



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING  
WEDNESDAY, JULY 26, 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.) **Patrick and Darleen Kennedy** - Requests a 104 ft. front setback variance for a porch addition to a dwelling in a Natural Rivers Protection (P-NR) zoning district. The property is located at 6758 Milligan Creek Trail, Forest Township, Section 6, parcel #231-006-300-003-00. A 150 foot front setback is required for the subject lot in this zoning district.
- 2.) **Gary Drolshagen** - Requests a 184 square foot floor area variance for a private storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9885 South River Road, Benton Township, Section 20, parcel #104-020-100-010-07. A private storage building is limited to a floor area of 1,600 square feet for the subject lot this zoning district.
- 3.) **Tim Daniel** - Requests a waiver from the side setback screening requirement, a 17 ft. front setback variance, and 3 foot side setback variance for a private storage building and a 4 foot front setback variance for a ground decking in a Lake and Stream Protection (P-LS) zoning district. The property is located at 1314 Topinabee Shore Drive, Mullett Township, Section 30, parcel #130-013-006-007-00. A private storage building must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of 6 feet if within 30 feet of a side property line in this zoning district. A 50 foot front setback is required for a private storage building on subject lot this zoning district. A 5 foot side setback is required for a private storage building on subject lot this zoning district. A 25 foot front setback is required for ground decking and patios without railings which are less than thirty (30) inches above the natural grade in this zoning district.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JUNE 28, 2017 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

**Members Absent:** None

**Others Present:** Scott McNeil, Dan Gates, Cal Gouine, Terrie Powers, Susan Dengler, Doris Dengler, Russell Crawford, Cheryl Crawford, Carl Muscott

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

**PLEDGE OF ALLEGIANCE**

Chairperson Freese led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The agenda was presented. **Motion** by Mr. Hemmer, seconded by Ms. Sherwood, to accept the agenda as presented. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

**APPROVAL OF MINUTES**

Minutes from the May 24, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Ms. Sherwood, to approve the minutes as presented. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

**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.

**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.

Mr. Freese stated that the applicant has requested that his application be withdrawn. **Motion** by Ms. Sherwood, seconded by Mr. Hemmer, to approve the request to withdraw the application. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

**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.

Mr. McNeil stated that the applicant is requesting an 8 ft. rear setback variance for a land division in a Commercial Development (D-CM) zoning district. Mr. Freese asked if the applicant wishes to table the request. Mr. Whitener stated that he would like to go ahead with the request.

Mr. Freese asked if the well on the corner of lot 2 is a communal well. Mr. Whitener stated yes and it is supplying to three commercial buildings and there will be a shared well agreement between the three buildings. Mr. Freese asked if the used car lot has a driveway. Mr. Whitener stated there is an old driveway that has been abandoned, but he is maintaining ownership and nothing is physically changing in that parking lot and he will still be allowed to use it. Mr. Freese asked if the ownership will remain the same. Mr. Whitener stated yes.

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

Mr. Freese added “The parcel is large and irregular.” as #4 to the General Finding. 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. Freese 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 (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

**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.

Mr. McNeil noted the location of the proposed addition and stated that there is a 12ft setback requirement from the right of way for any new construction. Mr. McNeil stated that this parcel is located in a Lake and Stream Protection Zoning District.

Mr. Freese asked if the applicant wishes to table the request. Ms. Dengler stated that she would like to go ahead with the request.

Mr. Freese asked for public comments. Mr. Gates stated that he owns property at 761 Waubun Beach Road and asked why this non-conforming structure can be expanded, especially when the property owner can build a conforming structure elsewhere on the property. Public comment closed.

Mr. Freese added the following General Findings:

6. The shed structure (which is the majority of what is already in the right of way) is proposed to be removed and would reduce the existing encroachment into the setback by 10ft - 12ft.
7. The structures that are on the property are legal non-conforming and built prior to zoning.
8. The Cheboygan County Road Commission has provided a letter that they have no objections to building the second story addition as long as the encroachment isn't any further than what is already there.

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 Ms. Sherwood, 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 (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **ZBA COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

Mr. Muscott stated that he advised the Cheboygan County Board of Commissioners that they are in violation of the Fair Housing Act because the definition does not include the 25% who are single people living as a family. Mr. Muscott stated that the problem could be corrected by adding a couple of words to that definition. Mr. Muscott stated that the law presently says that he can not live in his house because he is a single person and he was advised that the law would not be enforced. Mr. Muscott stated that although the county may not enforce it, a property owner may enforce it. Mr. McNeil stated that he did not talk about enforcement, he talked about interpretation. Mr. McNeil stated that if a private property owner would choose to do that it wouldn't be because of the Zoning Ordinance it would be because of the property owner's decision to be discriminatory. Mr. McNeil stated that our attorney wrote the language and we can clear up the language and the Planning Commission will be looking at single family uses and two family uses in the near future and can be revisited at that time. Mr. Muscott stated he hopes it will be corrected sooner than that as it is Title 42 and it is a federal law and he can go to court with it and a class action lawsuit is not beneficial to the county.

#### **ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:27pm.

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John Thompson, Secretary

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Patrick Kennedy

## 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 (3 Pages)
5. Mailing List (2 Pages)
- 6.
- 7.
- 8.
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- 11.
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Note: Zoning Board of Appeals members have exhibits 1 and 2.

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

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**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 #:	
CASH/CHECK:	
ACTION /DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address <i>6758 MILLIGAN CREEK TRAIL</i>	City / Village <i>ONAWAY</i>	Township / Sec. <i>1</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>16-231-006-300-003-00</i>	Subdivision or Condo. Name / Plat or Lot No.		

**APPLICANT**

Name <i>PATRICK M. KENNEDY</i>	Telephone <i>(989) 733-8636</i>	Fax	
Address <i>6758 MILLIGAN CREEK TRAIL</i>	City & State <i>ONAWAY, MI.</i>	Zip Code <i>49765</i>	E-Mail <i>PKennedy42@outlook.com</i>

**OWNER (If different from applicant)**

Name <i>DARLEEN A. KENNEDY</i>	Telephone <i>AS ABOVE</i>	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

*1<sup>ST</sup> DRIVE EAST SIDE OF MILLIGAN CREEK ON M33, 68<sup>TH</sup> 1<sup>ST</sup> HOUSE*

**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: *RESIDENTIAL*
- D. A previous appeal has  has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions. ✓

II. Detailed Request and Justification

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

ADD A GLASS SETTING ROOM FACING CREEK SIDE OF HOUSE

2. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following. All variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. Please explain how the request meets each standard.

a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

Our lot is too small to meet front set back.

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 item A.

c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome

see item 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.

see item A

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.

similar lot size on surrounding property.

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

Owner's Signature Darleen A Kennedy Date 6-22-17

**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 Darleen A Kennedy Date 6-22-17

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

1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.

6. Parcels under separate ownership therein.
7. Road Right-Of-Way (ROW); access or utility easements.
8. The existing and intended use of the lot and structures.
9. Place North arrow in space provided.
10. Other essential zoning information.

**Distance from property line to proposed structure:**

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

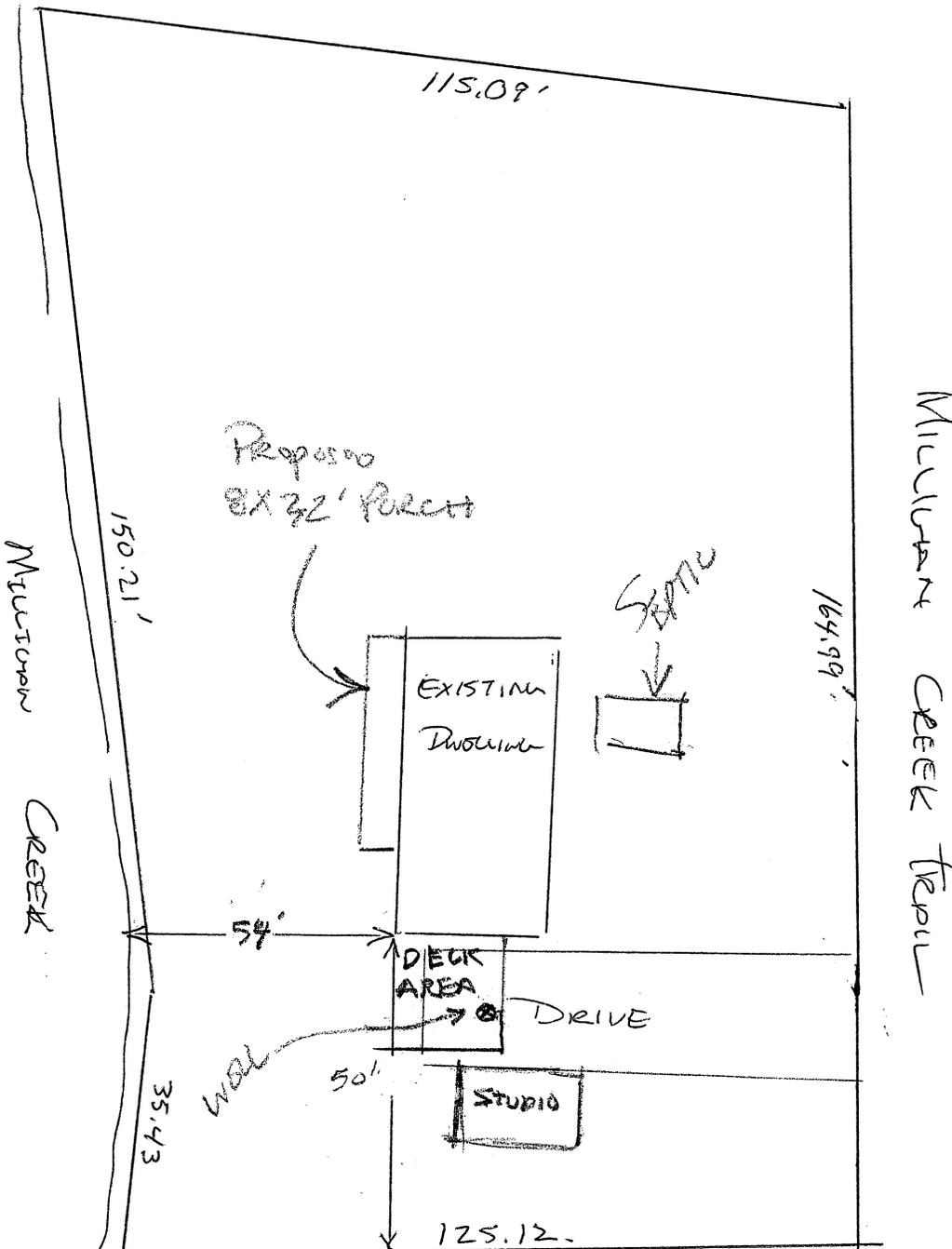
**Zoning District:**

P-UR

**North:**



M-68



231-006-300-001-00  
LEE, WILLIAM A, TRUSTEE  
1966 MILLIGAN HWY  
ELIZABETHTON, TN 37643

231-006-100-007-04  
BANDISH, LILLIAN  
6141 M-68/33 HWY  
ONAWAY, MI 49765

231-006-100-007-02  
TOVAR, RAYMOND & MARSH H/W  
6101 M-68/33 HWY  
ONAWAY, MI 49765

231-006-100-007-01  
BANDISH, PHILIP  
6143 M-68/33 HWY  
ONAWAY, MI 49765

231-006-301-001-00  
BANDISH, PHILIP A  
6143 M-68/33 HWY  
ONAWAY, MI 49765

231-006-300-009-03  
KENNEDY, DARLEEN A, TRUSTEE  
6758 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-009-01  
WINIFRED ENTERPRISES LLC  
PO BOX 271  
ONAWAY, MI 49765

231-006-300-006-00  
HARRIS, RICHARD & EVELYN H/W  
6818 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-005-00  
TUCKER, TERRY; WAYNE TUCKER &  
6810 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-004-00  
CROWE, WILLIAM; LAURA CROWE &  
6786 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-003-00  
KENNEDY, DARLEEN TRUSTEE  
6758 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-009-00  
RICHARDSON, RENEE  
1170 N 950 E  
ANGOLA, IN 46703

231-006-300-003-00  
OCCUPANT  
6758 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-100-007-04  
OCCUPANT  
6141 M-68/33 HWY  
ONAWAY, MI 49765

231-006-100-007-02  
OCCUPANT  
6101 M-68/33 HWY  
ONAWAY, MI 49765

231-006-100-007-01  
OCCUPANT  
6143 M-68/33 HWY  
ONAWAY, MI 49765

231-006-301-001-00  
OCCUPANT  
6021 M-68/33 HWY  
ONAWAY, MI 49765

231-006-300-004-00  
OCCUPANT  
6786 MILLIGAN CREEK TRL  
TOWER, MI 49765

231-006-300-009-01  
OCCUPANT  
6819 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-006-00  
OCCUPANT  
6818 MILLIGAN CREEK TRL  
ONAWAY, MI 49765

231-006-300-005-00  
OCCUPANT  
6810 MILLIGAN CREEK TRL  
ONAWAY, MI 49765



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646  
[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

## DIMENSIONAL VARIANCE STAFF REPORT

<b>Item:</b> Request for a 104 ft. front setback variance for a porch addition to a dwelling. The property is zoned Natural Rivers Protection District (P-NR)	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> June 30, 2017	<b>Expected Meeting Date:</b> July 26, 2017

### GENERAL INFORMATION

**Property Owner:** Darleen Kennedy

**Contact person:** Patrick or Darleen Kennedy

**Phone:** 989-733-8636

**Requested Action:** Allow a 104 ft. setback from the highwater mark of the Milligan Creek for a porch addition to a dwelling the Natural Rivers Protection zoning district. A setback of 150 ft. from the highwater mark of the Milligan Creek is required per section 17.1.

### BACKGROUND INFORMATION

The applicant is proposing construction of a porch addition to dwelling measuring 32 ft. wide and 8 feet deep. The parcel contains an average of 120 ft. of depth on the Milligan Creek. A setback of 150 ft. from the highwater mark of the Milligan Creek is required per section 17.1.

*A map to the subject lot is located after the proposed specific findings in this report*

#### **Surrounding Zoning: (proposed construction site)**

**West:** P-NR, Natural Rivers Protection District

**East:** P-NR, Natural Rivers Protection District

**South:** P-NR, Natural Rivers Protection District

**North:** P-NR, Natural Rivers Protection District

#### **Surrounding Land Uses:**

The subject lot is approximately 157.5 ft. wide and 120 ft. deep. Residential uses surround the subject site.

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

The subject lot is located on the Milligan Creek.

**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 applicant is proposing construction of a porch addition to an existing dwelling.
2. The subject property is located is in a Natural Rivers Protection (P-NR) zoning district.
3. A setback of 150 ft. from the highwater mark of the Milligan Creek is required per section 17.1.
4. The applicant is seeking a 104 ft. front setback variance for construction of a 32 ft. wide and 8 feet deep porch addition to an existing dwelling.
- 5.
- 6.
- 7.
- 8.

**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 need for the requested variance is due to the size of the lot which is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

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

The need for the requested variance is due to the size of the lot and is not the result of actions of the property owner or previous property owners.

OR, The variance request is the result of actions of the property owner.

**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 size of the lot conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow continued use of the property 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 size of the lot, the setback variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, the variance request does not represent the minimum necessary and will not do substantial justice to other property owners in the district.

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

Granting the variance will provide a 46 ft. front setback. Granting the 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 required 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.



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Gary Drolshagen

## Exhibit List

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 (231) 627-3646 (FAX)

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	5687
CASH/CHECK:	2871
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 9885 S. RIVER	City / Village CHEB.	Township / Sec. BENTON	Zoning District
Property Tax I.D. (Parcel) Number 104-020-100-010-07	Subdivision or Condo. Name / Plat or Lot No.		

**APPLICANT**

Name GARY DRACHAGEL	Telephone 231-420-8699 231-238-1010	Fax
Address 16493 Nipigon	City & State CHEB	Zip Code 49721
		E-Mail

**OWNER (If different from applicant)**

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

Detailed directions to site, including nearest crossroad:

M-33 to S. RIVER - Burn out house on corner  
 100' PARCEL NEXT to - freshly mowed - NEXT to  
 first house

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

II. **Detailed Request and Justification**

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

Build 36x44 Pole Barn  
Would like to add 108'x20' lean to on back

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.

SIZE RESTRICTIONS ON PROPERTY - 100' lot dictates 1600sqft BARN - would like to add on lean to - land drops off behind which is unusable

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

I will be living at adjacent prop. 9865 S. River

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

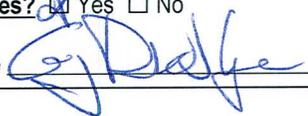
Lean to will be on back side of Pole Barn - not visible to people

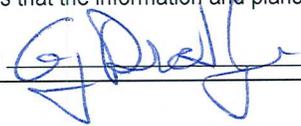
d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.

SEE RESPONSE TO ITEM C

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.

I allowed 30' on either side of Pole Barn to meet set back + size requirements - just need a little more storage room

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. **Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?**  Yes  No  
Owner's Signature  Date 6-20-17

**AFFIDAVIT**  
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.  
Applicant's Signature  Date 6-20-17

**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: \_\_\_\_\_

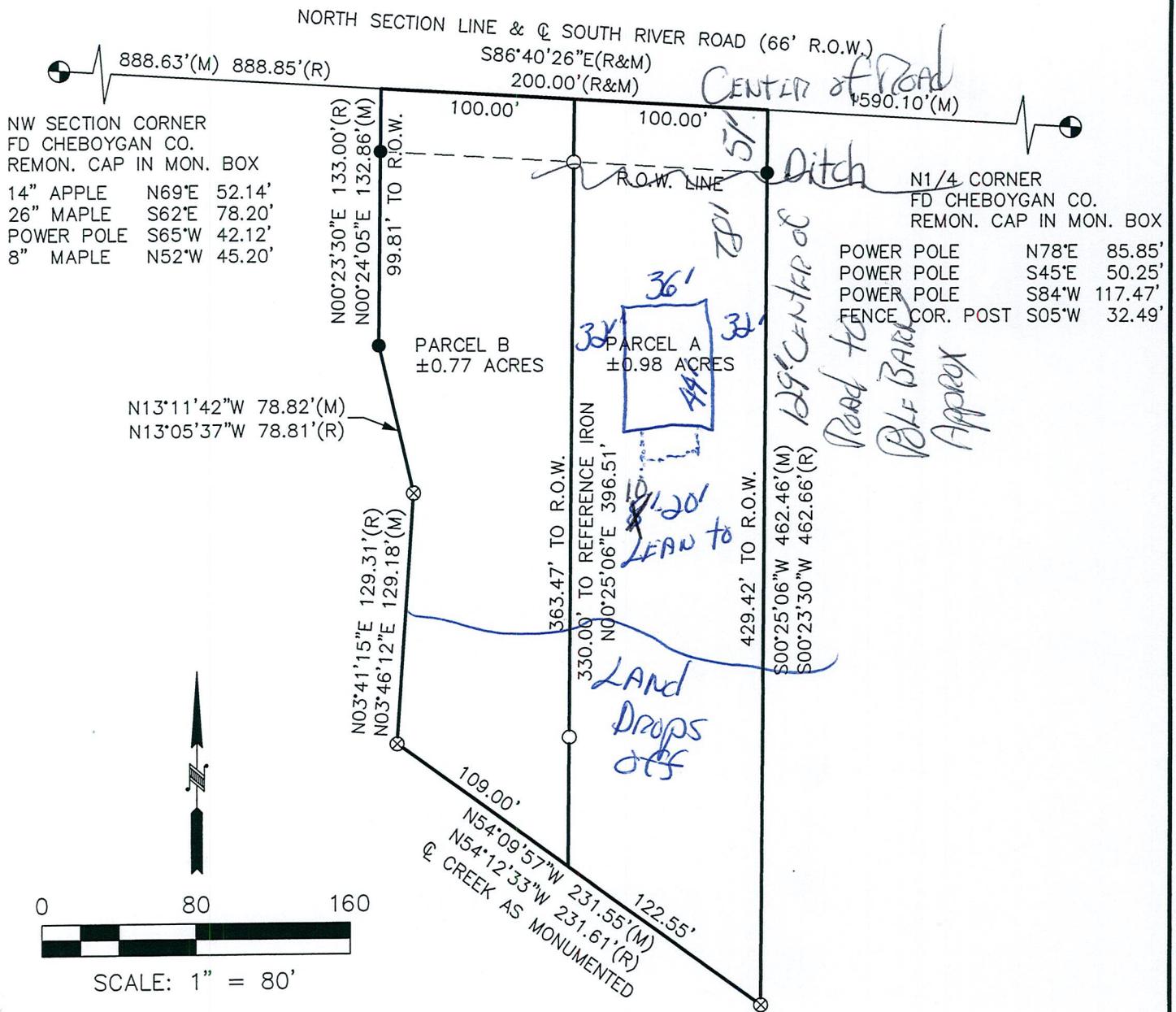
**Zoning District:**

**North:**

SEE ATTACHED

# CERTIFICATE OF SURVEY

PART OF THE N1/2 OF THE NW1/4, SECTION 20, T37N, R1W,  
BENTON TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



- ⊗ FD 1/2" REBAR
- FD 1/2" REBAR W/CAP #12020
- SET 1/2" REBAR W/CAP #52460
- (R) RECORDED AS
- (M) MEASURED AS

BEARINGS BASED ON THE DEED OF RECORD.

LEGAL DESCRIPTION OF PROPERTY AS SURVEYED PER DEED RECORDED IN LIBER 1015, PAGE 646-647, CHEBOYGAN COUNTY RECORDS.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2017

ALAN J. GRANGER P.S. No. 52460

I hereby state that I have surveyed and mapped the above parcel of land and that the error of closure is no greater than 1 in 5000 and that all requirements of PA 132, 1970, as amended, have been met.

CLIENT:  GARY DROLSHAGEN  DATE: MAY 30, 2017	<b>Granger and Associates, Inc.</b> Engineers • Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763	SEC. 20, T37N, R1W DRAWN: JSD SHEET 1 OF 2 JOB NO. C7540-00
--	---	---

# CERTIFICATE OF SURVEY

PART OF THE N1/2 OF THE NW1/4, SECTION 20, T37N, R1W,  
BENTON TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

## PARCEL A

PART OF THE N1/2 OF THE NW1/4, SECTION 20, T37N, R1W, BENTON TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE S 86°40'26" E, ALONG THE NORTH LINE OF SAID SECTION, 888.63 FT. (PREVIOUSLY RECORDED AS 888.85 FT.); THENCE CONTINUING S 86°40'26" E, ALONG SAID NORTH LINE, 100.00 FT., TO THE POINT OF BEGINNING; THENCE CONTINUING S 86°40'26" E, ALONG SAID NORTH LINE, 100.00 FT.; THENCE S 00°25'06" W 462.46 FT. (PREVIOUSLY RECORDED AS S 00°23'30" W 462.66 FT.), TO THE CENTERLINE OF A CREEK AS MONUMENTED; THENCE N 54°09'57" W (PREVIOUSLY RECORDED AS N 54°12'33" W), ALONG SAID CENTERLINE, 122.55 FT.; THENCE N 00°25'06" E 396.51 FT., TO THE P.O.B. CONTAINS 0.98 ACRES, MORE OR LESS.

SUBJECT TO THE RIGHT OF WAY OF SOUTH RIVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD, IF ANY.

## PARCEL B

PART OF THE N1/2 OF THE NW1/4, SECTION 20, T37N, R1W, BENTON TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE S 86°40'26" E, ALONG THE NORTH LINE OF SAID SECTION, 888.63 FT. (PREVIOUSLY RECORDED AS 888.85 FT.), TO THE POINT OF BEGINNING; THENCE CONTINUING S 86°40'26" E, ALONG SAID NORTH LINE, 100.00 FT.; THENCE S 00°25'06" W 396.51 FT., TO THE CENTERLINE OF A CREEK AS MONUMENTED; THENCE N 54°09'57" W (PREVIOUSLY RECORDED AS N 54°12'33" W), ALONG SAID CENTERLINE, 109.00 FT.; THENCE N 03°46'12" E 129.18 FT. (PREVIOUSLY RECORDED AS N 03°41'15" E 129.31 FT.); THENCE N 13°11'42" W 78.82 FT. (PREVIOUSLY RECORDED AS N 13°05'37" W 78.81 FT.); THENCE N 00°24'05" E 132.86 FT. (PREVIOUSLY RECORDED AS N 00°23'30" E 133.00 FT.), TO THE P.O.B. CONTAINS 0.77 ACRES, MORE OR LESS.

SUBJECT TO THE RIGHT OF WAY OF SOUTH RIVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD, IF ANY.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2017

ALAN J. GRANGER P.S. No. 52460

CLIENT:

GARY DROLSHAGEN

DATE: MAY 30, 2017



*Granger and Associates, Inc.*

*Engineers • Surveyors*

224 S. Main St., Cheboygan, MI 49721

Email: grangerandassociates@gmail.com

231-627-2763

SEC. 20, T37N, R1W

DRAWN JSD SHEET 2 OF 2

JOB NO. C7540-00

104-017-300-005-05  
BOUCARD, DONALD A, TRUSTEE, DONALD  
9092 M-33  
CHEBOYGAN, MI 49721

104-017-300-006-00  
REORG CH OF JESUS CHRIST  
3061 TRYBAN RD  
CHEBOYGAN, MI 49721

104-017-300-007-00  
BEAUCHEMIN, KAREN A ET AL  
9034 ADDISON DR  
CHEBOYGAN, MI 49721

104-017-300-007-01  
PRESTON, DANIEL & STEPHANIE H/W  
6561 ORCHARD BEACH  
CHEBOYGAN, 49721

104-017-315-141-00  
RAMSBY, MICHAEL & PATRICIA H/W  
9820 SOUTH RIVER RD  
CHEBOYGAN, MI 49721

104-020-100-006-00  
MOBERLY, ALLEN & JEAN, TTEES  
7271 MCDONALD RD  
CHEBOYGAN, MI 49721

104-020-100-007-00  
SPENCLEY, GREGORY & REGINA H/W  
PO BOX 177  
CHEBOYGAN, MI 49721

104-020-100-008-00  
MCKERVEY, KENNETH J  
8929 N M-33 HWY  
CHEBOYGAN, MI 49721

104-020-100-010-02  
QUINLAN, JAMES  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49721

104-020-100-010-03  
QUINLAN, JAMES  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49721

104-020-100-010-04  
JAMES, TINA  
9865 SOUTH RIVER RD  
CHEBOYGAN, 49721

104-020-100-010-05  
HANCOCK, STUART & SHAWNA H/W  
9793 SOUTH RIVER RD  
CHEBOYGAN, 49721

104-020-100-010-06  
DROLSHAGEN, GARY  
16493 NIPIGON RD  
CHEBOYGAN, MI 49721

104-020-100-010-07  
QUINLAN, JAMES  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49721

104-020-100-012-00  
ENOS, JOSEPH & MISTY H/W  
8870 M-33  
CHEBOYGAN, MI 49721

104-020-100-012-00  
OCCUPANT  
8870 N M-33 HWY  
CHEBOYGAN, MI 49749

104-017-300-006-00  
OCCUPANT  
9854 SOUTH RIVER RD  
CHEBOYGAN, MI 49749

104-017-300-007-00  
OCCUPANT  
9034 ADDISON DR  
CHEBOYGAN, MI 49749

104-017-300-007-01  
OCCUPANT  
9054 ADDISON DR  
CHEBOYGAN, MI 49749

104-017-315-141-00  
OCCUPANT  
9820 SOUTH RIVER RD  
CHEBOYGAN, MI 49749

104-020-100-007-00  
OCCUPANT  
8901 N M-33 HWY  
CHEBOYGAN, MI 49749

104-020-100-008-00  
OCCUPANT  
8929 N M-33 HWY  
CHEBOYGAN, MI 49749

104-020-100-010-02  
OCCUPANT  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49749

104-020-100-010-03  
OCCUPANT  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49749

104-020-100-010-04  
OCCUPANT  
9865 SOUTH RIVER RD  
CHEBOYGAN, MI 49749

104-020-100-010-07  
OCCUPANT  
9901 SOUTH RIVER RD  
CHEBOYGAN, MI 49749



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646  
[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

## DIMENSIONAL VARIANCE STAFF REPORT

<b>Item:</b> A 184 square foot floor area variance for a private storage building (36ft. x 44ft.) with a private storage lean-to on (10ft. x 20ft.) contiguous property containing a total of .97 acres. The parcel is zoned Lake and Stream Protection (P-LS).	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> July 17, 2017	<b>Expected Meeting Date:</b> July 26, 2017

### GENERAL INFORMATION

**Applicant:** Gary Drolshagen

**Phone:** 231-333-6121

**Requested Action:** Allow a 1,784 square feet of floor area for a private storage building on property containing a total of .97 acres in a Lake and Stream Protection (P-LS) zoning district.

### BACKGROUND INFORMATION

The applicant is seeking to construct a 1,784 square foot private storage building (36ft. x 42ft. with a 10 ft. x 20 ft. lean-to) on property containing a total of .97 acres. The parcel is zoned Lake and Stream Protection (P-LS). A maximum floor area of 1,600 square feet for private storage buildings on two (2) acres or less of contiguous property is allowed in these zoning districts pursuant to section 17.23.1.f.1.

Private Storage Building is defined as follows;

#### **PRIVATE STORAGE BUILDING**

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping, cooking, and/or sanitation including but not limited to a toilet facility.

Section 17.23.1 (f) provides standards regarding floor area of private storage buildings as follows:

- f. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
  1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.
  2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
  3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.

A map providing the location of the subject lot is provided at the end of this report.

**Surrounding Zoning:**

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

**East:** Same

**North:** Same

**South:** Same

**Surrounding Land Uses:**

Residential uses surround the subject

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

**VARIANCE CONSIDERTIONS**

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

**General Findings**

1. The property is zoned Lake and Stream Protection District (P-LS).
2. Section 17.23 allows private storage buildings in a P-LS zoning district subject to specific standards under section 17.23.1.
3. Section 17.23.1.f limits private storage buildings to 1,600 s.f. of total floor area on contiguous lots of record under the same ownership containing two (2) acres or less.
4. The applicant is seeking a 184 square foot floor area variance to construct a private storage containing 1,784 square feet of floor area on contiguous lots of record under the same ownership containing a total of .97 acres.
- 5.

23.5.4. (Rev. 09/11/04, Amendment #36)

**A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:**

**23.5.4.1 That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.**

The variance is needed due to unique circumstances created by a small lot.

OR, there are no unique circumstances or physical conditions of the property and the variance request is due to the applicant's desire for a private storage building with over 1,600 square feet of floor area.

**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 variance is needed due to unique circumstances created by a small lot and is not the result of actions of the property owner and like conditions in the neighborhood and is not self-created.

OR, the requested variance is the result of actions of the property owner for private storage building with over 1,600 square feet of floor area and the need for the 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.**

The variance is required to allow the owner reasonable use of the property for private storage building purposes on a small lot.

OR, denial of the variance request will not prevent the property owner from reasonable use of the property for a private storage building.

**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 small lot, granting the variance is the minimum variance necessary to grant reasonable relief as well as do substantial justice to other property owners in the district.

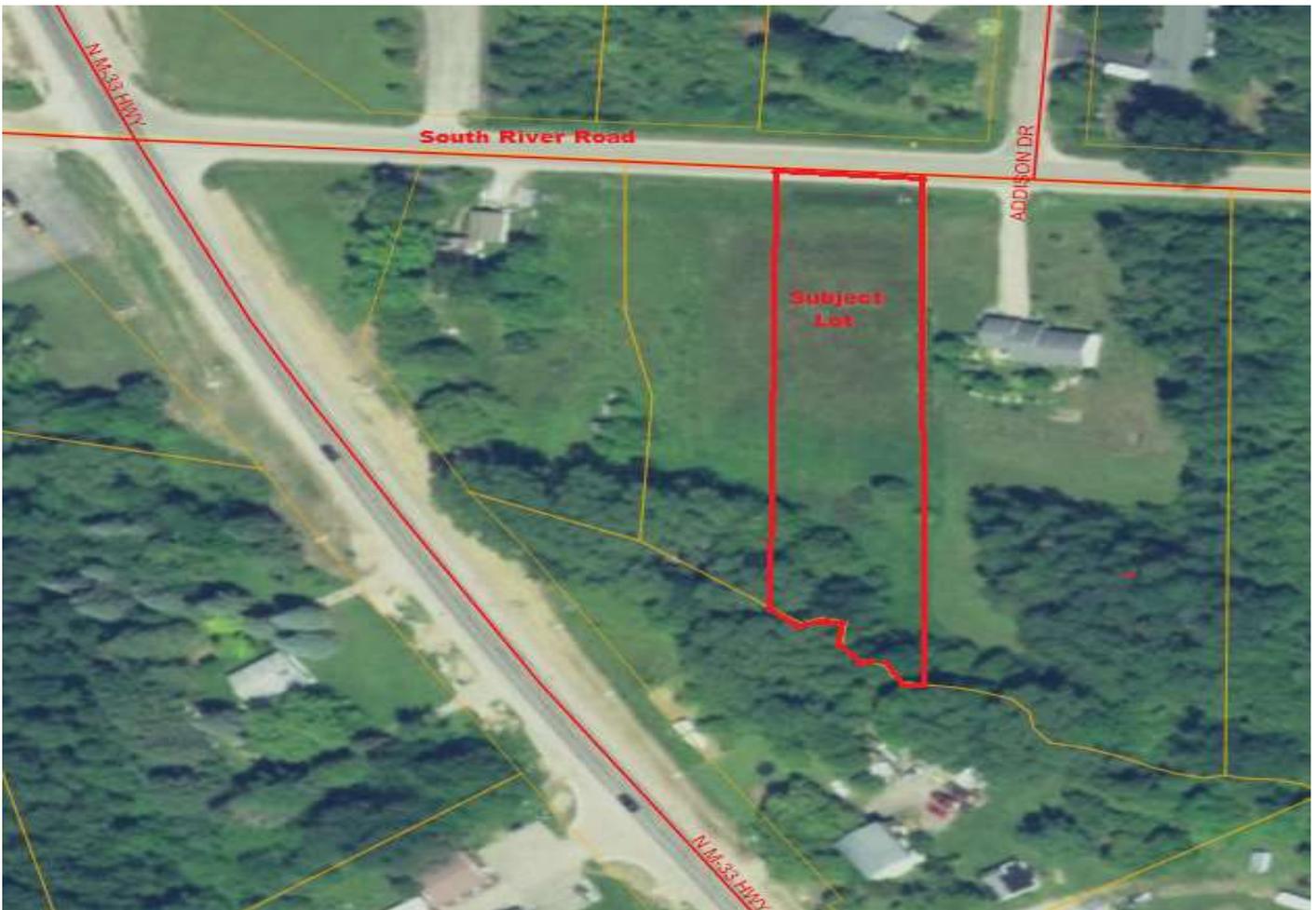
OR, the requested variance is not the minimum necessary to grant reasonable relief and/or will not do substantial justice to other property owners in the district.

**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 184 Square foot floor area variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property.

OR, granting the 184 floor area variance will cause adverse impacts on the neighboring property.

Map to subject lot



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Tim Daniel

## 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. Letter Dated 06/28/17 From Charles Cassie to Cheboygan County Planning & Zoning Dept. (1 Page)
6. Pictures (2 Pages)
7. Mailing List (2 Pages)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

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

## NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, JULY 26, 2017 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Patrick and Darleen Kennedy** - Requests a 104 ft. front setback variance for a porch addition to a dwelling in a Natural Rivers Protection (P-NR) zoning district. The property is located at 6758 Milligan Creek Trail, Forest Township, Section 6, parcel #231-006-300-003-00. A 150 foot front setback is required for the subject lot in this zoning district.
- 2.) **Gary Drolshagen** - Requests a 184 square foot floor area variance for a private storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9885 South River Road, Benton Township, Section 20, parcel #104-020-100-010-07. A private storage building is limited to a floor area of 1,600 square feet for the subject lot this zoning district.
- 3.) **Tim Daniel** - Requests a waiver from the side setback screening requirement, a 17 ft. front setback variance, and 3 foot side setback variance for a private storage building and a 4 foot front setback variance for a ground decking in a Lake and Stream Protection (P-LS) zoning district. The property is located at 1314 Topinabee Shore Drive, Mullett Township, Section 30, parcel #130-013-006-007-00. A private storage building must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of 6 feet if within 30 feet of a side property line in this zoning district. A 50 foot front setback is required for a private storage building on subject lot this zoning district. A 5 foot side setback is required for a private storage building on subject lot this zoning district. A 25 foot front setback is required for ground decking and patios without railings which are less than thirty (30) inches above the natural grade 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](http://www.cheboygancounty.net/planning). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto:planning@cheboygancounty.net) or Planning & Zoning Department, 870 S. Main St., PO Box 70, Cheboygan, MI 49721, or presented at the meeting.

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	5711
CASH/CHECK:	9528
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 1314 Topinabe Shore Drive	City / Village Indian River	Township / Sec. Mullett	Zoning District Lake & Stream
Property Tax I.D. (Parcel) Number 16-130-013-006-007-00	Subdivision or Condo. Name / Plat or Lot No.		

**APPLICANT**

Name Tim Daniel	Telephone 734-732-2709	Fax	
Address 1690 Shawnee Ave	City & State Indian River MI	Zip Code 49749	E-Mail nancy-daniel@sbcglobal.net

**OWNER (If different from applicant)**

Name Daniel, Timothy + Nancy James Bozich + Kimberly Michael Hughes + Deborah	Telephone 734-732-2709	Fax	
Address 27538 N. Mockingbird Drive	City & State Flat Rock MI	Zip Code 48134	

Detailed directions to site, including nearest crossroad:

Off of Straits Highway at end of Topinabe Mail Route  
 at lake. 1314 Topinabe Shore Drive Yellow shed on  
 property.

**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 / Unknown
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat Unknown
- C. Present use of the property is: Recreational waterfront
- 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.

Construct a storage space adjacent to existing structure on property.

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.

True. The need is based on both the narrowness and shallowness of the lot. There is no other feasible way to position the building without affecting safe ingress/egress from the property.

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

True. The need is not the result of actions from property owners rather the narrowness and shallowness of the lot.

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

True. Strict conformity with regulations governing setback would unreasonably prevent the three families that own the property from using the property for the permitted purpose, which is lakefront property with a boat dock.

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.

True. Requested variance is the minimum necessary to effect the storage area needed to utilize the and maintain it in a pristine manner in keeping with the beauty of the lakefront area.

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.

True. The property owners have contacted with owners of surrounding lots + both have confirmed to the property owners that the variance would not adversely affect them or their use of their properties. The property owner that would be most directly affected by this variance has written a letter, attached to this application, completely in agreement to the 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 Michael Hushka Date June 28, 2017

**AFFIDAVIT**

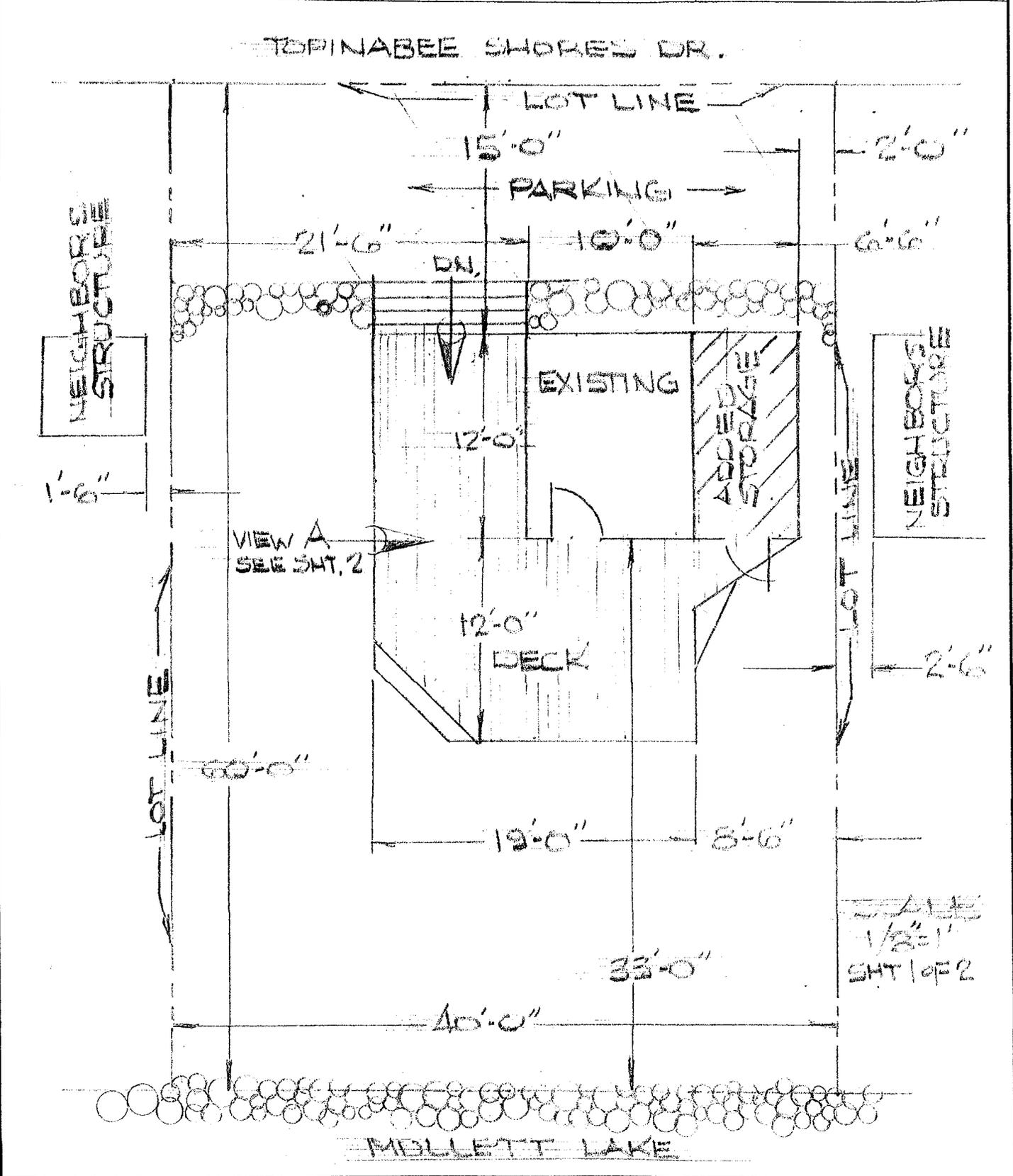
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

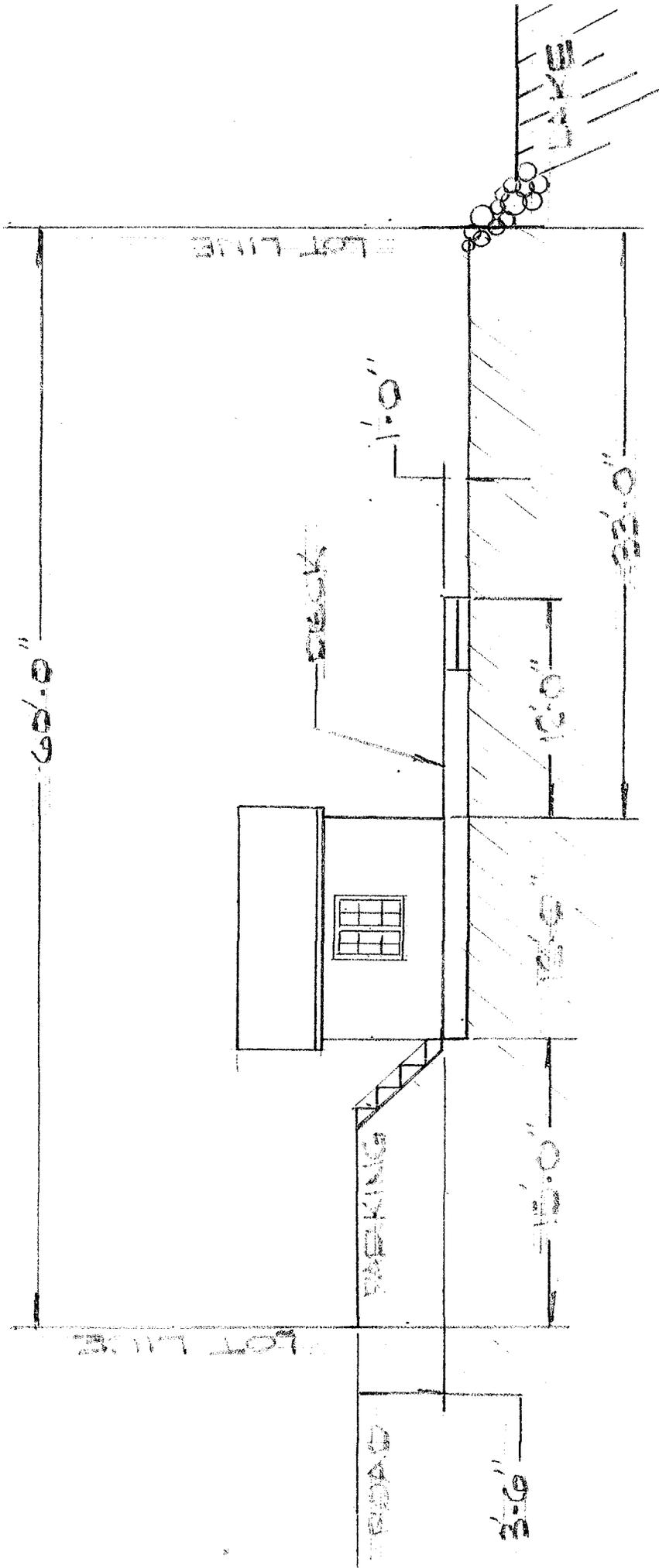
Applicant's Signature [Signature] Date June 28, 2017

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

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

Distance from property line to proposed structure:				Zoning District:	North:
Front: 15'	Rear: 33'	Side: 31'-6"	Side: 2'		





VIEW A  
 SCALE 1/8"=1'  
 SHEET 2 OF 3

1428 Straits Highway  
Topinabee, MI 49791  
June 28, 2017

Cheboygan County Planning & Zoning Department  
870 South Main Street  
P.O. Box 70  
Cheboygan, MI 49721

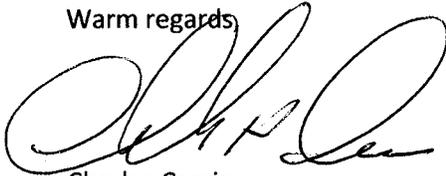
To Whom It May Concern:

Re: Request for Variance at 1314 Topinabee Shores Drive

This is in regard to Tim Daniel's request for a variance for a storage structure he would like to build next to my property located at 1340 Topinabee Shores Drive. I am in total support of this construction and consider it an upgrade to our area. In fact, I am pleased with the way the current owners are maintaining the property and the attractive use of storage, which compliments the positive appearance of our waterfront.

Regarding the variance, the fact that this storage unit will be 2 ft. from the lot line is of no significance to me. I fully support Tim Daniel's request for a variance for this project.

Warm regards,

A handwritten signature in black ink, appearing to read 'Charles Cassie', written in a cursive style.

Charles Cassie  
313.815.1513



2102



Reit

130-030-100-005-00  
MICHIGAN DEPT OF NATURAL RESOURCES  
PO BOX 30722  
LANSING, MI 48909

130-030-410-100-01  
KOLLY, BENJAMIN & JULIE H/W  
4736 SHERWOOD DR  
INDIAN RIVER, MI 49749

130-030-410-100-02  
BEATTIE, JENNIFER  
2890 S M-52  
OWOSSO, MI 48867

130-013-003-002-00  
SLANEC, EDDIE & THERESE H/W  
PO BOX 268  
TOPINABEE, MI 49791

130-013-003-003-00  
ROMANO, CARL JOHN JR & DEBRA H/W  
23005 BROOKDALE ST  
SAINT CLAIR SHORES, MI 48082

130-013-003-003-00  
ROMANO, CARL JOHN JR & DEBRA H/W  
23005 BROOKDALE ST  
SAINT CLAIR SHORES, MI 48082

130-013-003-004-00  
CONNERS, TRAVIS & RENEE H/W  
PO BOX 726  
INDIAN RIVER, MI 49749

130-013-003-005-00  
CONNERS, TRAVIS & RENEE H/W  
PO BOX 726  
INDIAN RIVER, MI 49749

130-013-003-006-00  
SLANEC, DAN & LAUREN H/W  
PO BOX 333  
TOPINABEE, MI 49791

130-013-004-001-00  
BALAZOVIC, LYNN  
PO BOX 501  
TOPINABEE, MI 49791-0501

130-013-004-002-00  
BALAZOVIC, LYNN L/EWPTS;  
PO BOX 501  
TOPINABEE, MI 49791-0501

130-013-004-003-00  
BALAZOVIC, LYNN L/EWPTS;  
PO BOX 501  
TOPINABEE, MI 49791-0501

130-013-004-004-00  
COOK, REBECCA A, TRUSTEE  
5698 MOUNTAIN RD  
BRIGHTON, MI 48116

130-013-005-001-00  
MULLETT TOWNSHIP  
PO BOX 328, 1491 N STRAITS HWY  
TOPINABEE, MI 49791

130-013-006-001-00  
MCCOMB, MARY (WILLETT); PAUL  
4210 SHERRY CT  
BAY CITY, MI 48706

130-013-006-002-00  
BALAZOVIC, LYNN  
PO BOX 501  
TOPINABEE, MI 49791-0501

130-013-006-003-00  
COOK, REBECCA A, TRUSTEE  
5698 MOUNTAIN RD  
BRIGHTON, MI 48116

130-013-006-004-00  
MULLETT LAKE, LLC  
1649 PHELPS, PO BOX 161  
TOPINABEE, MI 49791

130-013-006-005-00  
THREE G'S PROPERTIES, LLC  
30959 SUTTERS HILL CT  
FARMINGTON HILLS, MI 48331

130-013-006-006-00  
CASSIE, CHARLES & KATHRYN H/W  
10527 ORCHARD BLOSSOM VIEW  
FENTON, MI 48430

130-013-006-007-00  
DANIEL, TIMOTHY & NANCY H/W;  
27538 N MOCKINGBIRD DR  
FLAT ROCK, MI 48134

130-013-006-008-00  
CONNERS, TRAVIS & RENEE H/W  
PO BOX 726  
INDIAN RIVER, MI 49749

130-013-006-010-00  
CONNERS, TRAVIS & RENEE, TTEES  
PO BOX 726  
INDIAN RIVER, MI 49749

130-013-006-011-00  
SLANEC, EDDIE & THERESE H/W  
PO BOX 268  
TOPINABEE, MI 49791

130-013-006-012-00  
TOOLE, CHARLES & ELSIE H/W  
6321 KINYON DR  
BRIGHTON, MI 48116

130-P15-002-002-00  
DOMBROSKI, WAYNE S  
218 HIGHWAY 85  
BROOKS, GA 30205

130-P15-002-003-00  
DOMBROSKI, WAYNE & LYNNE H/W  
218 HIGHWAY 85 CONNECTOR  
BROOKS, GA 30205

130-030-410-100-01  
OCCUPANT  
1225 N STRAITS HWY  
CHEBOYGAN, MI 49749

130-030-410-100-02  
OCCUPANT  
1217 N STRAITS HWY  
INDIAN RIVER, MI 49749

130-013-003-002-00  
OCCUPANT  
1249 N STRAITS HWY  
TOPINABEE, MI 49749

130-013-003-003-00  
OCCUPANT  
1269 N STRAITS HWY  
TOPINABEE, MI 49749

130-013-003-003-00  
OCCUPANT  
1269 N STRAITS HWY  
TOPINABEE, MI 49749

130-013-003-004-00  
OCCUPANT  
1283 N STRAITS HWY  
TOPINABEE, MI 49749

130-013-003-005-00  
OCCUPANT  
1287 N STRAITS HWY  
INDIAN RIVER, MI 49749

130-013-003-006-00  
OCCUPANT  
1299 PATTERSON AVE  
TOPINABEE, MI 49749

130-013-004-003-00  
OCCUPANT  
1356 PATTERSON AVE  
TOPINABEE, MI 49749

130-013-004-004-00  
OCCUPANT  
1372 PATTERSON AVE  
TOPINABEE, MI 49749

130-013-006-001-00  
OCCUPANT  
1356 TOPINABEE SHORE DR  
TOPINABEE, MI 49749

130-013-006-002-00  
OCCUPANT  
1352 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-003-00  
OCCUPANT  
1346 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-004-00  
OCCUPANT  
1344 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-005-00  
OCCUPANT  
1342 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-006-00  
OCCUPANT  
1340 TOPINABEE SHORE DR  
TOPINABEE, MI 49749

130-013-006-007-00  
OCCUPANT  
1314 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-008-00  
OCCUPANT  
1282 TOPINABEE SHORE DR  
INDIAN RIVER, MI 49749

130-013-006-010-00  
OCCUPANT  
1284 TOPINABEE SHORE DR  
TOPINABEE, MI 49749

130-P15-002-003-00  
OCCUPANT  
1362 TOPINABEE SHORE DR  
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/](http://www.cheboygancounty.net/planning/)

## **^DIMENSIONAL VARIANCE STAFF REPORT**

<b>Item:</b> Requests for a waiver from the side setback screening requirement for private storage buildings, a 17 ft. front setback variance, and 3 foot side setback variance for a private storage building and a 4 foot front setback variance for ground decking in a Lake and Stream Protection (P-LS) zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> June 30, 2017	<b>Expected Meeting Date:</b> July 26, 2017

### **GENERAL INFORMATION**

**Applicant:** Tim Daniel

**Phone:** 734-732-2709

### **Requested Action:**

- a waiver from the side setback screening requirement for private storage buildings
- a 17 ft. front setback variance for a private storage building
- a 3 foot side setback variance for a private storage building and ground decking
- a 4 foot front setback variance for ground decking

The lot is located in a Lake and Stream Protection (P-LS) zoning district.

### **BACKGROUND INFORMATION**

The applicant is seeking a waiver and variances as listed under Requested Action above. The variances waiver are being sought relative to a private storage building measuring 10 ft. wide x 12 ft. deep with a 6.5 ft. x 12 ft. addition and ground decking as illustrated with the application.

A private storage building must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of 6 feet if within 30 feet of a side property line in this zoning district pursuant to Section 17.23.1.(d). Section 17.18.6. reads as follows relative to granting a waiver from this requirement:

17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such

reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.

A 50 ft. front setback is required in this zoning district for private storage buildings pursuant to Section 17.23.1(g). A side setback of 5 feet is required for structures in this zoning district pursuant to Section 17.1. A 25 foot front setback is required for ground decking and patios without railings which are less than thirty (30) inches above the natural grade in this zoning district pursuant to section 10.4.7. . The subject private storage building and deck improvement are currently located on the site. This comes before the Zoning Board of Appeals as a result of enforcement action.

The subject site has a somewhat dramatic change in topography from rear of the lot. The lot is located on Mullett Lake in a Lake and Stream Protection Zoning District. The applicant indicates that the lot is 40 ft. wide and 60 ft. deep. The legal description of the describes a lot 40 ft. wide along the west line of the lot with a depth of 60 ft. more or less from the shore of Mullett Lake and 40 ft. more or less along the shore of Mullett Lake, being part of Block 6 of Oak Park Subdivision.

The board considered a variance application from Mr. Dan Slanec for a 28 ft. front setback and a 3 ft. side setback for placement of the original 10 ft. x 12 ft. private storage building on the subject lot on August 22, 2012. The meeting minutes relative to the decision are as follows:

*Dan Slanec* - Requests a 5ft. side setback variance and a 22ft. front setback variance to construct a private storage building (10ft x 12ft.). The property is located on Topinabee Shore Drive, Mullett Township, Section 30, parcel #130-O13-006-007-00 and is zoned Lake and Stream Protection (P-LS). An 8ft. side setback with a fence or hedge screening a minimum of 6ft. high, and a 50ft. front setback is required in this zoning district for private storage buildings.

Mr. McNeil stated the Zoning Ordinance classifies private storage buildings as storage buildings that are used by the owner of the property and not use commercially or used on the same lot as a dwelling. Mr. McNeil reviewed the regulations for placing a storage building in a Residential district or Lake and Stream district.

Mr. McNeil stated this request is for a 10ft. x 12ft. private storage building in the Lake and Stream zoning district. Mr. McNeil noted that a 50ft. front setback and 8ft. side setbacks are required in the Lake and Stream zoning district. Mr. McNeil stated the applicant is requesting a 3ft. side setback variance and a 28ft. front setback variance.

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

Mr. Freese stated this is a narrow lake front lot and there is an exemption to the 8ft. side setback. Mr. Freese stated the ordinance allows a setback of 10% of the lot width or 5ft., whichever is greater. Mr. Freese stated the actual setback requirement is 5ft.

Mr. Moore stated the applicant is requesting a 22ft. front setback variance and not a 28ft. front setback variance. Mr. McNeil agreed with Mr. Moore.

The Zoning Board of Appeals reviewed the General Findings and added the followings:

7. Numerous lots in the general area are of the same size and also have storage buildings of the same approximate size without screening.
8. It is approximately 50ft. from the high water mark to the base of the steep slope to the west.
9. The building has recently been placed on site, moved from off-site.
10. The building can easily be relocated to allow a 5ft. side setback to be met.

Mr. Freese stated there are other storage buildings in this area and there have been recent variance requests for this type of building in this area. Mr. Freese stated the Zoning Board of Appeals should look at whether or not a property owner can have a storage building of similar size as others in the area and meet the setbacks or come close to meeting the setbacks. Mr. Freese stated the building cannot go back further than the base of the hill. Mr. Freese stated the building could be moved 90 degrees from the direction it is currently facing and have its long access parallel to the lake. Mr. Freese stated a 12ft. rear setback and 5ft. side setback can be met. Mr. Moore and Ms. Street agreed with Mr. Freese.

The Zoning Board of Appeals revised and approved Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Brown, seconded by Mr. Moore, to approve a 12ft. front variance and to deny a 5ft. side setback variance request with no screening requirement based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

You will also note that I have referenced a condition of shallowness of the lot and like conditions of neighboring property for the board's consideration but have not cited such conditions in the general findings pending the deliberation and review of the board.

*A map to the subject lot is located after the proposed specific findings in this report. I have placed a "site under review" sign in front of the parcel to aid identification of the site for inspection.*

**Surrounding Zoning:**

**North:** P-LS, Lake and Stream Protection District.

**West:** Same

**South:** Same

**East:** Mullett Lake

**Surrounding Land Uses:**

Vacant/Residential land uses are located to the north and south of the subject property. The North Central State Trail is located to the west. The subject property contains frontage on Mullett Lake to the east.

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

The subject site contains frontage on Mullett Lake. The site does not contain any other known sensitive areas.

**Public Comments:**

**VARIANCE CONSIDERTIONS**

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

**General Findings**

1. Property is located in a Lake and Stream Protection (P-LS) zoning district.
2. The applicant is seeking a waiver from the side setback screening requirement for private storage buildings pursuant to section 17.18.6.
3. A private storage building must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of 6 feet if within 30 feet of a side property line in this zoning district pursuant to Section 17.23.1.(d)
4. The applicant is seeking a 17 ft. front setback variance for a private storage building.
5. A 50 foot front set back is required for a private storage building in a P-LS zoning district per section 17.23.1.g.
6. The applicant is seeking a 3 foot side setback variance for a private storage building and ground decking
7. A 5 ft. side setback is required for structures in a P-LS zoning district pursuant to section 17.1.
8. The applicant is seeking a 4 foot front setback variance for ground decking without railings which is less than thirty (30) inches above the natural grade
9. A 25 foot front setback is required for ground decking and patios without railings which are less than thirty (30) inches above the natural grade in this zoning district pursuant to section 10.4.7.
- 10.
- 11.

**Section 17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.**

The Board of Appeals hereby determines that no good or practical purpose would be served for the screening requirement under section 17.23.1.d. due to like conditions in the neighborhood.

Or,

The Board of Appeals hereby denies the request for the waiver of the screen requirement under section 17.23.1.d. and can find no reason to grant the waiver request for reasons such as large site area, natural isolation, land ownership patterns and natural barriers and screen.

**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.**

Relative to front setback of the private storage building;

The subject property is shallow which is a unique physical condition.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

Relative to side setback of the private storage building and ground decking;

The subject property is narrow which is a unique physical condition.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

Relative to front setback of the ground decking;

The subject property is shallow which is a unique physical condition.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

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

Relative to front setback of the private storage building;

The need for the variance is due to shallowness of the lot and is not the result of actions of the property owner or previous property owners.

OR, The need for the variance is due to actions of the property owner.

Relative to side setback of the private storage building and ground decking;

The need for the requested variance is due to narrowness of the subject property and not the result of actions of the property owner or previous property owners.

OR, there are no unique circumstances or physical conditions and the need for the requested side setback variance is due to the applicant's personal difficulty.

Relative to front setback of the ground decking;

The need for the variance is due to shallowness of the lot and is not the result of actions of the property owner or previous property owners.

OR, The need for the variance is due to actions of the property owner.

**25.5.4.33 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.**

Relative to front setback of the private storage building;

Conformity with front setback regulations is deemed unnecessarily burdensome due to shallowness of the lot **and/or** like conditions of neighboring property

OR conformance with setback regulations will allow continued use of the lot for a permitted purpose and conformity with setback regulations is not unnecessarily burdensome.

Relative to side setback of the private storage building and ground decking;

Conformity with side setback regulations is deemed unnecessarily burdensome due to narrowness of the lot **and/or** like conditions of neighboring property

OR conformance with setback regulations will allow continued use of the lot for a permitted purpose and conformity with setback regulations is not unnecessarily burdensome.

Relative to front setback of the ground decking;

Conformity with front setback regulations is deemed unnecessarily burdensome due to shallowness of the lot **and/or** like conditions of neighboring property

OR conformance with setback regulations will allow continued use of the lot for a permitted purpose and conformity with setback regulations is not unnecessarily burdensome

**23.5.4.4. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.**

Relative to front setback of the private storage building;

Due to shallowness of the lot **and/or** like conditions on neighboring property, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

Relative to side setback of the private storage building and ground decking;

Due to narrowness of the lot **and/or** like conditions on neighboring property, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

Relative to front setback of the ground decking;

Due to shallowness of the lot **and/or** like conditions on neighboring property, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

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

Relative to front setback of the private storage building;

Granting a variance to allow a 17 ft. front setback variance 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.

OR, Granting a variance to allow a 17 ft. front setback variance will cause an adverse impact on surrounding property **and/or** property values and/or the use and enjoyment of property in the neighborhood.

Relative to side setback of the private storage building and ground decking;

Granting a variance to allow a 2 ft. side setback variance 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.

2

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

Relative to front setback of the ground decking;

Granting a variance to allow a 4 ft. front setback variance 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.

OR, Granting a variance to allow a 4 ft. front setback variance will cause an adverse impact on surrounding property **and/or** property values and/or the use and enjoyment of property in the neighborhood.

Map to subject lot

