00
OCCUPANT
11140 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-030-400-018-00
OCCUPANT
11105 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-B04-000-035-00
OCCUPANT
11031 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-030-400-019-00
OCCUPANT
11091 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-S17-000-001-00
OCCUPANT
11160 DOUGLAS LAKE RD
PELLSTON, MI 49769

16-080-030-400-021-03
OCCUPANT
11153 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-S17-000-002-00
OCCUPANT
11170 DOUGLAS LAKE RD
PELLSTON, MI 49769

16-080-B04-000-025-00
OCCUPANT
11008 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-S17-000-003-00
OCCUPANT
11180 DOUGLAS LAKE RD
PELLSTON, MI 49769

16-080-B04-000-029-00
OCCUPANT
11064 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-S17-000-004-00
OCCUPANT
11190 DOUGLAS LAKE RD
PELLSTON, MI 49769

16-080-B04-000-030-00
OCCUPANT
11092 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

16-080-S17-000-005-00
OCCUPANT
11202 DOUGLAS LAKE RD
PELLSTON, MI 49769

16-080-B04-000-031-00
OCCUPANT
11104 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769



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: Requests a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district.	Prepared by: Scott McNeil
Date: September 18, 2015	Expected Meeting Date: September 23, 2015

GENERAL INFORMATION

Applicant: Brandon Griffith

Property Owner: Same

Contact person: Brandon Griffith

Phone: 284-462-4458

Requested Action: Allow a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district.

BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. The subject property is a water front lot measuring approximately 130 ft. deep with 50.58 ft. along the front. The subject lot contains water frontage on the Douglas Lake.

The applicant is seeking to build a second story addition and a 5 ft. wide stairway within the front setback to an existing dwelling which measures 24.5 ft. wide and 18.5 ft. deep. The existing dwelling is located 17.5 ft. from the high water mark and front lot line. A 40 ft. front setback is required in this zoning district.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection

East: P-LS, Lake and Stream Protection

South: P-LS, Lake and Stream Protection

North: P-LS, Lake and Stream Protection

Surrounding Land Uses:

Residential land uses surround the subject site,

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

The subject site fronts on the Douglas Lake.

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 in a Lake and Stream Protection (P-LS) zoning district. A front setback of 40 ft. from the high water mark is required.
2. The applicant is proposing to place a second story and stairway addition to an existing dwelling which is located 17.5 ft. from high water mark.
3. A 22.5 ft. front setback variance from the high water mark is required per the applicant's request.
- 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 subject parcel possesses unique physical conditions relative to location of the existing dwelling and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions of the lot or location of the existing dwelling

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 unique physical condition of the property regarding location of the existing dwelling was established before zoning regulations were in place was not the result of actions by the property owner or previous owners, and is not self-created.

OR, the physical condition relative to the location of the existing dwelling is the result of actions of previous property owners

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 unique condition parcel strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose.

Or, strict compliance with the requirements would not prevent the owner from reasonable use of the property or placing and addition to the existing dwelling which is a permitted use.

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.

Do to unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district.

OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief.

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.

The variance will not cause an adverse impact on surrounding property.

OR, the variance will cause an adverse impact on surrounding property.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Michael Passino

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (4 Pages)
4. Mailing List (2 Pages)
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.-

\$100.00 APPLICATION FEE

RECEIPT #:	#4683
CASH/CHECK:	#4261
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6053 Prospect St.	City / Village Indian Ri	Township / Sec. 1	Zoning District
Property Tax I.D. (Parcel) Number 161-I31 - 006-004-00		Subdivision or Condo. Name / Plat or Lot No.	

APPLICANT

Name Mike Passino	Telephone 231-891-5050	Fax	
Address 6053 Prospect	City & State Indian River	Zip Code 49749	E-Mail

OWNER (If different from applicant)

Name Same	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

**US-27 South - turn East on Prospect
Before Indian River Bridge**

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 _____
- C. Present use of the property is: 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.

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.

Continue ROOF on EXISTING GARAGE 16'

add Porch ROOF over Entry (front of House)

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 LOCATION OF EXISTING Bldg ON LOT BUILT BEFORE SET BACKS WERE ESTABLISHED + LOT HAS STEEP GRADE, DIFFICULT TO LOCATE ANOTHER STRUCTURE

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 Answer on A.

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 Answer on A.

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.

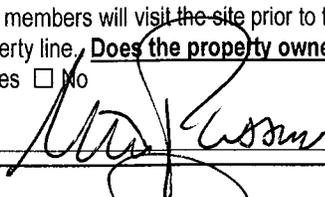
THE SUB DIVISION HAS LIKE CONDITIONS DUE TO AGE OF HOUSES

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 Answer to D.

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



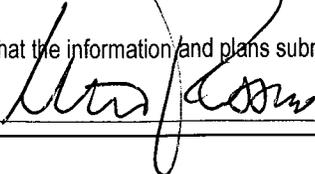
Date

9-1-15

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

9-1-15

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

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Property Line dimensions and Property shape. 2. Front, Rear, & Side setback dimensions. 3. Location, shape & size of all existing & proposed buildings on property. 4. Location of all drives and parking areas. 5. Rivers, lakes, wetlands, or streams within 500 ft. | <ol style="list-style-type: none"> 6. Parcels under separate ownership therein. 7. Road Right-Of-Way (ROW); access or utility easements. 8. The existing and intended use of the lot and structures. 9. Place North arrow in space provided. 10. Other essential zoning information. |
|---|---|

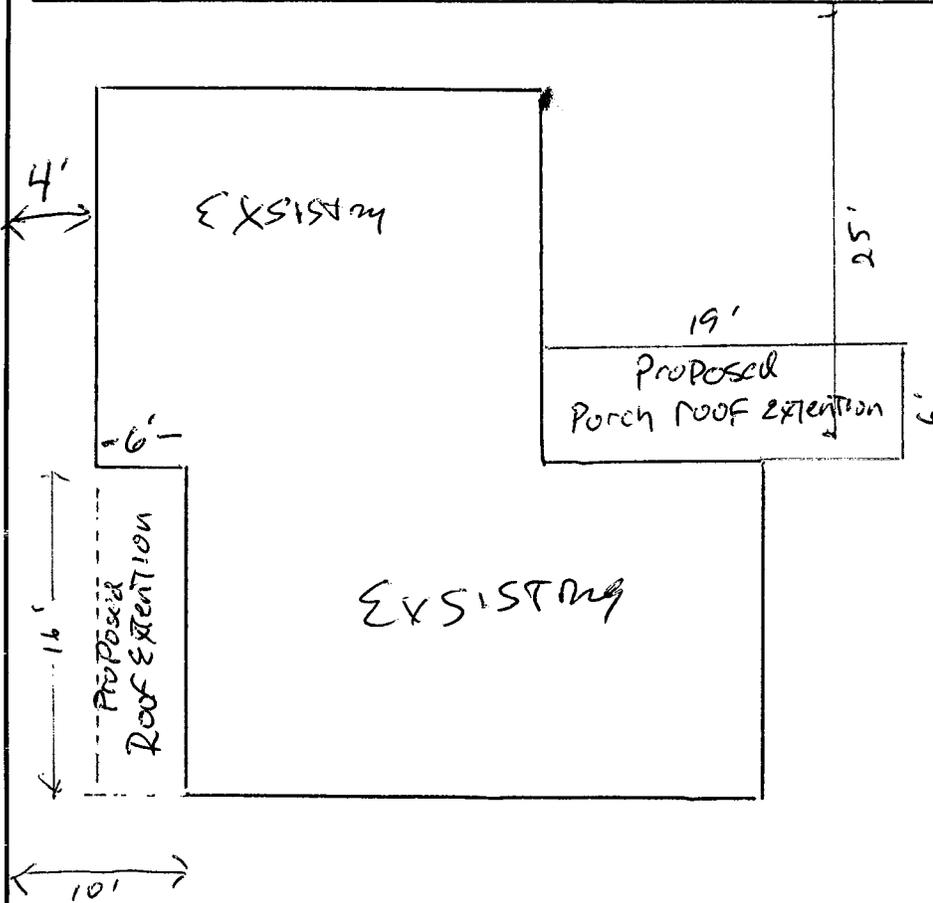
Distance from property line to proposed structure:

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

Zoning District:

North:

Prospect St

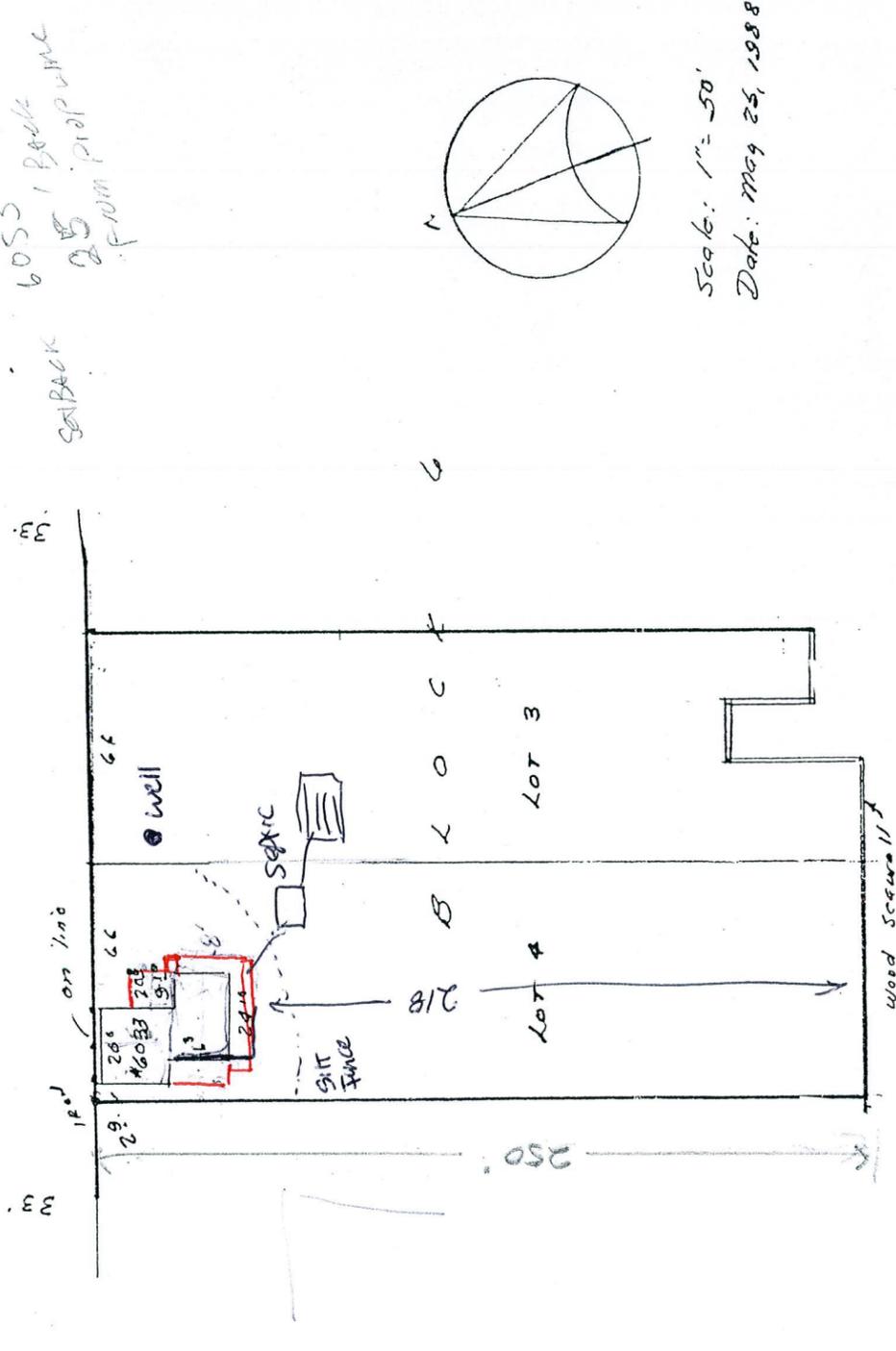


MORTGAGE SURVEY

LEGAL DESCRIPTION

Situated in the Township of Tuscarora, Cheboygan County, Michigan. the entire Lots Three (3) and Four (4), Block Six (6), Village of Indian River, according to the plat thereof as recorded in Liber 1 of Plats, Page 25, Cheboygan County records.

66' PROSPECT ST. 66' wide.



INDIAN RIVER

I hereby certify to CITIZENS NATIONAL BANK OF CHEBOYGAN, 303 NORTH MAIN STREET, CHEBOYGAN, MICHIGAN, for the purpose of a mortgage loan made or to be made by ANDREW T. WISNIEWSKI and MARILYN A. WISNIEWSKI, husband and wife, to said mortgagee that we have surveyed the property herein described and that the buildings and improvements as shown on plat are entirely within the property lines as surveyed and that there are no visible encroachments upon lands unless otherwise shown. This report is for mortgage purposes only and no corners were set or dimensions specified for use in building of structures or fences.

Richard C. Dunn

Richard C. Dunn
 Licensed Land Surveyor No. 12020
 7291 Wolverine Road
 Wolverine, Michigan 49799



16-161-024-200-001-02
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-161-024-200-015-00
COOK, BRIGETTE; STEPHEN COOK
PO BOX 1149
INDIAN RIVER MI 49749

16-161-I31-004-003-00
SWADLING, KENNETH ET UX
PO BOX 2008
INDIAN RIVER MI 49749

16-161-I31-005-001-00
PURTILL, JAMES & MARILYN SPOE
3247 N CLUB RD
INDIAN RIVER MI 49749

16-161-I31-005-005-00
PURTILL, JAMES & MARILYN SPOE
3247 N CLUB RD
INDIAN RIVER MI 49749

16-161-I31-005-006-00
DESJARDINS, RICHARD
3365 W. VALLEY VIEW DR
SAINT JOSEPH MI 49085

16-161-I31-005-006-01
MESACK, RENEE & GERRI, TTEES
PO BOX 2152
INDIAN RIVER MI 49749

16-161-I31-005-007-00
L L STONE PROPERTIES, LLC
818 CROOKED TREE DR
PETOSKEY MI 49770

16-161-I31-005-008-00
L L STONE PROPERTIES, LLC
PO BOX 396
PETOSKEY MI 49770

16-161-I31-005-009-00
DIETRICH, ANDREW & KELLIE H/W
5640 HUMMER LAKE RD
OXFORD MI 48371

16-161-I31-005-011-00
WALDRON, JULIE & CRAIG TTEES
3878 MCMICHAEL RD, PO BOX 4206
BURT LAKE MI 49717

16-161-I31-006-001-00
GYORKOS, CHARLES & CHRISTINE
366 PLEASANT VALLEY
MILFORD MI 48380

16-161-I31-006-001-01
HANLON, TIMOTHY J TRUST
PO BOX 684
INDIAN RIVER MI 49749

16-161-I31-006-003-00
RADEBACH, LEROY & ELEANOR C
PO BOX 3011
INDIAN RIVER MI 49749

16-161-I31-006-004-00
PASSINO, MICHAEL & BRENDA H/
PO BOX 2184
INDIAN RIVER MI 49749

16-161-I31-006-005-00
PINES COTTAGE OF INDIAN RIVER
6053 PROSPECT, PO BOX 1249
INDIAN RIVER MI 49749

16-161-I31-007-001-00
LACOURSIER, ALLAN & ELIZABET
PO BOX 193
INDIAN RIVER MI 49749

16-161-I31-010-001-00
TUSCARORA, TOWNSHIP OF
INDIAN RIVER MI 49749

16-161-I31-010-002-00
JACOBS, BARBARA
PO BOX 55
INDIAN RIVER MI 49749

16-161-I31-010-003-00
COOK, BRIGETTE; STEPHEN COOK
PO BOX 1149
INDIAN RIVER MI 49749

16-161-I31-011-002-00
DOTY, ARTHUR & CAROL H/W
PO BOX 846
INDIAN RIVER MI 49749

16-161-I31-011-003-00
CASUCCI, CASS T, TRUSTEE
6000 RIVER ST., PO BOX 250
INDIAN RIVER MI 49749

16-161-I31-011-005-00
MOORE, EDWIN & LINDA H/W
PO BOX 929
INDIAN RIVER MI 49749

16-161-I31-011-006-00
PFISTER, DARRYL & KATHLEEN H/
PO BOX 334
INDIAN RIVER MI 49749

16-161-I31-012-002-00
TUSCARORA, TOWNSHIP OF
3546 S STRAITS HWY
INDIAN RIVER MI 49749

16-162-019-100-035-00
WALDRON, JULIE & CRAIG TTEES
PO BOX 4206
BURT LAKE MI 49717

16-161-024-200-001-02
OCCUPANT
6045 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-006-003-00
OCCUPANT
6031 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-012-002-00
OCCUPANT
3471 CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-004-003-00
OCCUPANT
3280 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-006-004-00
OCCUPANT
6053 PROSPECT ST
INDIAN RIVER, MI 49749

16-162-019-100-035-00
OCCUPANT
3307 GRATIOT ST
INDIAN RIVER, MI 49749

16-161-I31-005-005-00
OCCUPANT
3247 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-007-001-00
OCCUPANT
3324 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-005-006-00
OCCUPANT
3267 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-010-001-00
OCCUPANT
6054 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-006-01
OCCUPANT
3287 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-010-002-00
OCCUPANT
6060 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-007-00
OCCUPANT
6052 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-003-00
OCCUPANT
6064 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-008-00
OCCUPANT
6038 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-002-00
OCCUPANT
5980 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-009-00
OCCUPANT
6024 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-003-00
OCCUPANT
6000 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-006-001-00
OCCUPANT
5997 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-005-00
OCCUPANT
6012 RIVER ST
,

16-161-I31-006-001-01
OCCUPANT
6005 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-006-00
OCCUPANT
6032 RIVER ST
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: A 6 ft. side setback variance request to construct a lean-to addition to a dwelling and a 9 ft. front setback variance request to construct a porch addition to a dwelling in a Commercial Development zoning district.	Prepared by: Scott McNeil
Date: September 18, 2015	Expected Meeting Date: September 23, 2015

GENERAL INFORMATION

Applicant: Michael Passino

Property Owner: Same

Contact person: Same

Phone: 231-8815050

Requested Action: Approve a 6 ft. side setback variance to construct a lean-to addition to a dwelling and a 9 ft. front setback variance to construct a porch addition to a dwelling in a Commercial Development zoning district.

BACKGROUND INFORMATION

The applicant is seeking a 6 ft. side setback variance to place a lean-to addition 4 ft. from the side lot line and seeking a 9 ft. front setback variance to place covered porch within 16 feet of the front lot line. The lot is located in a Commercial Development (D-CM) Zoning District. A 10 ft. side setback and a 25 ft. front setback is required in this zoning district. Both proposed structures are to be added to an existing dwelling.

I have cited conditions relative to the existing dwelling structure location, topography of the lot and like conditions in the neighborhood in the proposed findings under sections 23.5.4.1 through 23.5.4.5, but have not cited the same under General Findings, pending deliberation and review by the board.

Surrounding Zoning:

North: D-CM, Commercial Development District.

West: Same

South: Same

East: Same

Surrounding Land Uses: Residential land uses to the south and east. Commercial land use to the north. North Central State Trail and S. Straits Highway to the west.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The site is located on the Indian River and does not contain any other 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. Property is located in a Commercial Development (D-CM) zoning district.
2. A side setback of 10 feet and a front setback of 25 ft. is required per Section 17.1.
3. The applicant is seeking a 6 ft. side setback variance to place a 4 ft. wide x 16 ft. deep lean-to to be and a 9 ft. front setback variance to construct covered porch on an existing dwelling.
- 4.
- 5.

23.5.4. 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 need for the variance is due to the location of existing structures and topography of the lot which are unique physical conditions.

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).

The need for the variance is due to the location of the existing structures and topography of the lot, which are unique conditions and is not the result of actions of the property owner or previous property owners.

OR, the proposed placement of the proposed garage addition is the result of actions of the current property owner 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.

Due to the location of the existing structures, and topography of the lot, strict compliance with side setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will not be 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 location of the existing structures and topography of the lot, the requested variance is necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, 4 ft. side setback does not represent the minimum necessary to grant reasonable relief and other options for smaller additions to the existing structure exist and/or granting the variance will not do substantial 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 0 ft. side 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.

OR, Granting a variance to allow a 0 ft. side setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

David Dodd

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (4 Pages)
4. Drawing Of Building (1 Page)
5. Picture (1 Page)
6. Elevation Drawings (3 Pages)
7. Mailing List (2 Pages)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.00

\$100.00 APPLICATION FEE

RECEIPT #:	4680
CASH/CHECK:	4966
ACTION/DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <i>575 W US 23</i>	City / Village <i>1360000ND Townships 1</i>	Township / Sec.	Zoning District <i>Commercial</i>
Property Tax I.D. (Parcel) Number <i>041-025-100-006-02</i>	Subdivision or Condo. Name / Plat or Lot No. <i>N/A</i>		

APPLICANT

Name <i>DAVID DOPP</i>	Telephone <i>231 627 6148</i>	Fax <i>231 627 4421</i>	
Address <i>575 W US 23</i>	City & State <i>CHEBOY. MI.</i>	Zip Code <i>49721</i>	E-Mail <i>—</i>

OWNER (If different from applicant)

Name <i>AS ABOVE</i>	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

300 YDS WEST OF CITY LIMITS US 23

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 KNOWN*
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: *COMMERCIAL*
- 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.

CANOPY OVER ENTRANCE DOOR FOR VEHICLES

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.

NOT AN ISSUE TO CHANGE CONDITIONS OF PROPERTY, I WILL FIT EXISTING STRUCTURE PERFECTLY.

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

THIS ISSUE HAS NOT BEEN PREVIOUSLY ADDRESSED

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

WILL CONFORM PERFECTLY

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.

WILL NOT EXCEED FRONT OF STRUCTURE

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.

DOES NOT AFFECT ANY SURROUNDING PROPERTY

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

David L. DeWitt

Date

8/28/15

AFFADAVIT

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

Applicant's Signature

David L. DeWitt

Date

8/28/15

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:

Zoning District:

North:

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

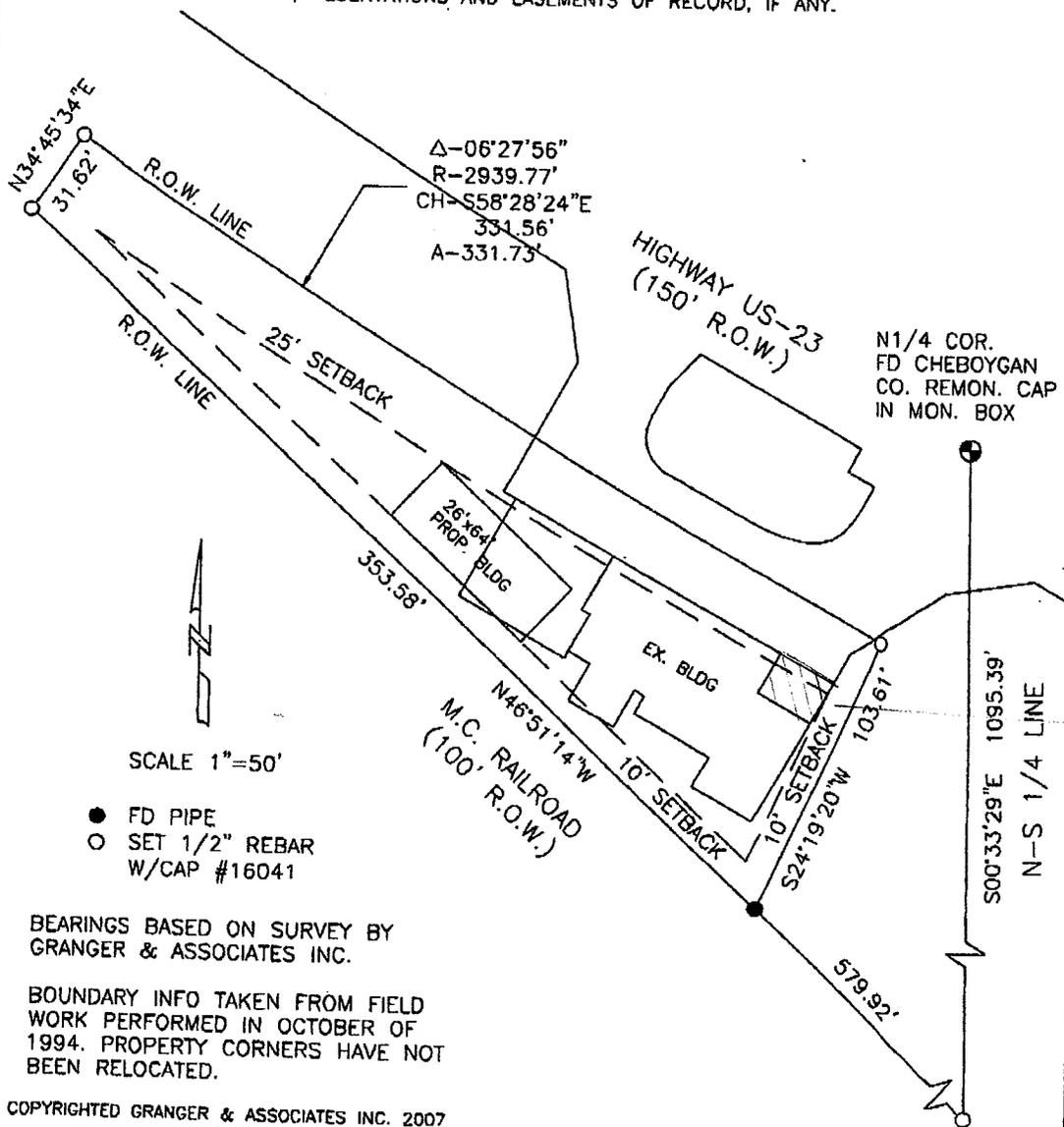
PART OF EXISTING STRUCTURE

CERTIFICATE OF SURVEY

PART OF THE NW1/4, SECTION 25, T38N, R2W, BEAUGRAND TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

LEGAL DESCRIPTION:

PART OF THE NW1/4, SECTION 25, T38N, R2W, BEAUGRAND TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE NORTH 1/4 CORNER; THENCE S 00°33'29"E, ALONG THE N-S 1/4 LINE, 1095.39 FT., TO THE NORTHERLY RAILROAD RIGHT OF WAY; THENCE N 46°51'14" W, ALONG SAID RIGHT OF WAY, 579.92 FT., TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RAILROAD RIGHT OF WAY N 46°51'14" W 353.58 FT.; THENCE N 34°45'34" E 31.62 FT., TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY US-23; THENCE ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 06°27'56", A RADIUS OF 2939.77 FT., AN ARC DISTANCE OF 331.73 FT., A CHORD BEARING S 58°28'24" E AND DISTANCE 331.56 FT.; THENCE S 24°19'20" W 103.61 FT., TO THE P.O.B. CONTAINS 0.49 ACRES, MORE OR LESS. SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD, IF ANY.



Proposed
Roof
STRUCTURE

BEARINGS BASED ON SURVEY BY
GRANGER & ASSOCIATES INC.

BOUNDARY INFO TAKEN FROM FIELD
WORK PERFORMED IN OCTOBER OF
1994. PROPERTY CORNERS HAVE NOT
BEEN RELOCATED.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2007

ALAN J. GRANGER P.S. No. 52460

SURVEY FOR:
BOB VANNOTÉ

DATE: AUGUST 20, 2007



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

SEC. 25, T38N, R2W

DRAWN	AAG	SHEET 1 OF 1
JOB NO.	C1704A	





ALL CONTRACTORS SHALL VERIFY AND CO-ORDINATE ALL DIMENSIONS INDICATED ON THE DRAWINGS, AS WELL AS REVIEW AND CO-ORDINATE PLANS WITH EXTERIOR BUILD ELEVATIONS, SECTIONS AND DETAILS BEFORE COMMENCING WITH THE WORK. IF DIMENSIONAL ERRORS OR CONFLICTS OCCUR BETWEEN PLANS, EXTERIOR ELEVATIONS, SECTIONS AND DETAILS IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER/ARCHITECT BEFORE PROCEEDING WITH THE WORK. CONTRACTORS WHO FAIL TO VERIFY, REVIEW AND CO-ORDINATE THE WORK AND CONTRACTORS WHO SCALE UP DRAWINGS TO DETERMINE PLACEMENT AND LOCATIONS OF MATERIALS FOR THE WORK SHALL TAKE FULL RESPONSIBILITY SHOULD THAT PORTION OF THE WORK BE IMPROPERLY LOCATED OR CONSTRUCTED.

NOTES:

ALL CONSTRUCTION SHALL CONFORM TO THE MICHIGAN BUILDING CODE - 2009

ALL FOOTINGS AND FOUNDATIONS SHALL BE CONSTRUCTED ON UNDISTURBED SOIL

ALL CONCRETE UTILIZED ON THE PROJECT SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 P.S.I. AND ALL EXTERIOR OR CONCRETE EXPOSED TO COLD WEATHER SHALL BE AIR ENTRAINED

ALL CONCRETE REINFORCING SHALL BE ASTM A-615 GRADE 60 AND ALL TIES AND BENDS SHALL BE PERFORMED CONFORMING TO C.R.S.I. (ACI 318-99)

ALL FILL UNDER CONCRETE FLOORS SHALL BE M.D.O.T. CLASS II COMPACTED TO 95% OF MAXIMUM UNIT WEIGHT

TOTAL LOAD = 55 PSF

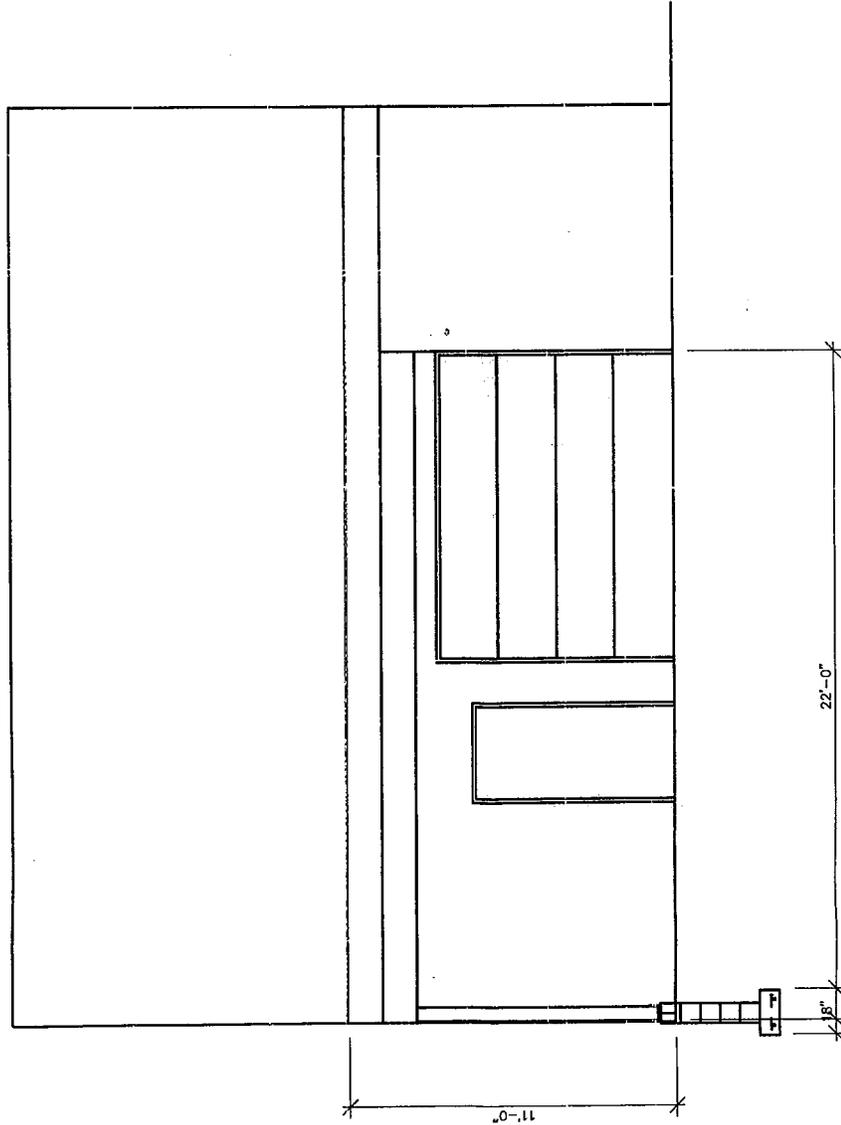
ROOF DESIGN LOADING

LIVE LOAD = 54 PSF

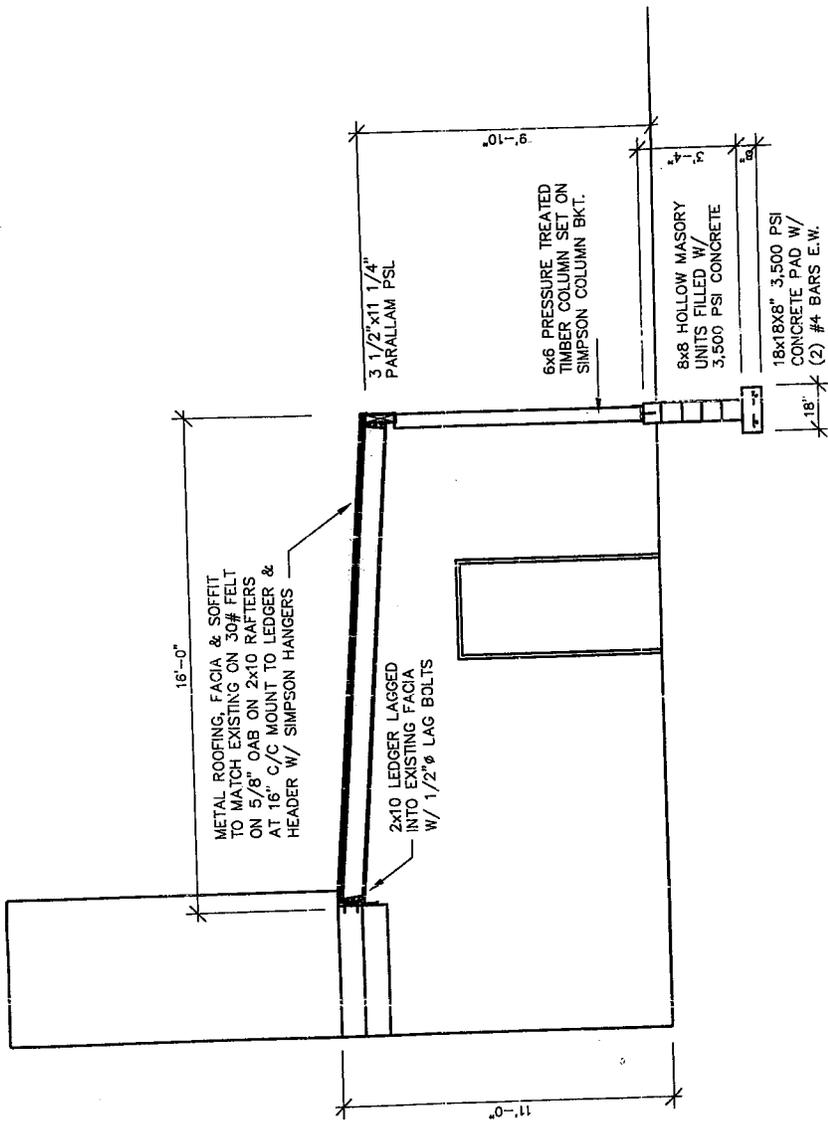
DEAD LOAD = 10 PSF

CEILING LOAD = 10 PSF

TOTAL LOAD = 74 PSF



EAST ELEVATION



16'-0"

METAL ROOFING, FACIA & SOFFIT
TO MATCH EXISTING ON 30# FELT
ON 5/8" OAB ON 2x10 RAFTERS
AT 16" C/C MOUNT TO LEDGER &
HEADER W/ SIMPSON HANGERS

2x10 LEDGER LAGGED
INTO EXISTING FACIA
W/ 1/2" LAG BOLTS

3 1/2" x 11 1/4"
PARALLAM PSL

6x6 PRESSURE TREATED
TIMBER COLUMN SET ON
SIMPSON COLUMN BKT.

8x8 HOLLOW MASONRY
UNITS FILLED W/
3,500 PSI CONCRETE

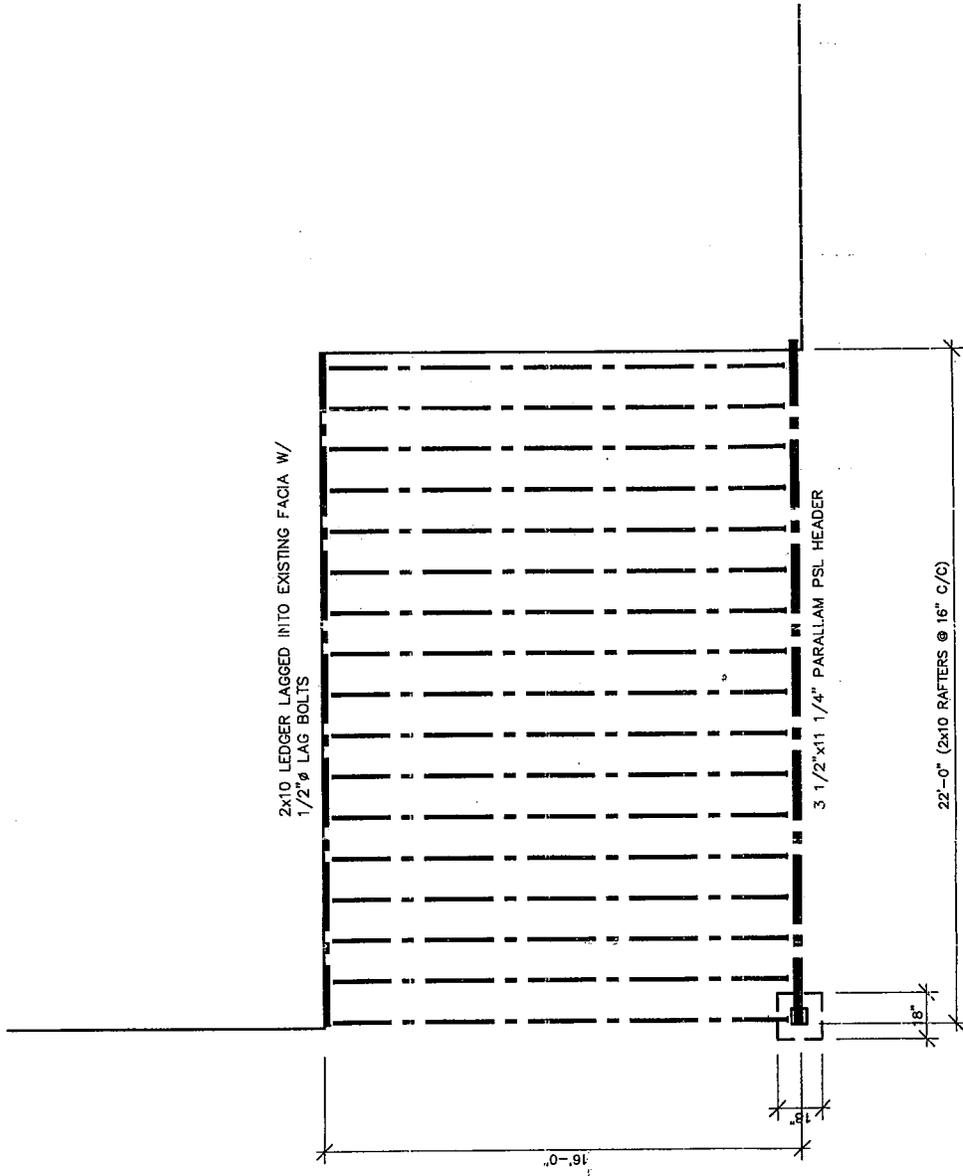
18x18x8" 3,500 PSI
CONCRETE PAD W/
(2) #4 BARS E.W.

CONSTRUCT FOOTING
ON UNDISTURBED SOIL
ASSUMED BEARING
CAPACITY 2,500 PSF

11'-0"

9'-10"

SECTION



ROOF FRAMING PLAN scale 1/4" = 1'-0"

*Dodd Mailing
List*

16-041-025-100-002-00
CHAMPION, MICHELLE
530 W US-23 HWY
CHEBOYGAN MI 49721

16-041-025-100-003-00
PROCTOR, TONY
642 W US-23 HWY
CHEBOYGAN MI 49721

16-041-025-100-004-00
TRYBAN, JOSEPH & MARY ELLEN
646 W US-23 HWY
CHEBOYGAN MI 49721

16-041-025-100-005-00
KLASEK, CLARA & SCOTT REIGLE
555 W US-23 HWY
CHEBOYGAN MI 49721

16-041-025-100-006-01
EXCALIBUR II, LLC
PO BOX 264
CHEBOYGAN MI 49721

16-041-025-100-006-02
DODD, DAVID P
575 W US-23 HWY
CHEBOYGAN MI 49721

16-041-025-100-007-00
HALL, DARRELL & ANASTASIA H/
624 OLD MACKINAW RD
CHEBOYGAN MI 49721

16-041-025-100-008-00
BRUDER, JOHN J
646 OLD MACKINAW RD
CHEBOYGAN MI 49721

16-041-025-100-009-00
CHIMNER, KIMBERLY; THOMAS KI
714 OLD MACKINAW RD
CHEBOYGAN MI 49721

16-041-025-100-016-00
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-041-025-100-002-00
OCCUPANT
530 W US-23 HWY
CHEBOYGAN, MI 49721

16-041-025-100-003-00
OCCUPANT
642 W US-23 HWY
CHEBOYGAN, MI 49721

16-041-025-100-004-00
OCCUPANT
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OCCUPANT
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CHEBOYGAN, MI 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/

DIMENSIONAL VARIANCE STAFF REPORT

Item: A 5 ft. front setback variance request to construct a roof extension in a Commercial Development zoning district.	Prepared by: Scott McNeil
Date: September 18, 2015	Expected Meeting Date: September 23, 2015

GENERAL INFORMATION

Applicant: David Dodd

Property Owner: Same

Contact person: Same

Phone: 231-627-6148

Requested Action: Approve a 5 ft. front setback variance to construct a roof extension in a Commercial Development zoning district.

BACKGROUND INFORMATION

The applicant is proposing to extend a roof over a portion of the driveway area in front of an existing garage entrance to a point in line with the front of the existing building which would be located 20 feet front the front lot line. (see survey included with the application). During an interview on site the applicant indicated that the structure was constructed many years ago and the exact time of construction is unknown. The applicant believes the structure underwent an extensive remodeling in the 1970s. It is believed that the building is a nonconforming structure. The lot is located in a Commercial Development (D-CM) Zoning District on a triangle shaped lot.

A 25 ft. front setback is required in this zoning district.

Surrounding Zoning:

North: D-CM, Commercial Development District.

West: Same

South: Same

East: Same

Surrounding Land Uses:

Residential and vacant land uses surround the subject property.

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

The site does not contain any known sensitive areas.

Public Comments:

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Commercial Development (D-CM) zoning district.
2. A front setback of 25 feet is required in a D-CM zoning district.
3. The applicant is proposing to extend a roof within 20 feet of the front lot line.
4. The applicant is requesting the Zoning Board of Appeals to allow a 5 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 small with a triangle shape and/or existing structure is located within the required front setback area 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).

The need for the variance is due to size and shape of the lot and/or location of the existing structure which are unique conditions and is not the result of actions of the property owner or previous property owners.

OR, the proposed placement of the proposed structure addition is the result of actions of the current property owner 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.

Conformity with setback regulations is deemed unnecessarily burdensome due to size and shape of the lot and/or the location of the existing structure.

OR, conformance with setback regulations will allow construction of additions to another portion of the existing dwelling structure within the required setback 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 size and shape of the lot and/or the location of the existing structure, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

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

Regarding side setback:

Granting a variance to allow an 5 ft. front setback will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variances to allow a 5 ft. front setback will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.