



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, JUNE 28, 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.) **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. (This item was tabled at the 04/26/17 Zoning Board of Appeals meeting.)
- 2.) **Matt Whitener/Whitewood Inc.** - Requests an 8 ft. rear setback variance for a land division in a Commercial Development (D-CM) zoning district. The property is located at 3792 South Straits Highway, Tuscarora Township, Section 24, parcel #161-024-400-230-11. A 10 foot rear setback is required in this zoning district.
- 3.) **Susan Dengler/Dengler Family Living Trust** - Requests a 12 ft. rear setback variance for a two story addition and a second story addition to an existing accessory building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 750 South Waubun Beach Road, Tuscarora Township, Section 1, parcel #161-W85-000-001-00. A 12 foot rear 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, MAY 24, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Scott McNeil, Carl Muscott, Virgil Smith, Russell Crawford, Cheryl Crawford, C. Maziasz

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

The agenda was presented. Mr. Freese noted that the request for Andy Stempky will be on the June 28, 2017 Zoning Board of Appeals agenda. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to accept the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the April 26, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Don Kade - Requests a 19.5 ft. front setback variance to construct a dwelling addition and deck in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11710 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-005-00. A 40 foot front setback from the high water mark is required in this zoning district.

Mr. McNeil stated that Mr. Kade is requesting a 19.5ft. front setback variance for an addition to an existing dwelling in the Lake and Stream Protection Zoning District. Mr. McNeil stated that the existing dwelling is 20.5ft. from the high water mark. Mr. McNeil stated that Mr. Kade would like to build an addition and deck and keep it in line with the front of the existing structure. Mr. McNeil stated that this will require a 19.5ft. setback variance.

Mr. Smith stated that the dwelling was constructed prior to 1960 and the Kade's acquired it in 1967. Mr. Smith stated that the home is constructed of 3" x 5" tongue and groove log that is vertically positioned inside and outside. Mr. Smith stated that the dwelling is on a foundation except for the front screened in porch. Mr. Smith stated that there is a large fireplace in the middle. Mr. Smith stated that there are two bedrooms, utility room, small kitchen and a small bathroom. Mr. Smith stated that Mr. Kade's desire is to achieve more space. Mr. Smith stated that the construction of the dwelling makes it impossible to build a second floor. Mr. Smith stated that Mr. Kade has considered various layouts, but prefers the addition aligned with the house for an easy transition. Mr. Smith stated the sunroom is on piers and they would like to align the footing for the new addition with the footings for the house and then build an 8ft. deck in front of the new addition. Mr. Smith stated the new addition will consist of a dining area, living room, bedroom, bath and utility room. Mr. Smith stated that Mr. Kade would also like to build a garage at the back of the dwelling. Mr. Smith stated that they have not had any issues with ice or water. Mr. Smith stated that ice has come up and hit the steel seawall. Mr. Smith stated that ice has accumulated, but it has never come over the seawall. Mr. Smith stated that some water has come over the seawall this year and some of it was compromised.

Mr. Freese asked where the septic field is located. Mr. Smith stated that Mr. Kade has a new septic permit. Mr. Freese noted that the addition is being put in the same location as the existing septic. Mr. McNeil stated that it is in the same location. Mr. McNeil and Mr. Smith stated that the septic will be moved. Mr. Smith stated that the septic will be located by the garage.

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

Mr. Freese stated that the seawall is angling away from the proposed building and the closest the new construction will be 20.5ft.. Mr. Freese stated that existing deck setback is approximately 18ft. on the east corner. Mr. Freese stated that the new structure will be no closer than the corner of the existing building. Discussion was held regarding decks with no railings that are 30 inches or less off of the ground being allowed within 25ft. of the lake.

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

5. The proposed addition will not extend into the front setback any further than the existing structure.
6. The proposed structure is heavily screened by vegetation on both the east and the west sides.
7. The property is adequately protected by a seawall.

The Zoning Board of Appeals reviewed and approved the General Findings and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve 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

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:14 pm.

John Thompson, Secretary



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: June 20, 2017

To: Zoning board of Appeals

From: Scott McNeil, Planner

Re; Consideration to dismiss use variance application by Andy Stempky regarding short term rental of a dwelling;

On June 13, the Cheboygan County Board of Commissioners approved a zoning amendment to change the definitions of family and dwelling or dwelling unit which will allow all dwellings to be leased on a short term basis. The ordinance amendment will take effect on Tuesday, June 27.

The board has tabled an application from Mr. Andy Stempky who was seeking a use variance for short term rental of a dwelling pending final decision on the related zoning ordinance amendment to the June 28, 2017 regular meeting. We have a written request from Mr. Stempky to withdraw the use variance application on file as reviewed by the board previously. I believe dismissal of the use variance application is now in order.

Included with this memo is the most recent staff report for your reference.

Please contact me with questions.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Andy Stempky – *Revised 04/18/17*

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)

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

8. Emails between Scott McNeil to Andy Stempky (2 Pages)
- 9.
- 10.
- 11.
- 12.

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 (has not) 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

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

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:

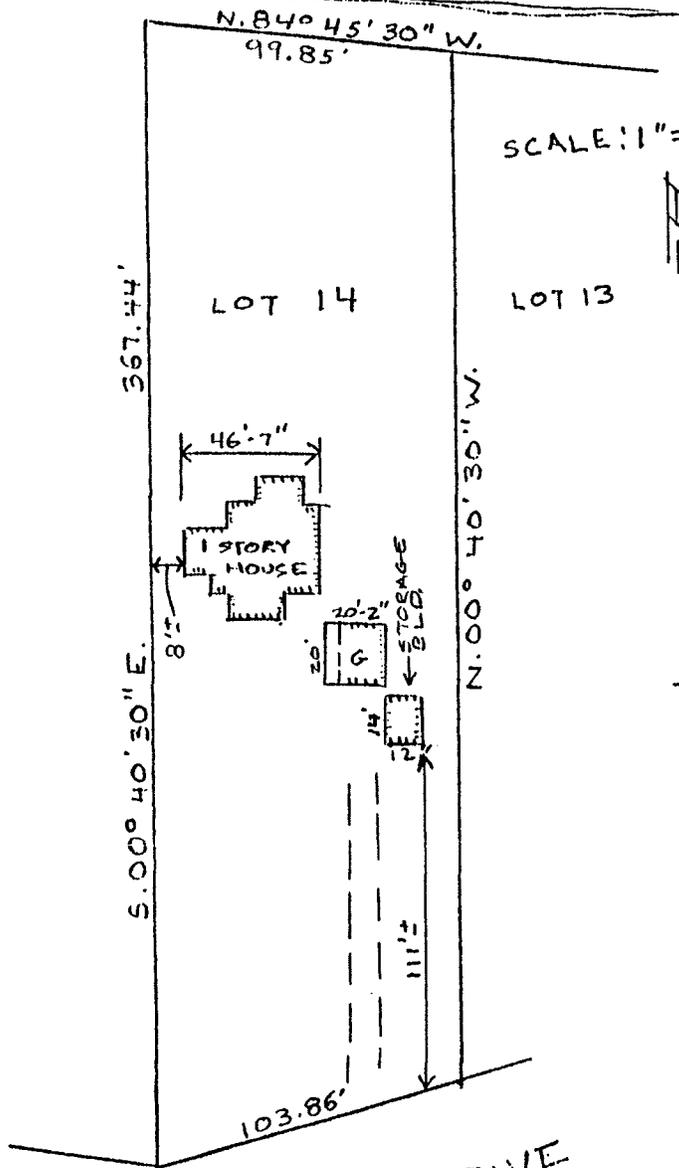
Front: _____ Rear: _____ Side: _____ Side: _____

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

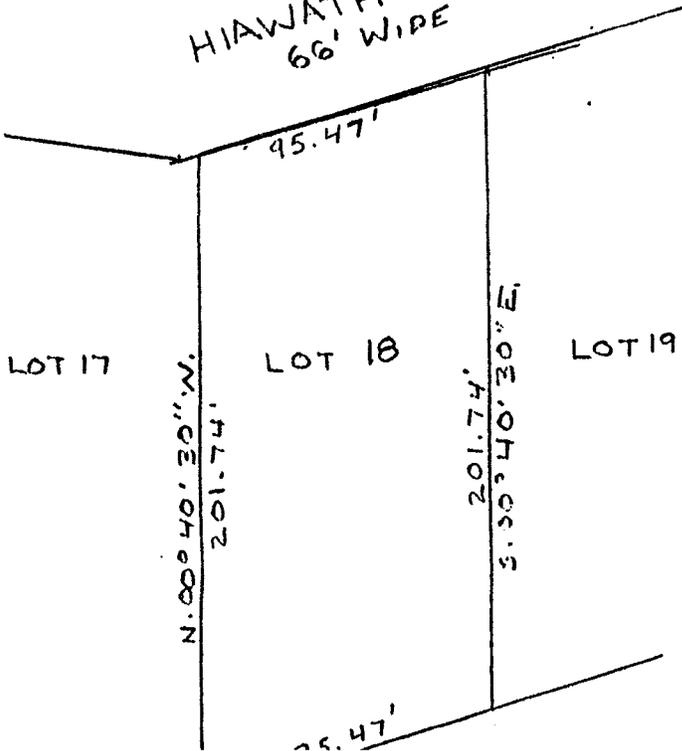
Title Insuror:

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

Deborah Tomlinson

From: Scott McNeil
Sent: Monday, April 17, 2017 9:00 AM
To: 'Stempky, Andy (DEQ)'
Subject: FW: Variance Request

Hi Andy,

Any more thoughts regarding tabling the matter? Give me a call if you like.

Regards,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

From: Scott McNeil
Sent: Thursday, April 6, 2017 11:24 AM
To: 'Stempky, Andy (DEQ)'
Subject: RE: Variance Request

Andy;

An amendment to the zoning ordinance that will allow short term rental of a dwelling is scheduled for a public hearing on April 19. I expect it will be recommended for approval by the board of commissioners. I would hope that the boc act on it in May.

You could ask for it to be tabled again until the May or June meeting.

Let me know what you think or if you have any concerns. The notice for the April meeting will go out on Monday at the latest. Don't hesitate to give me a call if you like.

Regards,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

From: Stempky, Andy (DEQ) [<mailto:STEMPKYA@michigan.gov>]
Sent: Thursday, April 6, 2017 11:17 AM

To: Scott McNeil
Subject: RE: Variance Request

Scott, what do you propose on the variance request?

From: Scott McNeil [<mailto:scott@cheboygancounty.net>]
Sent: Wednesday, February 8, 2017 9:00 AM
To: Stempky, Andy (DEQ) <STEMPKYA@michigan.gov>
Subject: RE: Variance Request

Thanks Andy. I will keep you advised.

Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

From: Stempky, Andy (DEQ) [<mailto:STEMPKYA@michigan.gov>]
Sent: Wednesday, February 8, 2017 8:49 AM
To: Scott McNeil
Cc: Andy
Subject: Variance Request

Scott, I would like to table my variance request until the April meeting pending resolution of the planning commission decision on the zoning language. Thanks. Andy



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.

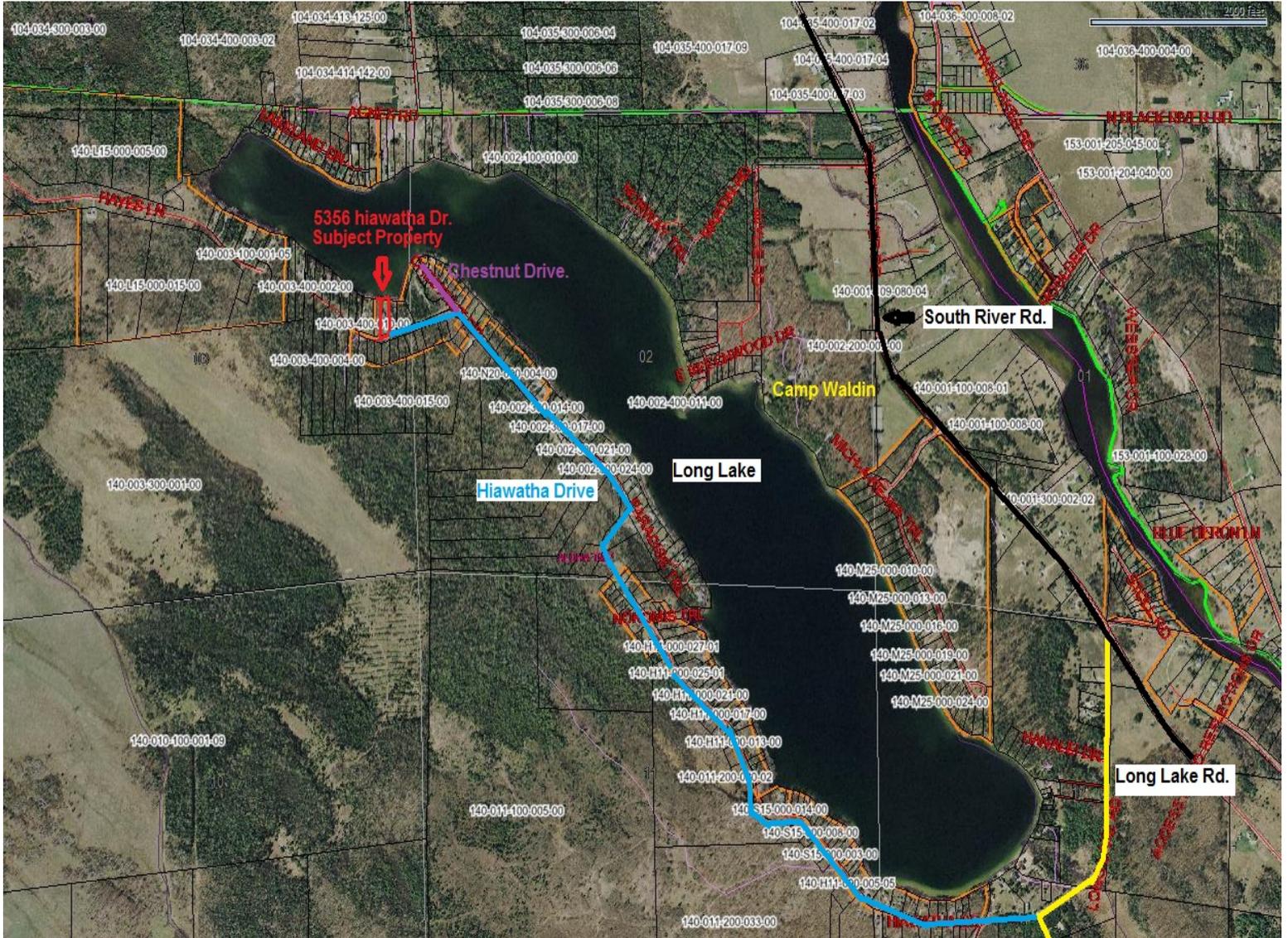
Or; A use variance for lodging house will adversely affect the purposes and objectives Cheboygan County Master Plan and/or the Zoning Plan of the Cheboygan County Master Plan.

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.



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Matt Whitener

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 (3 Pages)
- 6.
- 7.
- 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, May 24, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Don Kade** - Requests a 19.5 ft. front setback variance to construct a dwelling addition and deck in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11710 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-005-00. A 40 foot front setback from the high water mark is required in this zoning district.

- 2.) **Matt Whitener/Whitewood Inc.** - Requests an 8 ft. side setback variance for a land division in a Commercial Development (D-CM) zoning district. The property is located at 3792 South Straits Highway, Tuscarora Township, Section 24, parcel #161-024-400-230-11. A 10 foot side setback is required in this 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. 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 #:	5568
CASH/CHECK:	VA 2718
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <i>3792 S. STRAITS HWY</i>		City / Village <i>INDIAN RIVER</i>	Township / Sec. <i>1</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>161-02A-400-230-11</i>		Subdivision or Condo. Name / Plat or Lot No. <i>Unrecorded Plat of Pinecrest</i>		

APPLICANT

Name <i>Matt Whitener</i>		Telephone <i>231-590-9298</i>	Fax <i>231-238-8130</i>	
Address <i>Po Box 1030</i>		City & State <i>Indian River MI</i>	Zip Code <i>49749</i>	E-Mail <i>MWhitener@wyoager.net</i>

OWNER (if different from applicant)

Name <i>Whitewood Inc.</i>		Telephone <i>231-238-7962</i>	Fax <i>231-238-8130</i>	
Address <i>Po Box 1030</i>		City & State <i>Indian River MI</i>	Zip Code <i>49749</i>	

Detailed directions to site, including nearest crossroad:

SW CORNER OF US27 AND SOUTH AVE. - INDIAN RIVER

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: _____
- B. This property is unplatted, platted, will be platted. If platted, name of plat *Unrecorded Plat of Pinecrest*
- 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.

Looking to split Building 1 and 2 into individual parcels.
The distance between the buildings will not allow the full 10' side
Setbacks. Asking for approx. 6' side setbacks on each parcel.

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.

Further development of this parcel necessitates the splitting of
the two buildings. To do so requires a reduced setback distance
on one or both buildings.

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

Both buildings in question pre-date the zoning ordinance.

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

Conforming with the 10' side setbacks would be unnecessarily
burdensome in that it would not allow splitting the two buildings. Approval
of variance will allow the split and strict compliance in every other area.

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.

Approval of this variance is the minimum instrument available
to make this a conforming split. Doing so will allow further
sensible development that will benefit the entire district.

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 current use of each of the two buildings will remain
unchanged. Surrounding properties will be wholly unaffected by
the approval of this variance.

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 4/26/2017

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]

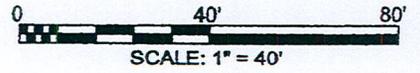
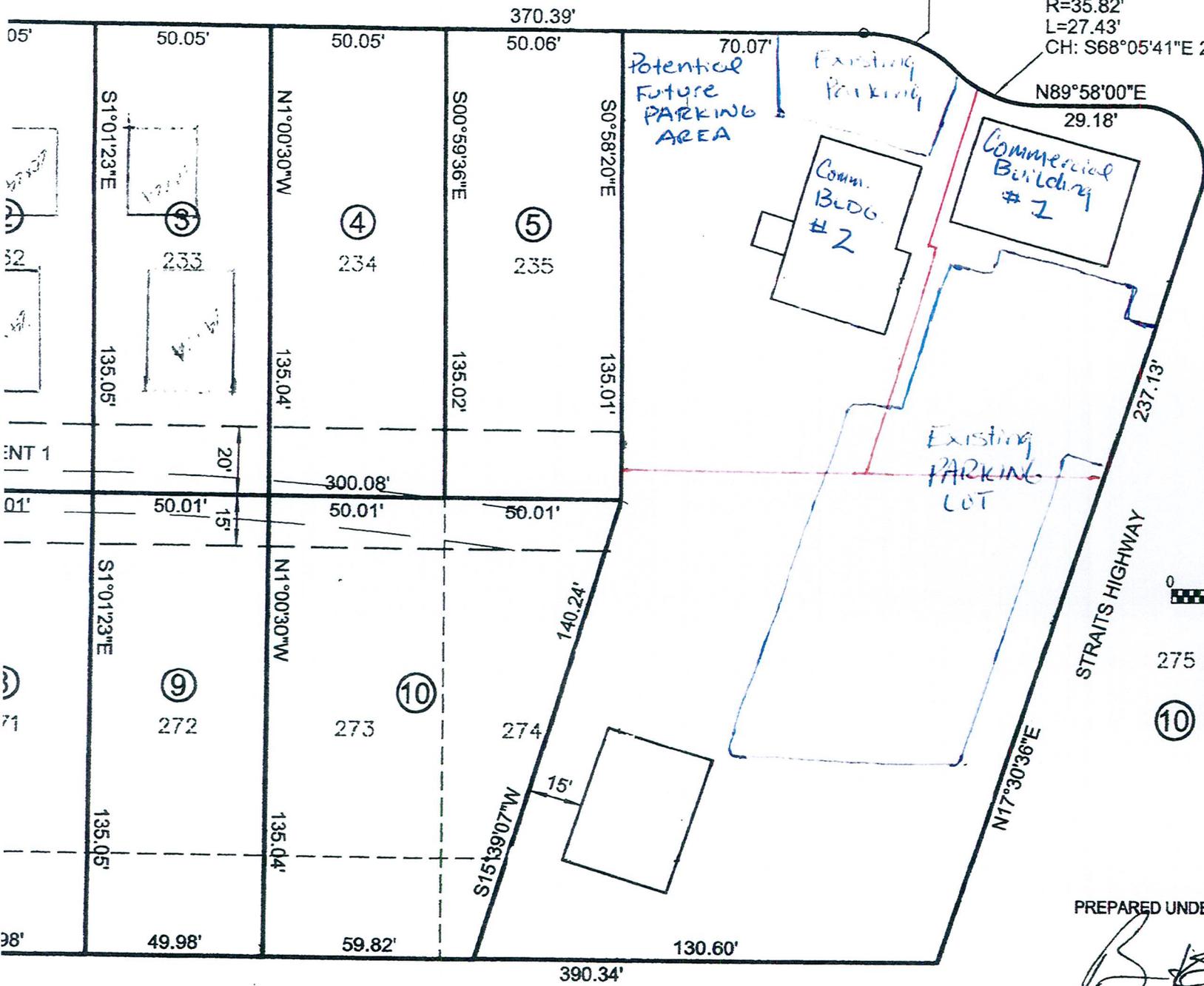
Date 4/26/2017

SOUTH AVENUE

R=35.82'
L=27.43'
CH: S68°05'41"E 26.77'

R=35.82'
L=27.43'
CH: S68°05'41"E 26.77'

R=18.32'
L=34.39'
CH: S36°15'42"E 29.56'



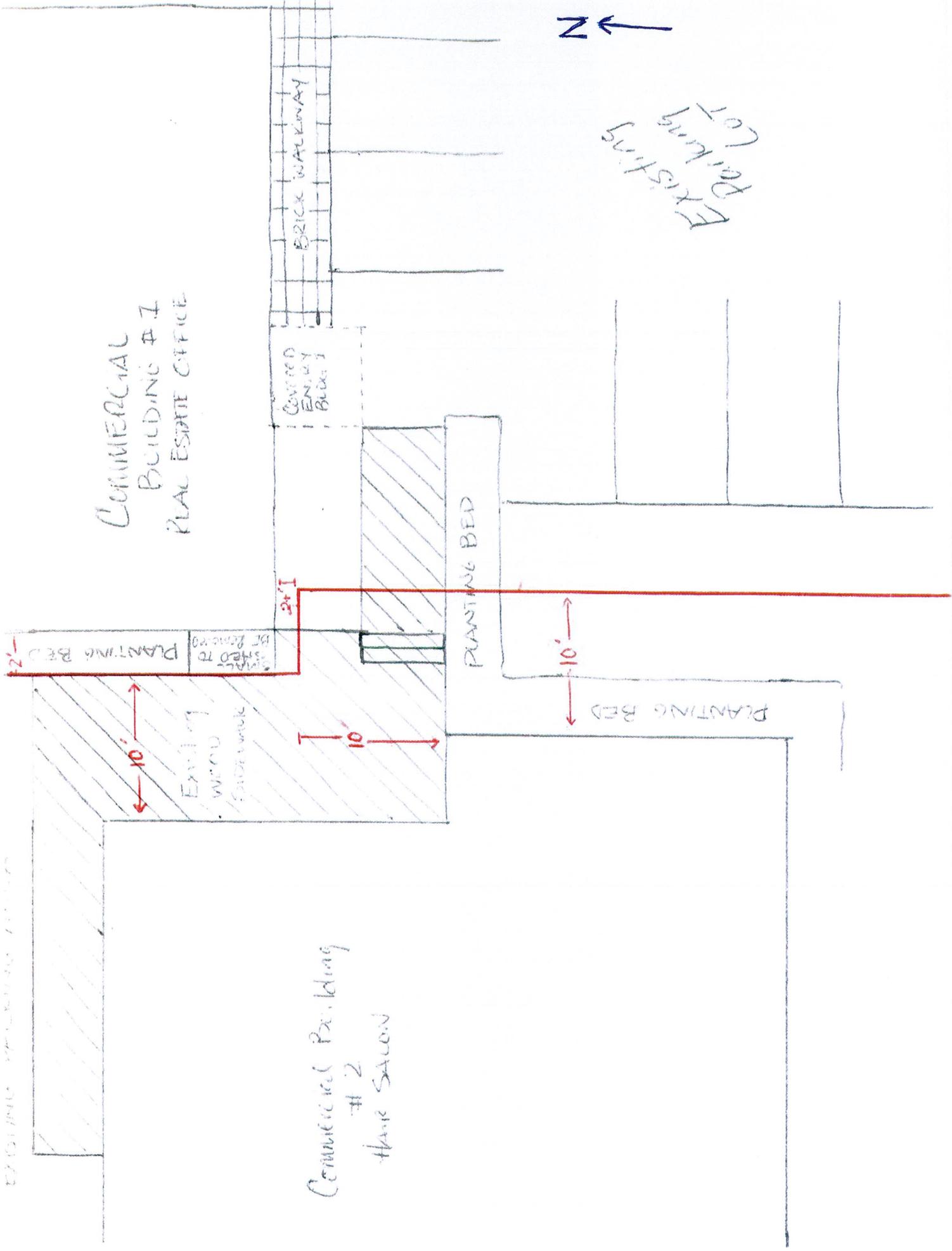
275 UNRECORDED PINECREST LOT NUMBER

⑩ NEW PARCEL NUMBER

PREPARED UNDER THE SUPERVISION OF:

Brian K. Fullford
 BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR

EXISTING PLANTING BED



COMMERCIAL BUILDING #1 PLAC ESTATE OFFICE

Commercial Building #2 Home Salon

COVERED ENTRY BLOCK 1

BRICK WALKWAY

PLANTING BED

PLANTING BED

EXISTING Parking Lot



SMALL SHED TO BE REMOVED

EXISTING WOOD SIDEWALK

2'

10'

10'

10'

161-024-400-154-04
MAYER, JOSEPH III AND
25 BERG CT
MANDEVILLE, LA 70471

161-024-400-154-05
DURSTON, DAVID M & TRACEY H/W
6312 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-158-00
OLSON, KRISTINE L, TRUSTEE
6304 SOUTH AVE, PO BOX 176
INDIAN RIVER, MI 49749

161-024-400-158-01
DURSTON, DAVID M
PO BOX 2161
INDIAN RIVER, MI 49749

161-024-400-162-00
BUKOSKY, DUSTIN
717 RIDGECREST ST
FENTON, MI 48430

161-024-400-164-00
HURST, JERRY L
PO BOX 2158
INDIAN RIVER, MI 49749-2158

161-024-400-165-00
HEBERT, DOUGLAS L
PO BOX 1028
INDIAN RIVER, MI 49749

161-024-400-190-00
PIOTROWSKI, DAVID AND
4449 JOAN DR
CLIO, MI 48420

161-024-400-191-00
MAYER, JOSEPH AND
25 BERG CT
MANDEVILLE, LA 70471

161-024-400-192-00
DURSTON, DAVID M
PO BOX 2161
INDIAN RIVER, MI 49749

161-024-400-194-00
OLSON, KRISTINE L, TRUSTEE
6304 SOUTH AVE, PO BOX 176
INDIAN RIVER, MI 49749

161-024-400-195-00
SACCO, PAUL & JACKIE H/W
PO BOX 292
ALANSON, MI 49706

161-024-400-196-00
CONNELLY, MICHAEL & ERIN REESIDE H/W
3630 OLD OINE WAY
WEST BLOOMFIELD, MI 48324

161-024-400-197-00
LANGE, GARY & PATRICIA H/W
PO BOX 906
INDIAN RIVER, MI 49749

161-024-400-199-00
LANGE, GARY H
PO BOX 906
INDIAN RIVER, MI 49749

161-024-400-225-00
OTSEGO MEMORIAL HOSPITAL ASSOC
825 NORTH CENTER AVE
GAYLORD, MI 49735

161-024-400-230-01
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-02
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-03
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-04
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-05
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-06
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-07
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-08
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-09
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-10
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-230-11
WHITEWOOD, INC
PO BOX 1030
INDIAN RIVER, MI 49749

161-024-400-560-00
PNC BANK
303 E WACKER DR, STE 1040
CHICAGO, IL 60601

161-024-400-565-00
MESACK, RENEE & GERRI MESACK, TTEES
1329 WAHBEER RD
INDIAN RIVER, MI 49749

161-024-400-566-00
VIZINA, JASON
PO BOX 806
INDIAN RIVER, MI 49749

161-024-400-567-01
POLLARD, CARL & LORI H/W
340 ELLINGER RD
ALANSON, MI 49706

161-024-400-568-00
POLLARD, CARL K
340 ELLINGER RD
ALANSON, MI 49706

161-024-400-580-00
TUSCARORA, TOWNSHIP OF
PO BOX 220
INDIAN RIVER, MI 49749

161-M55-038-004-00
LUTZ PROPERTY, LLC
820 ELLINGER RD
ALANSON, MI 49706

161-M55-039-001-01
NORTHERN MICH REGIONAL HOSPITAL
416 CONNABLE AVE
PETOSKEY, MI 49770

161-M55-039-004-00
SAKER, MICHAEL & LISA FAMILY TRUST
9144 PARKE RD
ALANSON, MI 49706

161-M55-039-005-00
KRISTIN, RICHARD & PHYLLIS H/W
PO BOX 1176
INDIAN RIVER, MI 49749

161-M55-039-006-00
SCHMIDT, TOM H & RUTH ANNE H/W
PO BOX 518
INDIAN RIVER, MI 49749

161-M55-039-007-00
SMITH, CHARLES TRUST
2576 SHERIDAN RD
PETOSKEY, MI 49770

161-M55-039-007-01
SCHMIDT, TOM H & RUTH ANNE H/W
PO BOX 518
INDIAN RIVER, MI 49749

161-M55-039-008-00
SMITH, CHARLES TRUST
2576 SHERIDAN RD
PETOSKEY, MI 49770

161-M55-039-008-01
SMITH, CHARLES TRUST
2576 SHERIDAN RD
PETOSKEY, MI 49770

161-M55-039-009-00
NORTHERN MICH REGIONAL HOSPITAL
748 S MAIN ST
CHEBOYGAN, MI 49721

161-024-400-162-00
OCCUPANT
6269 MACK AVE
INDIAN RIVER, MI 49749

161-024-400-164-00
OCCUPANT
3740 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-165-00
OCCUPANT
3722 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-190-00
OCCUPANT
6342 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-191-00
OCCUPANT
6324 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-192-00
OCCUPANT
6312 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-194-00
OCCUPANT
6304 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-195-00
OCCUPANT
6294 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-196-00
OCCUPANT
6278 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-197-00
OCCUPANT
6270 SOUTH AVE
INDIAN RIVER, MI 49749

161-024-400-199-00
OCCUPANT
3758 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-225-00
OCCUPANT
3860 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-230-11
OCCUPANT
3792 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-560-00
OCCUPANT
3833 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-565-00
OCCUPANT
3859 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-566-00
OCCUPANT
3873 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-567-01
OCCUPANT
3885 S STRAITS HWY
INDIAN RIVER, MI 49749

161-024-400-568-00
OCCUPANT
6074 WATERWAY LN
INDIAN RIVER, MI 49749

161-024-400-580-00
OCCUPANT
6250 SOUTH AVE
INDIAN RIVER, MI 49749

161-M55-038-004-00
OCCUPANT
3725 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-004-00
OCCUPANT
3759 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-005-00
OCCUPANT
3771 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-006-00
OCCUPANT
3785 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-007-00
OCCUPANT
3801 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-007-01
OCCUPANT
3797 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-008-00
OCCUPANT
6140 CRESSY L ST
INDIAN RIVER, MI 49749

161-M55-039-008-01
OCCUPANT
3805 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-039-009-00
OCCUPANT
6135 CRESSY L ST
INDIAN RIVER, MI 49749

161-M55-039-008-00
OCCUPANT
3757 CRESSY L 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: An 8 ft. rear setback variance request to allow a land division to establish a 2 ft. rear setback. The property is zoned Commercial Development District (D-CM)	Prepared by: Scott McNeil
Date: June 19, 2017	Expected Meeting Date: June 28, 2017

GENERAL INFORMATION

Applicant: Matt Whitener

Property Owner: Whitewood Inc.

Contact person: Matt Whitener

Phone: 231-520-9248

Requested Action: Approve an 8 ft. rear setback variance request to allow a land division to establish a 2ft. rear setback

BACKGROUND INFORMATION

The applicant is seeking a rear setback variance in order to complete a division of land between two existing structures. By review of the drawings submitted with the variance application you will note an existing office building (Commercial Building #1) and an existing beauty salon structure (Commercial Building #2) are located within 12 feet of each other. The applicant has indicated a proposed division of land that will separate the office building from the beauty salon structure. The lot with the beauty salon structure created by the proposed land division will meet the required 10 foot side setback. The land division with the office building is proposed to have a 2 foot rear setback. The lot is located in a Commercial Development (D-CM) Zoning District. A 10 foot rear setback is required in this zoning district.

The site is located at 3792 S. Straits Hwy. at the southwest corner of South Straits Hwy. and South St. in Indian River. (Real Estate One office)

Surrounding Zoning:

North: D-CM, Commercial Development District.

West: Same

South: Same

East: Same

Surrounding Land Uses:

Commercial 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: 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 D-CM zoning district.
2. A rear setback of 10 feet is required in this zoning district per Section 17.1.
3. The applicant is proposing to establish a 2 foot rear setback on an existing office building via a land division.
- 4.
- 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.

There are existing commercial structures with different uses on a single parcel which are located within 12 feet of each other, which is a unique physical condition.

OR, there are no unique circumstances or physical conditions exist and/or 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 the location of existing structures with different uses on the same lot which are unique conditions and is not the result of actions of the property owner or previous property owners.

OR, the need to divide the existing lot is the result of actions of the current property owners 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, strict compliance with setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will allow for structures in other locations and conforming 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, the requested variance is 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/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 an 8 ft. rear setback variance to allow a 2 ft. rear setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions.

OR, Granting an 8 ft. rear setback variance to allow a 2 ft. rear setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

Subject parcel location – Indian River



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Susan Dengler – *Revised 06/19/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Dimensional Variance Application (2 Pages)
5. Dengler Residence – Drawing Sheet Index (1 Page)
6. Foundation Plan / Roof Plan (1 Page)
7. Building Section (1 Page)
8. First Floor Plan & Second Floor Plan (1 Page)
9. Existing Elevations (1 Page)
10. Exterior Elevations (1 Page)
11. Letter Dated 11/17/16 From Brent Shank (Cheboygan County Road Commission Engineer/Manager) to Susan Dengler (1 Page)
12. Mailing List (2 Pages)

The following was added to the exhibit list on June 19, 2017

13. Plot plan (1 page)
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

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

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	5626
CASH/CHECK:	485
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 750 S. Waubun Beach Road	City / Village Indian River	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number 161-1085-000-001-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Susan Dengler	Telephone 989-370-2151	Fax	
Address 750 S. Waubun Beach Road	City & State Indian River MI	Zip Code 49749	E-Mail stdengler1950@gmail.com

OWNER (If different from applicant)

Name Doris Dengler	Telephone 231-238-7640	Fax	
Address 750 S. Waubun Beach Road	City & State Indian River MI	Zip Code 49749	

Detailed directions to site, including nearest crossroad:

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: Residence
- 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.

Adding additional footage to existing building with the purpose of additional storage and workshop

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.

An existing garage will be the "cornerstone" of our build site. This garage has been in site since before 1950's. The road commission has no issue with the disturbance to the existing building.

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 a above.

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

Other neighboring structures are located within the same boundaries as is our "grandfathered" garage.

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 additional new construction requested will not adversely impact any neighbor.

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.

Changes proposed are all compliant. A new survey of our south boundary was conducted to protect our south boundary 8'.

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

Doris Bengler

Date May 30, 2017

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

Susan Kay Snyder

Date May 30, 2017

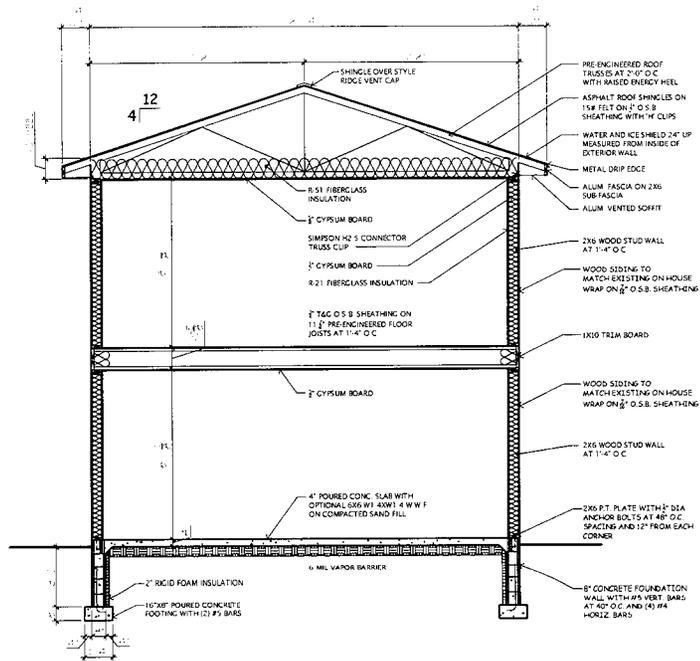
Dengler Residence Remodel Single Family Home

750 S. Waubun Beach Rd.

Indian River, Michigan

Drawing Sheet Index	
Sheet Number	Sheet Content
01	Title Sheet
02	General Note
A	Foundation Plan & Sizing Schedule
AC	Foundation Plan & Sizing Plan
AD	Foundation Elevation
AE	Foundation Section

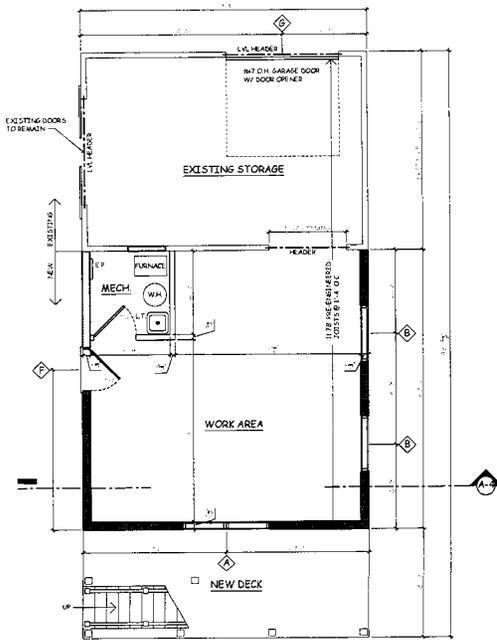
General Notes	
1	CONTRACTOR SHALL COMPLY WITH THE LATEST EDITION OF THE MICHIGAN RESIDENTIAL BUILDING CODE.
2	CONTRACTOR SHALL USE FIGURED DIMENSIONS ONLY. DO NOT SCALE DRAWINGS.
3	ALL STRUCTURAL LUMBER SIZES SHALL BE VERIFIED BY THE ENGINEERED LUMBER SUPPLIER. THIS SHALL INCLUDE ALL PLANS, JOISTS, BEAMS, LEADERS, ETC. NOTE: CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR REVIEW BY DESIGNER AND BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.
4	CONTRACTOR SHALL SUBMIT THE ENGINEERED ROOF AND BEAM TRUSS SHOP DRAWINGS TO DESIGNER AND BUILDING DEPARTMENT FOR APPROVAL PRIOR TO INSTALLATION.
5	ALL WINDOWS SHALL BE PROVIDED BY ANDERSON WINDOW COMPANY OR DESIGNER APPROVED EQUAL.
6	CONTRACTOR SHALL REVIEW PLANS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CLARIFICATIONS NEEDED SHALL BE ADDRESSED TO DESIGNER BEFORE ACTUAL CONSTRUCTION TAKES PLACE.
7	SAFETY GLAZING (TEMPERED) SHALL BE REQUIRED IN ALL HAZARDOUS LOCATIONS.
8	ROOF SYSTEMS SHALL PROVIDE WATER AND ICE SHIELD A MINIMUM OF 24" UP MEASURED FROM THE FINISH FLOOR OF ALL EXTERIOR WALLS.
9	EXTERIOR BUILDING ENVELOPE PROVIDE APPROVED FLASHING MATERIALS TO APPLICABLE LOCATIONS TO MAINTAIN WEATHER TIGHT CONDITIONS.
10	A WEATHER RESISTANT WINDOW PERMEABLE BARRIER SHALL BE APPLIED HORIZONTALLY OVER EXTERIOR WALL SHEATHING WITH A MINIMUM 24" LAP. ALL OTHER JOINTS SHALL HAVE A MINIMUM 6" BARBER SHALL BE CONFINED TO UNDERSIDE OF TRUSSES OR RAFTERS AND PROVIDE A COMPLETE WEATHER RESISTANT BUILDING ENVELOPE.
11	THE ENGINEERED ROOF TRUSSES SHALL BE CONNECTED TO EXTERIOR WALL SYSTEM WITH APPROVED CONNECTION DEVICE. TYPICAL CONNECTION SHALL BE A METAL SEISMIC HERE AND CLIP.
12	SMOKE DETECTORS SHALL BE PROVIDED INSIDE ALL SLEEPING ROOMS AND A DETECTION DEVICE PROVIDED ON EACH FLOOR.
13	ALL BATHROOMS SHALL HAVE AN EXHAUST FAN VENTED TO EXTERIOR.
14	CHANGES TO BUILDING PLANS SHALL REQUIRE REVISIONS TO BE MADE BY DESIGNER AND SUBMITTED TO BUILDING DEPARTMENT FOR APPROVAL AND RECORD.
Construction Notes	
1	CONCRETE SHALL BE AT LEAST A MINIMUM 28 DAY STRENGTH OF FC 3000 PSI AND A MIN. SHALL CONTAIN NO LESS THAN 3% CRACKS OF CEMENT FOR CURB, YARD, ETC. AIR ENTRAINMENT AT EXTERIOR CONCRETE CONSTRUCTION SHALL COMPLY WITH ALL REQUIREMENTS.
2	REINFORCING STEEL SHALL CONFORM TO ASTM SPECIFICATION A615, 72 GRADE 60, EPOXY COATED AND EPOXY FREE. 24000 PSI.
3	LAP ALL CONCRETE REINFORCEMENT 24" MINIMUM.
4	CONCRETE PROTECTION (COVER) FOR REINFORCING STEEL SHALL BE AS FOLLOWS: FOOTINGS AND OTHER UNFORMED SURFACES 4" FORMED SURFACES IN DIRECT CONTACT WITH EARTH 2" SURFACES EXPOSED TO WEATHER 1 1/2" SLABS AND WALLS IN EXTERIOR WALLS 2"
5	ALL FOOTINGS SHALL BE SOLID AND UNDISTURBED PARTS OF ENGINEERED FILL.
DESIGN LOADS: SOIL BEARING CAPACITY ASSUMED AT 2000 PSF ROOF SNOW LOAD / GROUND SNOW LOAD 10 / 20 PSF WIND LOAD: BASIC WIND SPEED 70 MPH	



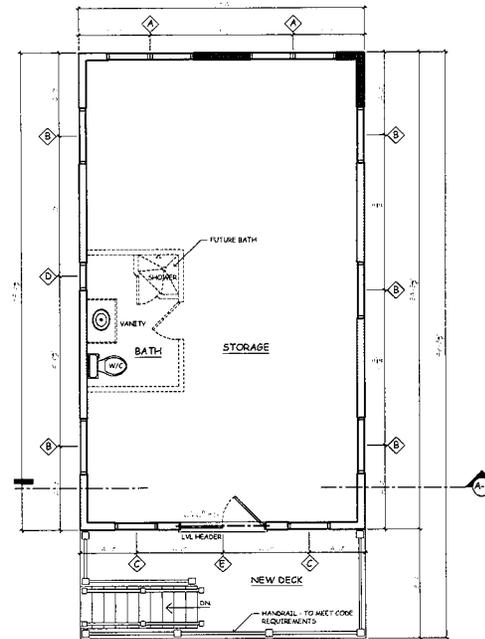
BUILDING SECTION A-1
 SCALE: 3/8" = 1'-0"

<p>DATE: 10/15/11 DRAWN BY: J.R.D. CHECKED BY: J.R.D.</p>
<p>PROJECT: DENDLER RESIDENCE 17002</p>
<p>CONTRACT NO.: 17002</p>
<p>DATE: 10/15/11</p>
<p>SCALE: 3/8" = 1'-0"</p>
<p>SECTION: A-1</p>
<p>PROJECT NO.: 17002</p>

7



FIRST FLOOR PLAN 698 SF
SCALE: 1/4" = 1'-0"



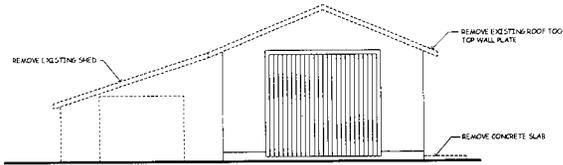
SECOND FLOOR PLAN 698 SF
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE		
TAG	UNIT	(WxH)
◇ TW30410-2		6'-0" x 5'-0"
◇ AN41		2'-0" x 4'-0"
◇ TW30410		3'-0" x 5'-0"
◇ TW20210		9'-0" x 5'-0"
◇ FWH6068APLR		6'-0" x 6'-8"
◇ FWH316BAL		3'-0" x 6'-8"

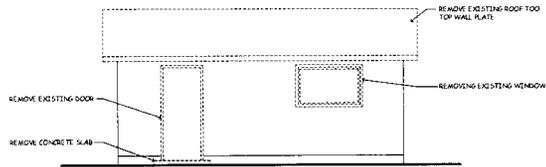
NOTES:

- 1) ALL WINDOWS SPEC'D. - ANDERSEN 400 SERIES
- 2) COLOR - PER OWNER
- 3) GENERAL CONTRACTOR/OWNER TO VERIFY ALL WINDOW AND DOOR ROUGH OPENINGS PRIOR TO IMPLANTATION.

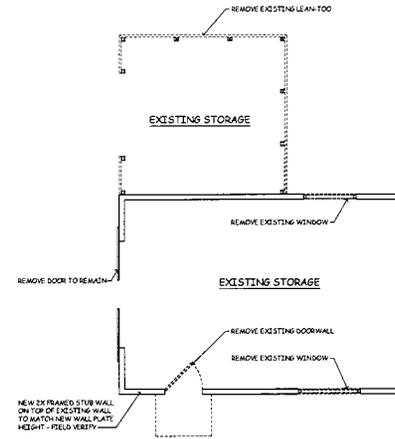
PROJECT: 17002
 SHEET NO. A-1
 DATE: 05/11/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DESIGNER RESIDENCE
 DENIGER, RESIDENCE
 2111 W. 10TH AVE. S.W.
 ALBUQUERQUE, NM 87104
 RJD CONSTRUCTION



EXISTING RIGHT ELEVATION
SCALE: 1" = 1'-0"



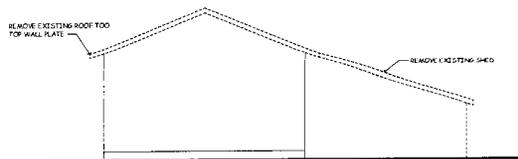
EXISTING FRONT ELEVATION
SCALE: 1/2" = 1'-0"



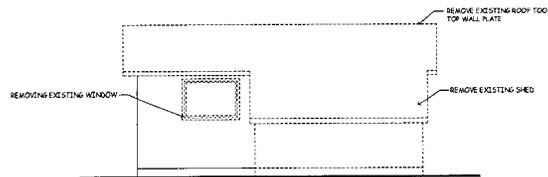
ALTERATION PLAN

290 SF

SCALE: 1/4" = 1'-0"

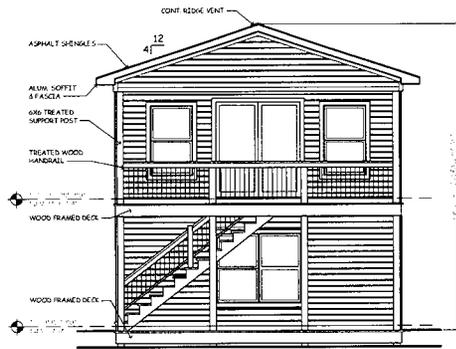


EXISTING RIGHT ELEVATION
SCALE: 1/2" = 1'-0"

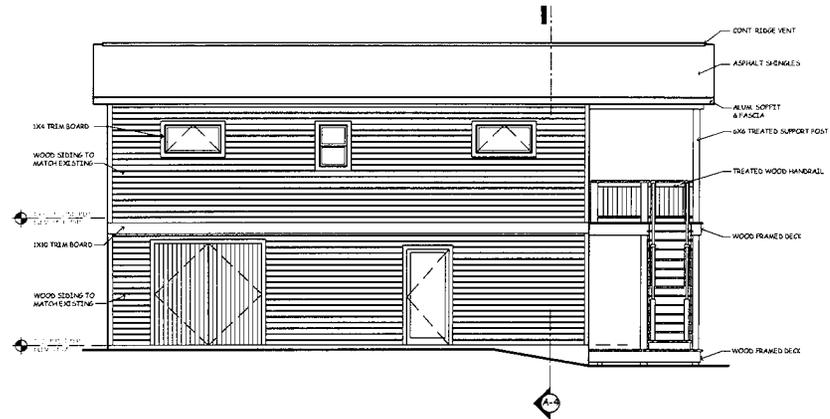


EXISTING REAR ELEVATION
SCALE: 1/2" = 1'-0"

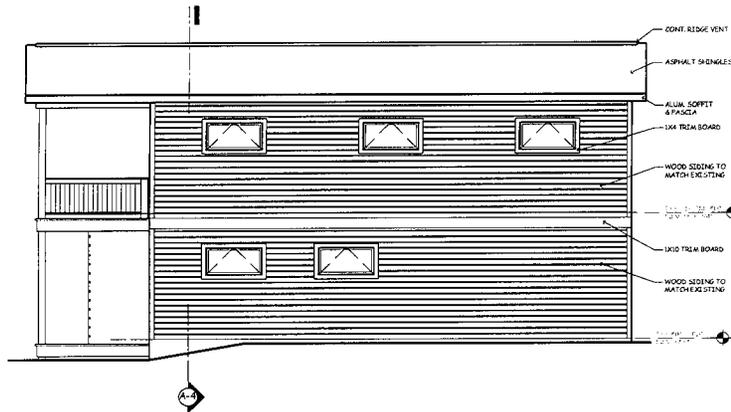
PROJECT NO. 17002
DATE 11/11/2011
REVISIONS
DATE 11/11/2011
BY RJD
PROJECT DINGLER RESIDENCE
CLIENT RJD CONSTRUCTION
DATE 11/11/2011
BY CLARK
DATE 11/11/2011
BY D-1
DATE 11/11/2011
BY 17002



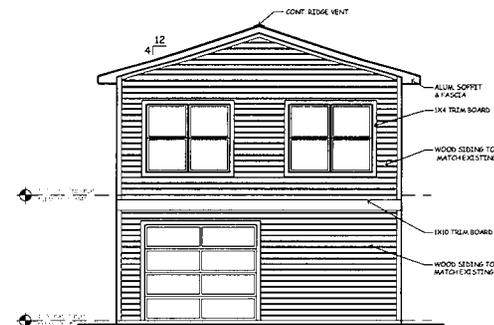
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT: DENDLER RESIDENCE
 DRAWN BY: J. HANLEY
 DATE: 05/11/11
 SHEET: A-3
 17002

JAMES S. JOHNSON
CHAIRMAN

ROBERT CHADWICK
VICE-CHAIRMAN

CLARENCE M. O'CONNOR
COMMISSIONER

KENNETH PAQUET
COMMISSIONER

DAVID D. BROWN
COMMISSIONER

Cheboygan County Road Commission

5302 South Straits Highway
Indian River, Michigan 49749

Phone: (231) 238-7775

Fax: (231) 238-0830

877-257-2272

BRENT SHANK
ENGINEER/MANAGER

DANA S. STEMPKY
CLERK

November 17, 2016

Ms. Susan Dengler
325 E Petoskey Street
Gaylord, MI 49735

Re: Property located at 750 S Waubun Beach Road

Dear Ms. Dengler;

The Cheboygan County Road Commission has considered your request for a building addition located at 750 S Waubun Beach Road. Your proposed addition to an existing garage located within the road right of way of Waubun Beach Road is acceptable with the following condition. The new construction is for an addition of a second level to the existing structure that encroaches in the road right of way; no additional expansion of the footprint of the structure within the road right of way will be permitted or allowed.

Sincerely,



Brent Shank, P.E.
Engineer/Manager
Cheboygan County Road Commission

161-W85-000-004-00
HOMAN, REYNOLD & NELVA
2607 TESSMER RD
ANN ARBOR, MI 48103

161-W85-000-003-00
BYERS, LUCY BATES & PNC BANK
3118 S CAMBRIDGE RD
LANSING, MI 48911

161-W85-000-002-00
GATES, DAN & DEBORAH LEKANDER H/W
419 ISBELL STREET
HOWELL, MI 48843

161-W85-000-001-00
DENGLER FAMILY LIVING TRUST
325 E PETOSKEY ST
GAYLORD, MI 49735

161-002-300-001-00
FIREK, JASON & ELIZABETH H/W
9295 GRAND SUMMIT DR
FENTON, MI 48430

161-W86-000-017-00
UNION BAG & BARREL, INC
622 W KALAMAZOO AVE
KALAMAZOO, MI 49007

161-001-300-010-04
GANO, CHARLES & FRANCES H/W
PO BOX 867
INDIAN RIVER, MI 49749

161-001-300-010-05
STEWART, WILLARD & BARBARA, TTEES
780 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-012-00
HOMAN, REYNOLD & NELVA, TTEE
2607 TESSMER RD
ANN ARBOR, MI 48103

161-001-300-010-02
POWERS, THOMAS A JR & TERRIE H/W
PO BOX 1026
INDIAN RIVER, MI 49749

161-001-300-007-01
WILSON, DANIEL W TRUSTEE
706 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-007-02
PAIR, MARY E
PO BOX 666
INDIAN RIVER, MI 49749

161-001-300-008-00
STROBL, JAMES & CHRISTINE A H/W
21600 DEQUINDRE RD
WARREN, MI 48091

161-W85-000-004-00
OCCUPANT
786 CHIPPEWA BEACH RD
INDIAN RIVER, MI 49749

161-W85-000-003-00
OCCUPANT
768 S WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-W85-000-002-00
OCCUPANT
760 S WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-W85-000-001-00
OCCUPANT
750 S WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-002-300-001-00
OCCUPANT
738 S WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-W86-000-017-00
OCCUPANT
6888 SEQUOIA DR
INDIAN RIVER, MI 49749

161-001-300-010-04
OCCUPANT
768 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-010-05
OCCUPANT
780 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-008-00
OCCUPANT
740 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-007-02
OCCUPANT
708 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

161-001-300-007-01
OCCUPANT
706 WAUBUN BEACH RD
INDIAN RIVER, MI 49749

BURT
LAKE

1/2 S. WAUBUN
BEACH RD

437

230

SOPTIC

57'

EX.
DWARING

12' SETBACK

205

7'

8' SIDE
SETBACK

S. WAUBUN
BEACH RD.
RIGHT-OF-WAY

310'

PROPOSED
20x20
ADDITION

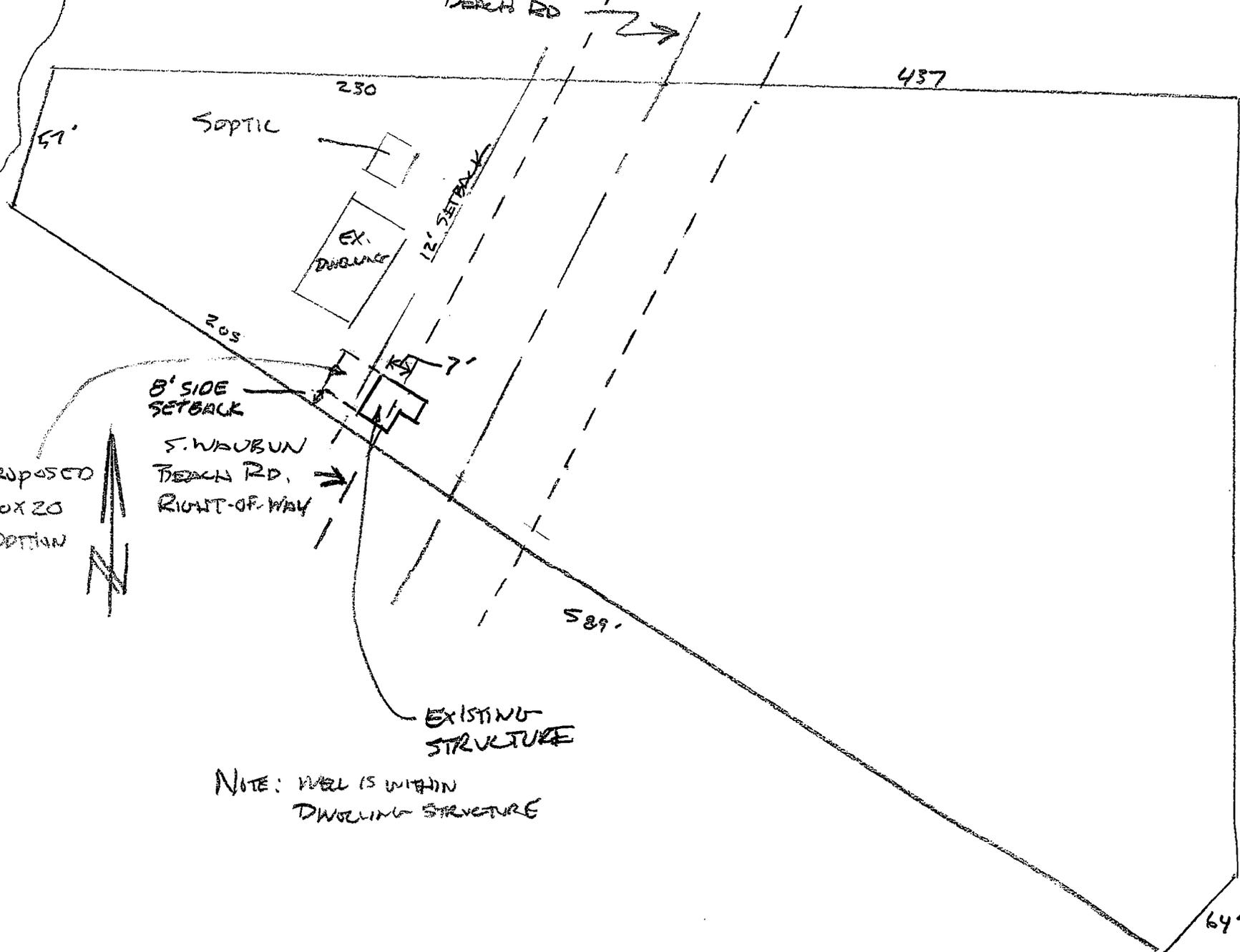
589'

EXISTING
STRUCTURE

NOTE: WELL IS WITHIN
DWELING STRUCTURE

64'

13





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 12 ft. rear setback variance for construction of an addition and second story on an accessory building to a dwelling. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: June 20, 2017	Expected Meeting Date June 28, 2017

GENERAL INFORMATION

Applicant: Susan Dengler

Property Owner: Doris Dengler

Contact person: Susan Dengler

Phone: 989-370-2151

Requested Action: Allow a 12 ft. rear setback variance for construction of an addition and second story on an accessory building to a dwelling. A rear setback of 12 feet is required from High Bluffs Drive.

BACKGROUND INFORMATION

The subject parcel contains two portions based on a single legal description lying on each side of South Waubun Beach Drive.

The property is currently improved with a residence on the west side of South Waubun Beach Drive and a Garage on the east side of South Waubun Beach Drive along with the subject accessory structure which lies, in part, within the westerly portion of the right-of-way of South Waubun Beach Drive. You will note there is a letter from the Cheboygan County Road Commission allowing the structure to be improved with a second level addition provided there shall be no expansion of the foot print of the subject structure (see exhibit 11). The applicant is seeking to construct a two story addition and a second story addition (see exhibit 11) to a structure which lies in part, within the road right-of-way (see exhibit 13). The 12 ft. rear setback is applied from the right-of-way of South Waubun Beach Drive. Thus, a 12 foot rear setback variance is required to allow the structure additions.

An area map and a detail map to the subject site are provided at the end of this report.

Surrounding Zoning:

- West:** Burr Lake
- South:** P-LS, Lake and Stream Protection District.
- North:** Same
- East:** Same

Surrounding Land Uses:

Residential land uses surround the subject property.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The subject lot is located on Burr Lake. No other sensitive area were identified.

Public Comments:

- 1. 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 located in a Lake and Stream Protection (P-LS) zoning district. A 12 foot setback from South Waubun Beach Drive is required in this zoning district.
- 3. The applicant is proposing to construct a 2 story addition and second story on an existing accessory building to a dwelling which is located, in part, within the right-of-way of South Waubun Beach Drive. (see exhibit 13)
- 4. The applicant is seeking a 12 ft. rear lot line setback variance.
- 5. The Cheboygan County Road Commission has approved construction of a second level addition to the subject accessory building provided there is no expansion of the building foot print. (see exhibit 11)
- 6.
- 7.

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 property is bisected by South Waubun Beach Drive, and the subject structure located partly within the road right of way which are unique physical conditions and is not due to the applicant’s personal or economic difficulty.

OR, there are no unique circumstances or physical conditions and/or 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 requested variance is due to the subject structure located partly within the road right of way and is not the result of actions of the property owner or previous property owners.

OR, the need for the variance is due to the desire to use an existing foundation and 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 location of the structure within the road right of way, the proposed addition will require a variance and conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow a reasonable sized accessory building to be located in the subject area 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 structure within the road right of way, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

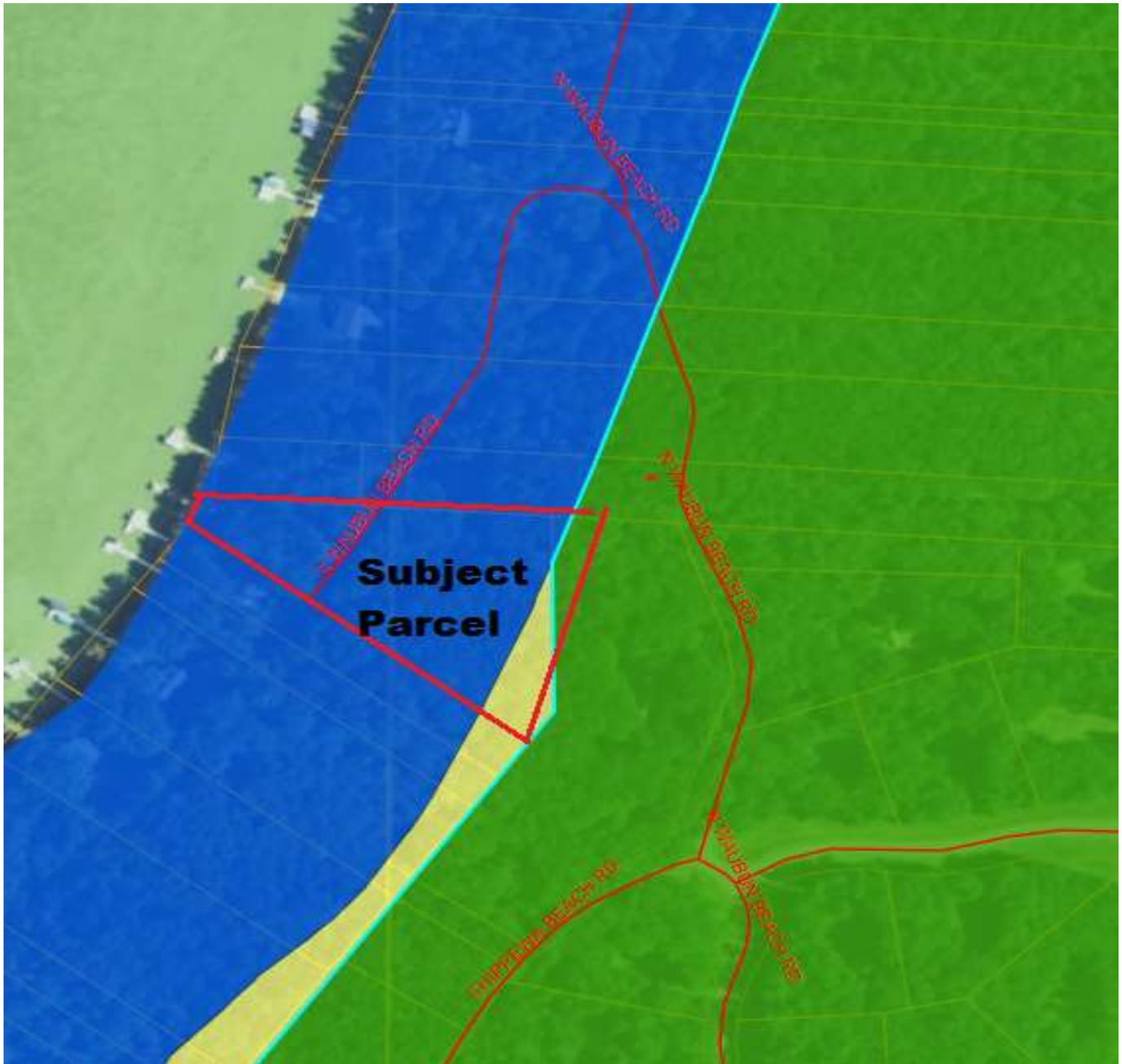
OR, the variance request for a two story structure within the road right of way and/or within the rear setback does not represent the minimum necessary and/or will not do substantial justice to other property owners in the district.

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 12 foot rear setback 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 due to like conditions in the area.

OR, the requested variance to allow a two story structure within the entire rear setback area 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.

Detail map - Subject parcel location – 750 South Waubun Beach Road



Area map

