



# 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, APRIL 27, 2016 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

### **PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **Warren Alaperet** – Requests a 40 foot front setback variance and 25 foot boat well setback variance to alter a non-conforming boat house structure by increasing the roof height in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5836 Bellchase Dr., Tuscarora Township, Section 18, parcel #162-M47-000-011-00. Non-conforming structures in existence or under construction at the time of passage of the zoning ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of the ordinance. A front setback of 40 feet and a setback of 25 feet from a boat well are required in this zoning district.
- 2.) **John Dach** - Requests a 19 ft. front setback variance to construct an enclosed porch (10ft. x 16ft.) in a Residential Development (D-RS) zoning district. The property is located at 6515 Mack Ave., Tuscarora Township, Section 24, parcel #161-M57-000-033-00. A 30 ft. front setback is required in this zoning district.
- 3.) **Request for interpretation** - The Cheboygan County Zoning Administrator is requesting an interpretation from the Zoning Board of Appeals to clarify zoning district boundaries relative to lakes, watercourses and streams.

#### Relevant sections of Zoning Ordinance #200

3.9.2. Zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses.

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the case of streams, such boundaries shall be considered to follow the center line of the streams. Where shorelines of lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

#### **SECTION 3.12. ZONING OF FILL AREAS**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a useable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, MARCH 23, 2016 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, John Moore

**Members Absent:** John Thompson, Nini Sherwood

**Others Present:** Scott McNeil, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, Bob Andrews, Cal Gouine, Lenny Barrette

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. Mr. Freese stated that item 1 on the agenda will be postponed until next month. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to accept the agenda as amended. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

**APPROVAL OF MINUTES**

Minutes from the February 24, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

**PUBLIC HEARING & ACTION ON REQUESTS**

Mr. Freese stated that only three members are present for the meeting tonight. Mr. Freese stated that any decision that the Zoning Board of Appeals makes tonight must be unanimous. Mr. Freese stated that the applicants can ask for their request to be tabled until the next Zoning Board of Appeals meeting.

**Jane Jones / Barrette Construction** – Requests a 3.5 foot side setback variance to construct a bay window addition to a porch structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 7358 Mullett Lake Rd., Inverness Township, Section 26, parcel #092-C05-000-009-00. A side setback of 5 feet is required for the subject property in this zoning district.

Mr. McNeil stated that the applicant is requesting a 3.5ft. side setback variance. Mr. McNeil referred to the site plan and stated that the side setback requirement is 5ft. Mr. McNeil stated the proposal is to place the closest edge of the bay window 1.5ft. from the side lot line.

Mr. Barrette stated that the proposed bay window will actually be 2ft. from the property line. Mr. Barrette stated that the existing structure is 6 inches from the property line. Mr. Barrette stated that he is trying to do the least amount possible to benefit the porch with the bay windows. Mr. Barrette stated that the encroachment is very minimal as far as the amount of square footage which is less than 35sf per bay window.

Mr. Freese asked if there is any correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

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

6. The lot is a legal non-conforming lot.
7. The house is a legal non-conforming structure.

Mr. Freese stated that everything else in Mullett Lake Village is legal non-conforming. Mr. Freese stated the reason the regulation was changed recently is due to setback requirements not being reasonable given the size of the lots. Mr. Freese stated that many of the structures were built over 100 years ago. Mr. Freese stated this is another similar situation.

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

and the Specific Findings of Fact under Section 23.5.4. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

**Robert Andrews** – Requests a 40 foot front setback variance and 25 foot boat well setback variance to construct a boat house structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9728 John Werner Dr., Benton Township, Section 17, parcel #105-R53-000-018-00. A front setback of 40 feet and a setback of 25 feet from a boat well are required in this zoning district.

Mr. McNeil stated that the applicant is requesting a 40ft. front setback variance and a 25ft. boat well setback variance to replace a boathouse.

Mr. Freese asked if there was any additional correspondence. Mr. McNeil stated there was no additional correspondence. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Andrews stated he has photos of the existing boathouse for the Zoning Board of Appeals members to review. Mr. Andrews asked the board to consider the location of the boathouse on the property as it is not actually on the river. Mr. Andrews stated that none of the neighbors will be able to see the boathouse as it is located in the bay area and surrounded by trees. Mr. Andrews stated it would only be visible to boaters or to someone who lives across the river. Mr. Andrews hopes that the Zoning Board of Appeals will take this into consideration when making a decision tonight.

Mr. Moore stated that the existing boathouse definitely needs repair as it has been there for a while. Mr. Freese stated that his feeling is that boathouses have been discouraged in the past unless they were existing structures. Mr. Freese stated that new boathouses have not been allowed. Mr. Freese stated there were a couple that the Zoning Board of Appeals allowed to be reconstructed. Mr. McNeil stated that boathouse replacement has been allowed, but new boathouses have not been allowed (where there was none before).

Mr. Freese noted that the entire boathouse is outside of the property lines; however, the plat allows use to the waterfront for this particular lot. Mr. Freese stated this is a legal non-conforming structure. Mr. Freese stated that if the structure is torn down there is no basis for rebuilding. Mr. Freese stated he does not see that the building will last very much longer without being rebuilt.

Mr. Freese asked Mr. Andrews if he will be replacing the seawall with metal. Mr. Andrews stated yes, it will be replaced with sheet metal and the new boathouse will sit on the sheet metal.

Mr. Freese stated that the reasons for the 40ft. setback are environmental and aesthetic. Mr. Freese stated the only areas that he is aware of that have a boathouse as a prevalent use is on the Indian River and there are a few to the north of the site on the Cheboygan River. Mr. Moore noted that there are a few existing boathouses in the area (lots 15 and 19). Mr. Freese stated that there are a couple boathouses that he believes are illegal. Mr. McNeil stated that when the last inventory was done the greatest concentration was at the mouth of the Black River and Indian River. Mr. Freese stated that in areas where boathouses are prevalent it looks like you are going down an alley with a bunch of garage doors. Mr. Moore stated boathouses are usually more attractive. Discussion was held.

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

7. This is a legal non-conforming structure.

Mr. Moore asked if there are any issues with enlarging the boat well. Mr. Freese stated he would have an issue with making the boat well any bigger than it already is and he has issues with replacing it if it is torn down. Mr. Andrews stated the DEQ came out for a site visit in January regarding the seawall and the boathouse. Mr. Andrews stated that the DEQ did not have an issue with either one because it is already existing and grandfathered in. Mr. Andrews stated that as far as making the boat well bigger they said that they have no problem with it as he will be creating wetlands. Mr. McNeil stated there are no concerns in regards to the boat well in regards from zoning either.

Mr. Andrews stated he would be willing to compromise and replace with the existing size versus enlarging if that will help with the decision-making process. Mr. Moore asked if Mr. Andrews will bring it in or leave it out at the mouth. Mr. Andrews stated he would leave it out at the mouth. Mr. Moore stated if it was brought in, it would lessen the aesthetic objection. Mr. Freese agreed with Mr. Moore and stated it would be more pleasing to his sensibilities than leaving it out where it is. Mr. Andrews stated that when you put the boat in you will have to put it in bow first and you would prefer to have the cabin area covered which is on the stern of the boat. Mr. Andrews stated that aesthetically you are not changing anything from what is existing because it will be in the same location as it is currently. Mr. Moore suggested splitting the

difference and bring it back a little bit which will allow better access to the boat outside of the boathouse. Mr. Andrews stated he would be willing to do that. Mr. Freese stated he is not inclined to go along with this unless it is moved all the way back. Mr. Freese stated it would be acceptable to him if the boathouse, in its present size, is moved to the back of the boat well. Mr. McNeil clarified that this would extend the boathouse by 16ft. into the front setback area. Mr. Freese stated that he does not like setting a precedent of replacing boathouses. Mr. Moore asked how big the boat is. Mr. Andrews stated 42ft. Mr. Andrews stated he would accept this change if this is the only way it can be approved. Mr. Andrews stated that the boathouse is a unique asset to the property. Mr. Andrews stated that consideration should be given for the location on the property. Mr. Andrews stated that this boathouse is unique in its location. Mr. Andrews stated that there are no adjoining properties that the boathouse will ever impede on the view of the owner. Mr. Andrews stated he is willing to accept this change, but with regrets. Discussion was held. Mr. Freese clarified that the boat well will be enlarged to move the size of the boathouse back to the new extension of the boat well. Mr. Freese stated that reconstruction of the boathouse will be allowed, but at the back of the new extension (16ft.) of the boat well. The Zoning Board of Appeals added the following to the General Findings:

8. The applicant is willing to extend the boat well 16ft. and place the boathouse at the south end of the extension of the boat well.

Mr. McNeil asked if the Zoning Board of Appeals is allowing a 30ft. or 46ft. boathouse. Mr. Freese stated a 30ft. boathouse.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 3 Ayes (Moore, Hemmer, Freese), 0 Nays, 2 Absent (Thompson, Sherwood)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **ZBA COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

Mr. Muscott stated that he visited Bellchase Drive and he is sure that other property owners will want to rebuild their boathouses. Discussion was held.

#### **ADJOURN**

**Motion** by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:30pm.

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John Thompson, Secretary

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Warren J. Alaperet

## 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**

\$100.00 APPLICATION FEE

RECEIPT #:	#4906
CASH/CHECK:	110.00 2/26/16
ACTION / DATE:	3/24/16

*slm*

PLEASE PRINT

**PROPERTY LOCATION**

Address <b>5836 BELLCHASE DR</b>	City / Village <b>INDIAN RIVER</b>	Township / Sec. <b>TUSCARORA TWP. SECTION 18</b>	Zoning District
Property Tax I.D. (Parcel) Number PROPERTY TAX I.D. PARCEL # <b>162-M47-000-011-00</b>	Subdivision or Condo. Name / Plat or Lot No. <b>MARINELAND SUBDIVISION LOT 11</b>		

**APPLICANT**

Name <b>WARREN J. ALAPERET</b>	Telephone <b>231-238-2160</b>	Fax	
Address <b>5836 BELLCHASE RD.</b>	City & State <b>INDIAN RIVER, MI</b>	Zip Code <b>49749</b>	E-Mail

**OWNER (If different from applicant)**

Name <b>W JOHN ALAPERET</b>	Telephone <b>231-238-2160</b>	Fax	
Address <b>5836 BELLCHASE DR</b>	City & State <b>INDIAN RIVER MI</b>	Zip Code <b>49749</b>	

Detailed directions to site, including nearest crossroad:

STRAIGHT HWY TO GRATIOT TO BELLCHASE

**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: NOT KNOWN
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat MARINELAND SUBDIVISION
- C. Present use of the property is: SINGLE FAMILY DWELLING
- 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.

REMOVE DELAINE BOAT SLIP ROOM & REPLACE.  
RAISE ROOF APPROX: 14" FOR HEAD ROOM OVER ALL  
HEIGHT CHANGE 40" TO PEAK

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.

ROOFLINE IS LOW AND AM CONCERNED THAT HEAD ROOM IS TOO LOW

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

N/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

N/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.

YES

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 BOATHOUSE IS FALLING INTO DISREPAIR AND IMPROVEMENTS  
SHOULD ADD TO MY PROPERTY VALUE AND ALSO SURROUNDING PROPERTY  
VALUES

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

Owner's Signature

Harren J. Alpert

Date

02-16-16

**AFFIDAVIT**

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

Applicant's Signature

Harren J. Alpert

Date

02-16-16

# SKETCH/AREA TABLE ADDENDUM

Parcel No 162-M47-000-011-00

Property Address 5836 BELLCHASE DR

City INDIAN RIVER

County CHEBOYGAN

State MI

Zip 49749

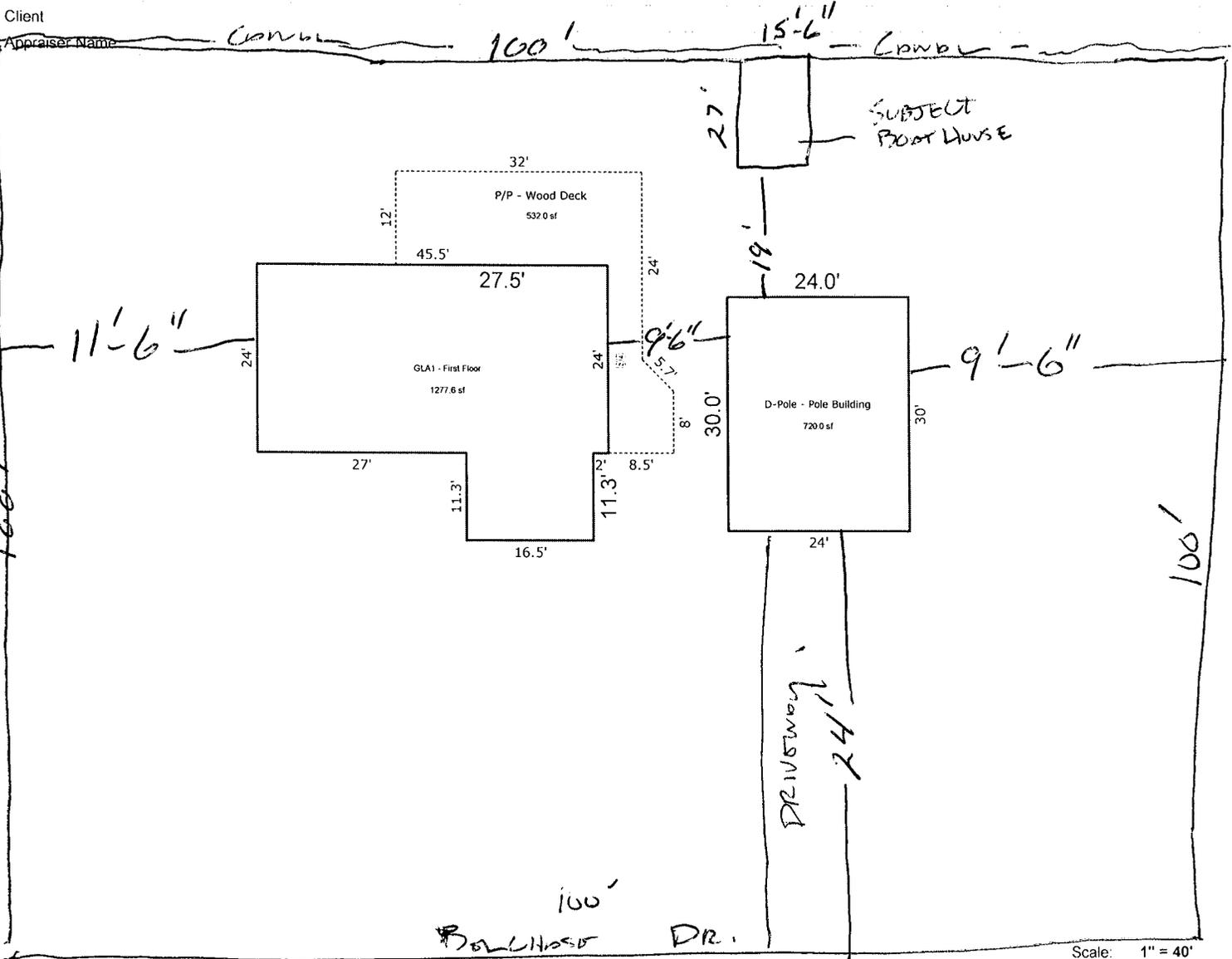
Owner ALAPERET, WARREN J & JUDITH A, H/W

Client

Appraiser Name

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 40'

## AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	First Floor	1.00	1277.63	161.5	1277.63
P/P	Wood Deck	1.00	532.00	141.7	532.00

Comment Table 1

Comment Table 2

Comment Table 3

AREA CALCULATIONS

Net LIVABLE Area

(rounded w/ factors)

1278

# SKETCH/AREA TABLE ADDENDUM

Parcel No 162-M47-000-011-00

Property Address 5836 BELLCHASE DR

City INDIAN RIVER

County CHEBOYGAN

State MI

Zip 49749

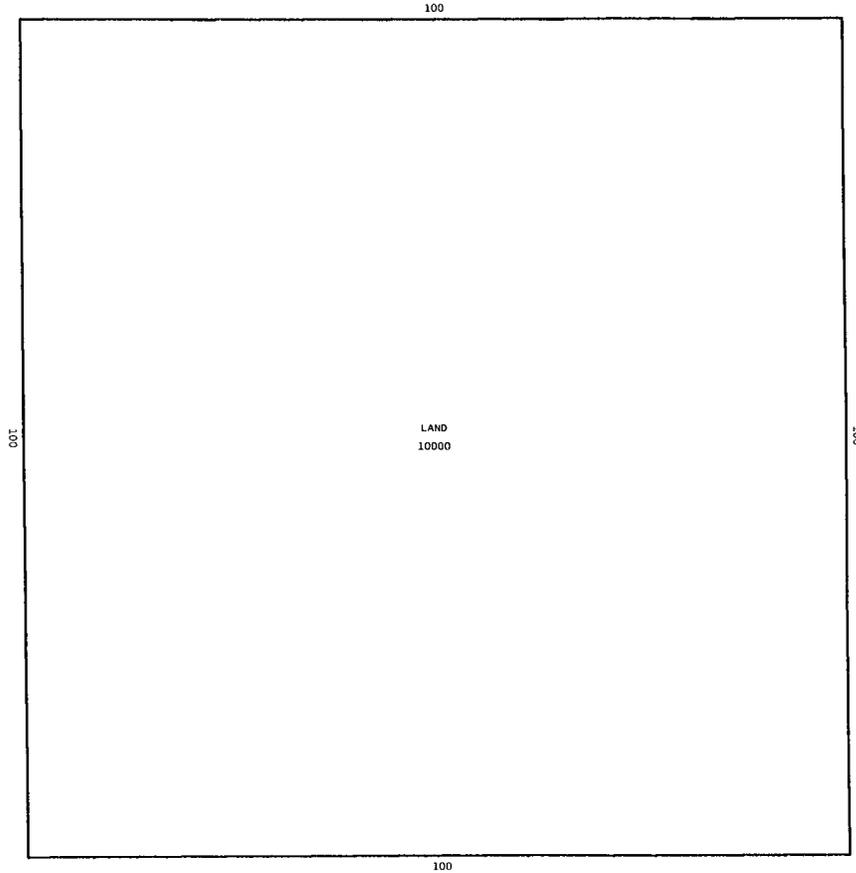
Owner ALAPERET, WARREN J & JUDITH A, H/W

Client

Appraiser Name

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 40'

## AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
LAND	162-M47-000-011-00	1.00	10000.41	400.0	10000.41

Comment Table 1

Comment Table 2

Comment Table 3

AREA CALCULATIONS

16-162-018-300-010-00 BEEBE, DIANE, TTEE 5872 LORI LN INDIAN RIVER MI 49749	16-162-M47-000-005-00 COOK, STEPHEN & BRIGETTE H/W 5815 BELLCHASE DR P.O. BOX 1149 INDIAN RIVER MI 49749	16-162-M49-000-015-00 MOODY, TERRI SUE 4739 CANYON OAKS DR BRIGHTON MI 48114
16-162-018-300-010-02 MILLER, GENE O ET UX 5841 BELLCHASE, PO BOX 458 INDIAN RIVER MI 49749	16-162-M47-000-007-00 WIXSON, RALPH TTEE & SHIRLEY PO BOX 275 BURT LAKE MI 49717	16-162-M49-000-016-00 ODONNELL, JAMES M 5851 DIANE DR INDIAN RIVER MI 49749
16-162-018-300-010-03 DELPH, JEANNE M 5830 CROOKED LN INDIAN RIVER MI 49749	16-162-M47-000-008-00 BRYERS, DARRELL W 11 MILLRACE LN KEEDYSVILLE MD 21756-1315	16-162-M49-000-017-00 SPENCER, ROBERT & VIRGINIA, TT 5841 DIANE DR INDIAN RIVER MI 49749
16-162-018-300-010-07 DRENNING, WILLIAM 20931 REDMOND EASTPOINTE MI 48021	16-162-M47-000-009-00 COOK, STEPHEN & BRIGETTE H/W PO BOX 1149 INDIAN RIVER MI 49749	16-162-M49-000-018-00 ABAR, VERA LIVING TRUST 1821 DACOSTA DEARBORN MI 48128
16-162-018-300-010-08 WOODS REVOC LIVING TRUST 5844 BELLCHASE INDIAN RIVER MI 49749	16-162-M47-000-010-00 FALSETTA, WILLIAM II & 5224 FAIRBANKS LANSING MI 48917	16-162-M49-000-021-00 KROT, GREGORY & CAMILLE H/W 5822 DIANE DR INDIAN RIVER MI 49749
16-162-018-300-010-09 WOODS, JACKIE & JANICE REVOC 5837 BELLCHASE DR INDIAN RIVER MI 49749	16-162-M47-000-011-00 ALAPERET, WARREN & JUDITH H/ 172 N ESTATES DR GAYLORD MI 49735	16-162-M49-000-022-00 SCHRAM, GARY WALTER 2579 ANDEN PLACE SAGINAW MI 48604
16-162-M47-000-001-00 MILLER, GENE PO BOX 458 INDIAN RIVER MI 49749	16-162-M47-000-012-00 WOODS REVOCABLE LIVING TRUS 5844 BELLCHASE DR INDIAN RIVER MI 49749	16-162-M49-000-023-00 GROVER, HUGH L, TRUSTEE 1111 N WATER ST, APT 105 BAY CITY MI 48708
16-162-M47-000-002-00 WOODS, JACKIE & JANICE REVOCA 5837 BELLCHASE DR INDIAN RIVER MI 49749	16-162-M47-000-013-00 WISELEY, TERRY & LINDA H/W 6637 BARBARA, P.O. BOX 63 INDIAN RIVER MI 49749	16-162-M49-000-024-00 MAROUDIS, GARY & MARLENE H/ 3064 W COON LAKE RD HOWELL MI 48843
16-162-M47-000-003-00 BURLESON, MARY C, EST OF 1/2 IN 1837 DIAMOND AVE NE GRAND RAPIDS MI 49505	16-162-M47-000-013-01 MAROUDIS, GARY & MARLENE H/ 3064 W COON LAKE RD HOWELL MI 48843	16-162-M49-000-025-00 WELDON, PATRICK & BOBBI JO H/ 2301 N HARRISON AVE HARRISON MI 48625
16-162-M47-000-004-00 GENOVESE, SAMUEL P JR 5821 BELLCHASE DR INDIAN RIVER MI 49749	16-162-M49-000-014-00 JOHNSON, RANDOLPH & WENDY H 5024 OAK BLUFF COURT HOWELL MI 48843	16-162-M49-000-026-00 SLIVA, JOHN & LORI H/W 5872 DIANE DR INDIAN RIVER MI 49749-9720

16-162-018-300-010-00  
OCCUPANT  
2851 GRATIOT ST  
INDIAN RIVER, MI 49749

16-162-M47-000-010-00  
OCCUPANT  
5834 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-021-00  
OCCUPANT  
5822 DIANE DR  
INDIAN RIVER, MI 49749

16-162-018-300-010-03  
OCCUPANT  
5830 CROOKED LN  
INDIAN RIVER, MI 49749

16-162-M47-000-011-00  
OCCUPANT  
5836 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-022-00  
OCCUPANT  
5832 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-001-00  
OCCUPANT  
5841 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-012-00  
OCCUPANT  
5844 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-023-00  
OCCUPANT  
5842 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-002-00  
OCCUPANT  
5837 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-013-00  
OCCUPANT  
5852 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-024-00  
OCCUPANT  
5852 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-003-00  
OCCUPANT  
5831 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-013-01  
OCCUPANT  
5883 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-025-00  
OCCUPANT  
5862 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-004-00  
OCCUPANT  
5821 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-014-00  
OCCUPANT  
5871 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-026-00  
OCCUPANT  
5872 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-005-00  
OCCUPANT  
5815 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-015-00  
OCCUPANT  
5861 DIANE DR  
INDIAN RIVER, MI 49749

*16-162-018-300-010-00  
Occupant  
2862 Arlene Ave.  
Indian River MI 49749*

16-162-M47-000-007-00  
OCCUPANT  
5812 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-016-00  
OCCUPANT  
5851 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-008-00  
OCCUPANT  
5818 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-017-00  
OCCUPANT  
5841 DIANE DR  
INDIAN RIVER, MI 49749

16-162-M47-000-009-00  
OCCUPANT  
5826 BELLCHASE DR  
INDIAN RIVER, MI 49749

16-162-M49-000-018-00  
OCCUPANT  
5831 DIANE DR  
INDIAN RIVER, MI 49749

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

John Dach

## Exhibit List

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

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 #:	4931
CASH/CHECK:	2484
ACTION /DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address <b>6515 MACK AVE.</b>	City / Village <b>INDIAN RIVER</b>	Township / Sec. <b>1</b>	Zoning District <b>401</b>
Property Tax I.D. (Parcel) Number <b>16-161-M57-000-033-00</b>	Subdivision or Condo. Name / Plat or Lot No. <b>M. A. McHENRY LOT 33</b>		

**APPLICANT**

Name <b>JOHN G. DACH</b>	Telephone <b>586-206-0357</b>	Fax	
Address <b>207 SAWYER ST.</b>	City & State <b>GRAND BLANC, MI</b>	Zip Code <b>48439</b>	E-Mail <b>JDACH@AMERITECH.NET</b>

**OWNER (If different from applicant)**

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

**SW CORNER OF MACK AVE. AND WITT BLVD**

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**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 **MA. McHENRY'S**
- C. Present use of the property is: **2ND HOME**
- D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions.

II. **Detailed Request and Justification**

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

ADD ON 4 SEASON FRONT PORCH.

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.

FRONT YARD SETBACK

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

NO

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

MANY OF THE HOMES IN THE AREA HAVE ENCLOSED PORCHES THAT HAVE BEEN ADDED ON.

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.

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 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

John L. Walsh

Date

3/21/16

**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

John L. Walsh

Date

3/21/16

**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: 26' Rear: \_\_\_\_\_ Side: 16' Side: \_\_\_\_\_

**Zoning District:**

D-RS

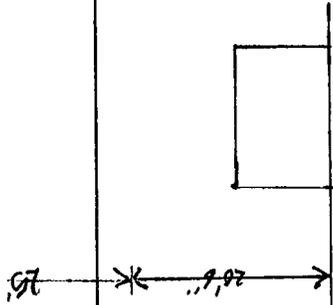
**North:**

SEE ATTACHED

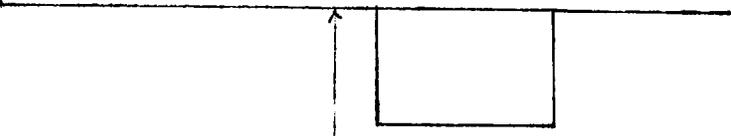
BURT LAKE



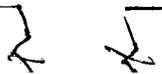
WIT- BLD



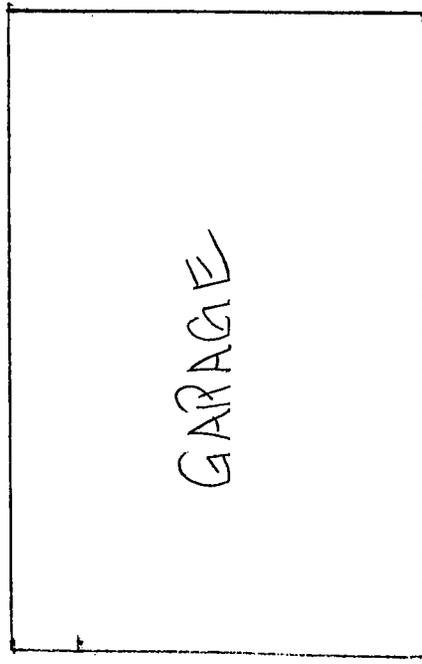
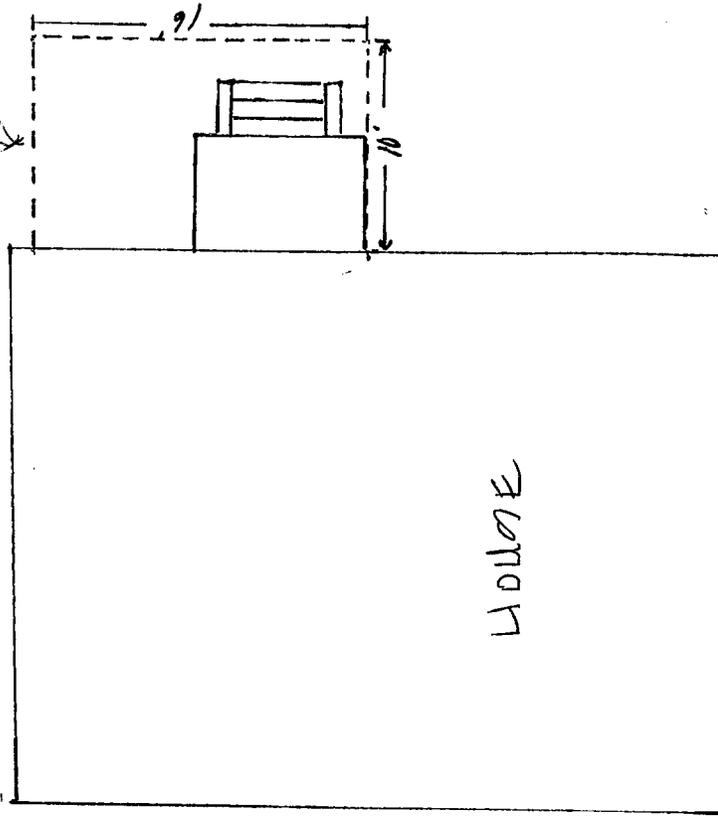
6519 MACK AVE.  
EXISTING



MACK AVE.



Proposed Porch  
Addition



6015 MACK AVE  
1/8" SCALE













16-161-024-300-208-00  
EICHHORN, THERESE  
4525 PRINCE ALBERT WAY  
LEXINGTON KY 40515

16-161-024-300-209-00  
TESSMER, GENNELLE  
83 S HIGHLAND  
MOUNT CLEMENS MI 48043

16-161-024-300-210-00  
HAUNGS, JILL ERIN  
142 LAUREL AVE  
MILFORD OH 45150

16-161-024-300-212-00  
MILLER, LARRY & WENDY H/W  
PO BOX 279  
INDIAN RIVER MI 49749

16-161-024-300-213-00  
SPITZ, ALBERT MICHAEL  
9600N RIVER RD  
FREELAND MI 48623

16-161-024-400-075-00  
HEAD, ANDREW & MAGARET H/W  
2717 MAPLEWOOD DR SE  
GRAND RAPIDS MI 49506

16-161-024-400-076-00  
SEELINGER, STEVEN D REVOC TR  
24 SYLVAN AVENUE  
PLEASANT RIDGE MI 48069

16-161-024-400-077-00  
SEELINGER, STEVEN D, TRUSTEE  
24 SYLVAN AVENUE  
PLEASANT RIDGE MI 48069

16-161-024-400-078-00  
SULLIVAN, PAUL & DENISE H/W  
6189 WINTER  
CANTON MI 48187

16-161-024-400-106-00  
LEPANT, CHARLES  
925 WELLESLEY  
PITTSBURGH PA 15202

16-161-024-400-107-00  
MORDEN, MARK H  
PO BOX 705  
INDIAN RIVER MI 49749

16-161-024-400-108-00  
MORDEN, MARK H  
PO BOX 705  
INDIAN RIVER MI 49749

16-161-024-400-140-00  
TAPIA, MANUEL JR & EDNA TRUST  
PO BOX 875  
INDIAN RIVER MI 49749

16-161-024-400-142-00  
SMITH, CHRISTOPHER & STEPHANI  
1418 E ANDRE AVE  
MOUNT PLEASANT MI 48858

16-161-024-400-143-00  
BROWN, WILLIAM & JAYNE, H/W  
819 WEST OLIVER ST  
OWOSSO MI 48867

16-161-024-400-175-00  
BURR, RONALD E  
3739 MARINER  
WATERFORD MI 48329

16-161-024-400-176-00  
BURR, RONALD E  
3739 MARINER  
WATERFORD MI 48329

16-161-024-400-178-00  
BAUMGARTNER, GLORIA  
6834 COVINGTON CREEK TRL  
FORT WAYNE IN 46804

16-161-024-400-179-00  
BARANOWSKI, EDWIN & DONNA H  
111 CARNEY DR  
DUNDEE MI 48131

16-161-024-400-214-00  
TEASDALE, DANIEL & NANCY H/W  
1001 WHITTIER  
CANTON MI 48187

16-161-024-400-216-00  
WITGEN, JOAN  
4640 GABLES WOOD WAY  
WEBBERVILLE MI 48892

16-161-024-400-217-00  
GRANDY, ROD  
7128 N FERRIS RD  
RIVERDALE MI 48877

16-161-M57-000-017-00  
LAKE, ROGER & KAY H/W  
322 LAKE ST  
SAINT CHARLES MI 48655

16-161-M57-000-017-01  
BURTON, KENNETH & LANA H/W  
921 EASTWIND CIR  
LANSING MI 48917

16-161-M57-000-018-00  
K & EJ STAHL TRUST, WAYNE L ST  
PO BOX 51  
INDIAN RIVER MI 49749-0051

16-161-M57-000-020-00  
REINECKER, WAYNE & JOYCE, CO-  
4252 WALSH RD  
WHITMORE LAKE MI 48189

16-161-M57-000-021-00  
FORMARO, JOSEPH & ROSANNA H/  
2606 JONATHAN DR  
STERLING HEIGHTS MI 48310

16-161-M57-000-027-00  
COVERT, MARTIN & CHRISTINE H/  
13447 WHITE LAKE RD  
FENTON MI 48430-8401

16-161-M57-000-028-00  
NEAR, DALE & RITA H/W  
3135 JOHANN DR  
SAGINAW MI 48609

16-161-M57-000-029-00  
REINECKER, WAYNE & JOYCE, CO-  
4252 WALSH RD  
WHITMORE LAKE MI 48189

16-161-M57-000-031-01  
SOMOGYI, NANCY  
3367 E COOK RD  
GRAND BLANC MI 48439

16-161-M57-000-051-00  
PASSINO, RUSSELL & PENNY H/W  
5930 RAINBOW TRL  
INDIAN RIVER MI 49749

16-161-M57-000-033-00  
DACH, JOHN & STARLA H/W  
207 SAWYER ST  
GRAND BLANC MI 48439

16-161-M57-000-034-00  
HERENDEE, JUDITH &  
3147 MORNINGSIDE DR  
COLUMBUS OH 43202

16-161-M57-000-036-00  
TAYLOR, KURT A  
3493 PARK ISLAND DR  
OXFORD MI 48371-5733

16-161-M57-000-037-00  
MILLER, LARRY & WENDY H/W  
9769 COOLEY LAKE RD  
COMMERCE TWP MI 48381-3630

16-161-M57-000-039-00  
MASTROFRANCESCO, LUIGI & AN  
44472 ASPEN RIDGE DR  
NORTHVILLE MI 48168

16-161-M57-000-045-02  
PETRIE, MARY ANN; ROBERT D  
11400 KNIGHTS DR  
PINCKNEY MI 48169

16-161-M57-000-046-00  
PETRIE, MARY ANN; ROBERT D  
11400 KNIGHTS DR  
PINCKNEY MI 48169

16-161-M57-000-047-00  
FLOWERS, JAMES & DAWN H/W  
4200 MARIANNE DR  
FLUSHING MI 48433

16-161-M57-000-049-00  
KINDSVATTER, CHRISTIAN & LORI  
460 DEERFIELD LN  
INDIAN RIVER MI 49749

16-161-024-300-208-00  
OCCUPANT  
6559 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-024-400-140-00  
OCCUPANT  
3755 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-M57-000-017-00  
OCCUPANT  
6523 OAK GLEN ST  
INDIAN RIVER, MI 49749

16-161-024-300-209-00  
OCCUPANT  
SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-024-400-142-00  
OCCUPANT  
6471 MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-018-00  
OCCUPANT  
6533 OAK GLEN ST  
INDIAN RIVER, MI 49749

16-161-024-300-210-00  
OCCUPANT  
6533 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-024-400-143-00  
OCCUPANT  
6455 MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-020-00  
OCCUPANT  
6545 OAK GLEN ST  
INDIAN RIVER, MI 49749

16-161-024-300-212-00  
OCCUPANT  
6515 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-024-400-175-00  
OCCUPANT  
3771 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-M57-000-021-00  
OCCUPANT  
6559 OAK GLEN ST  
INDIAN RIVER, MI 49749

16-161-024-300-213-00  
OCCUPANT  
6509 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-024-400-176-00  
OCCUPANT  
3787 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-M57-000-027-00  
OCCUPANT  
6564 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-075-00  
OCCUPANT  
3695 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-024-400-178-00  
OCCUPANT  
6456 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-028-00  
OCCUPANT  
6554 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-076-00  
OCCUPANT  
3709 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-024-400-179-00  
OCCUPANT  
6442 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-029-00  
OCCUPANT  
6540 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-106-00  
OCCUPANT  
3721 WITT BLVD  
INDIAN RIVER, MI 49749

16-161-024-400-214-00  
OCCUPANT  
6491 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-031-01  
OCCUPANT  
6520 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-107-00  
OCCUPANT  
6482 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-216-00  
OCCUPANT  
6471 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-033-00  
OCCUPANT  
6515 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-108-00  
OCCUPANT  
6372 MACK AVE  
INDIAN RIVER, MI 49749

16-161-024-400-217-00  
OCCUPANT  
6461 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-034-00  
OCCUPANT  
6521 MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-036-00  
OCCUPANT  
6539 MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-037-00  
OCCUPANT  
MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-039-00  
OCCUPANT  
6567 MACK AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-045-02  
OCCUPANT  
SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-046-00  
OCCUPANT  
6568 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-047-00  
OCCUPANT  
6552 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-049-00  
OCCUPANT  
6526 SOUTH AVE  
INDIAN RIVER, MI 49749

16-161-M57-000-051-00  
OCCUPANT  
6516 SOUTH AVE  
INDIAN RIVER, MI 49749



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

To: Zoning Board of Appeals

Subject: Request for interpretation to clarify zoning district boundaries relative to lakes, watercourses and streams.

From: Scott E. McNeil, Planner

Date: April 13, 2016

The subject interpretation is being requested pending an amendment to the zoning ordinance that would clarify zoning district boundaries relative to lakes.

## Relevant sections of Zoning Ordinance #200

3.9.2. Zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses.

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the case of streams, such boundaries shall be considered to follow the center line of the streams. Where shorelines of lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

## SECTION 3.12. ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a useable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

## Common definitions of watercourse:

Oxford Dictionary - a brook, stream, or artificially constructed water channel.  
the bed along which a watercourse flows.

Merriam Webster Dictionary - a river, stream etc.

You will also note by review of sections 3.9.2. and 3.9.3. language is provided that zoning district boundaries follow the center line of streams, watercourses and along shorelines of lakes.

By review of Section 3.12 you will note a conflict with sections 3.9.2. and 3.9.3. relative to lakes in the second sentence which states as follows:

No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates.

Please do not hesitate to contact me with questions, or if you would like me to conduct other research.