



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

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

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING  
WEDNESDAY, JUNE 27, 2018 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.) **Gary Friske** - Requests a 22ft. rear setback variance from the rear property line to construct a 1,200 sq.-ft. (30ft. x 40ft.) pole barn in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 910 Wintree Drive, Tuscarora Township, Section 1; parcel #161-W86-000-020-00. A minimum 30ft. rear setback from the rear property line is required in the M-AF zoning district.
- 2.) **Morris Stevens** - Requests a variance from the 600 sq.-ft. maximum square footage standard for a guesthouse to permit a 748 sq. ft. guesthouse. The subject property is zoned Lake and Stream Protection (P-LS), and located at 1643 Resort Rd., Tuscarora Township; Section 8; parcel #161-P63-000-006-00.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Gary Friske – Revised 06/25/18

## 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 (5 Pages) – Updated 06/25/18
5. Warranty Deed Dated 05/24/18, L1360 P260 (2 Pages)
6. Mailing List (2 Pages)

### The following items were added to the exhibit list on 06/25/18:

7. Staff Report (4 Pages)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, JUNE 27, 2018 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Gary Friske** – Requests a 22ft. rear setback variance from the rear property line to construct a 1,200 sq.-ft. (30ft. x 40ft.) pole barn in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 910 Wintree Drive, Tuscarora Township, Section 1; parcel #161-W86-000-020-00. A minimum 30ft. rear setback from the rear property line is required in the M-AF zoning district.
- 2.) **Morris Stevens** – Requests a variance from the 600 sq.-ft. maximum square footage standard for a guesthouse to permit a 748 sq. ft. guesthouse. The subject property is zoned Lake and Stream Protection (P-LS), and located at 1643 Resort Rd., Tuscarora Township; Section 8; parcel #161-P63-000-006-00.

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

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	6219
CASH/CHECK:	CK
ACTION / DATE:	C.4.2018

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 910 Wintree Drive	City / Village Indian River	Township / Sec. Tusc1	Zoning District Forestry A9
Property Tax I.D. (Parcel) Number 161-W86-000-020-00	Subdivision or Condo. Name / Plat or Lot No. Waubun Woods Condo		

**APPLICANT**

Name Gary Friske	Telephone 231-420-3197	Fax —	
Address 620 Plymouth Beach Rd	City & State Indian River, MI	Zip Code 49749	E-Mail gary52649@yahoo.com

**OWNER (If different from applicant)**

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

From Cheboygan Straits Hwy south to Waubun Rd, (corner of Rental Express)  
turn west on Waubun Rd. Take Waubun Rd to the end, turn right  
on Chippewa Beach Rd. Waubun Woods Condominium sites are  
approx. 1/4 mile to the right.

**Please Note:** All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

**I. Property Information**

- A. List all known deed restrictions: NA
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat Waubun Woods Condominium
- C. Present use of the property is: Vacant
- D. A previous appeal has has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions.

**RECEIVED**

JUN 04 2018

CHEBOYGAN COUNTY  
COMMUNITY DEVELOPMENT DEPT.

II. Detailed Request and Justification

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

Proposed placement of 30'x40'x12' high side walls to be placed closer than the minimum 30' set back to 22' to accommodate the required 50' front set 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.

The north half of the lot narrows down to 12' wide due to the triangular shape of the lot making it difficult to achieve a 50' front set back and a 30' rear set back. The adjacent property topography bordering the rear yard drops off substantially which

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

Does not apply

on back →

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

Does not apply

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 it does.

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 proposed variance will not cause any impact to the subdivision.

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

Nary Trise

Date June 4, 2018

**AFFIDAVIT**

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

Applicant's Signature

Nary Trise

Date June 4, 2018

**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.                     |

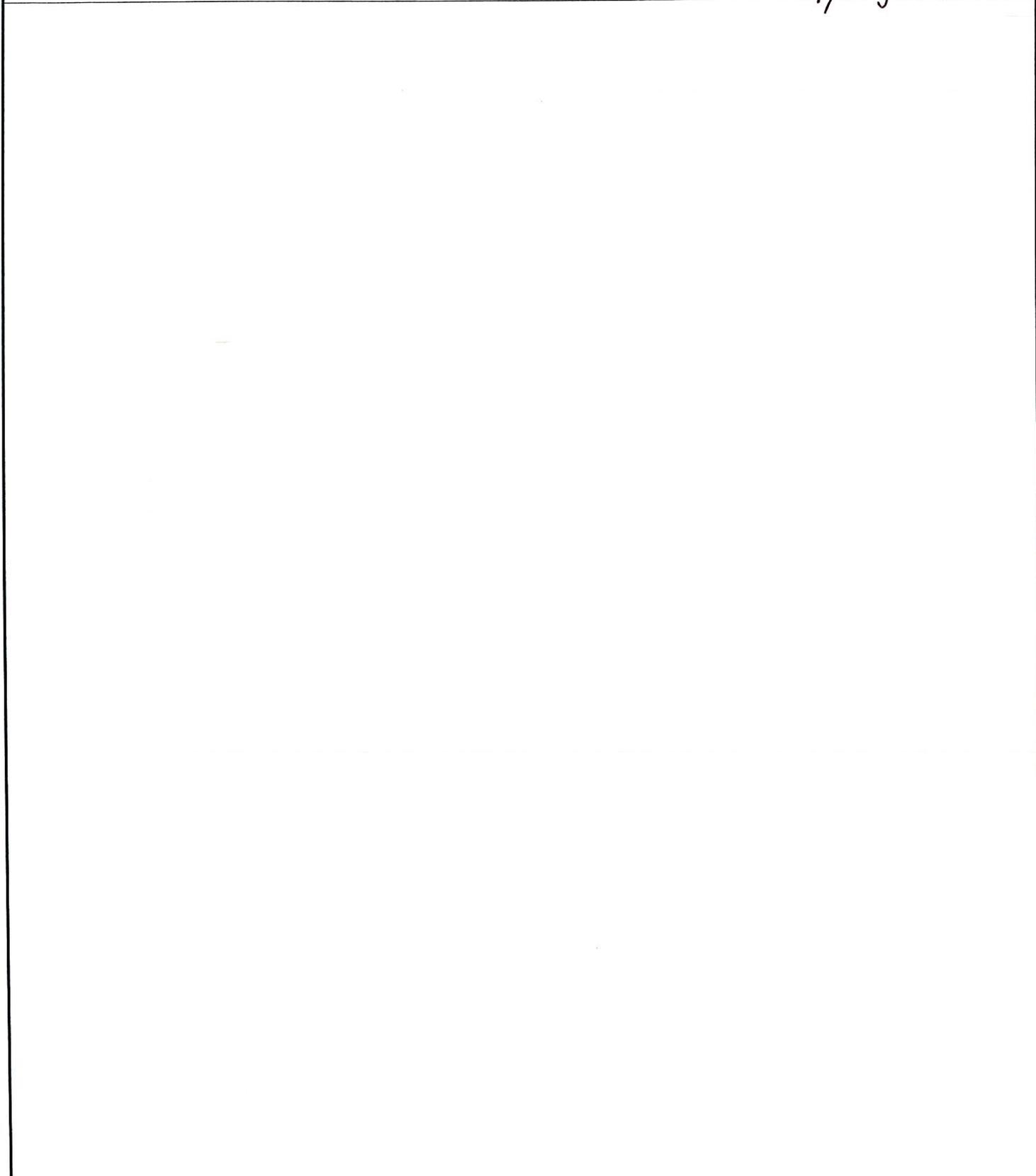
**Distance from property line to proposed structure:**

Front: 50    Rear: 22    Side: 200    Side: 80

**Zoning District:**

Forestry/Ag.

**North:**

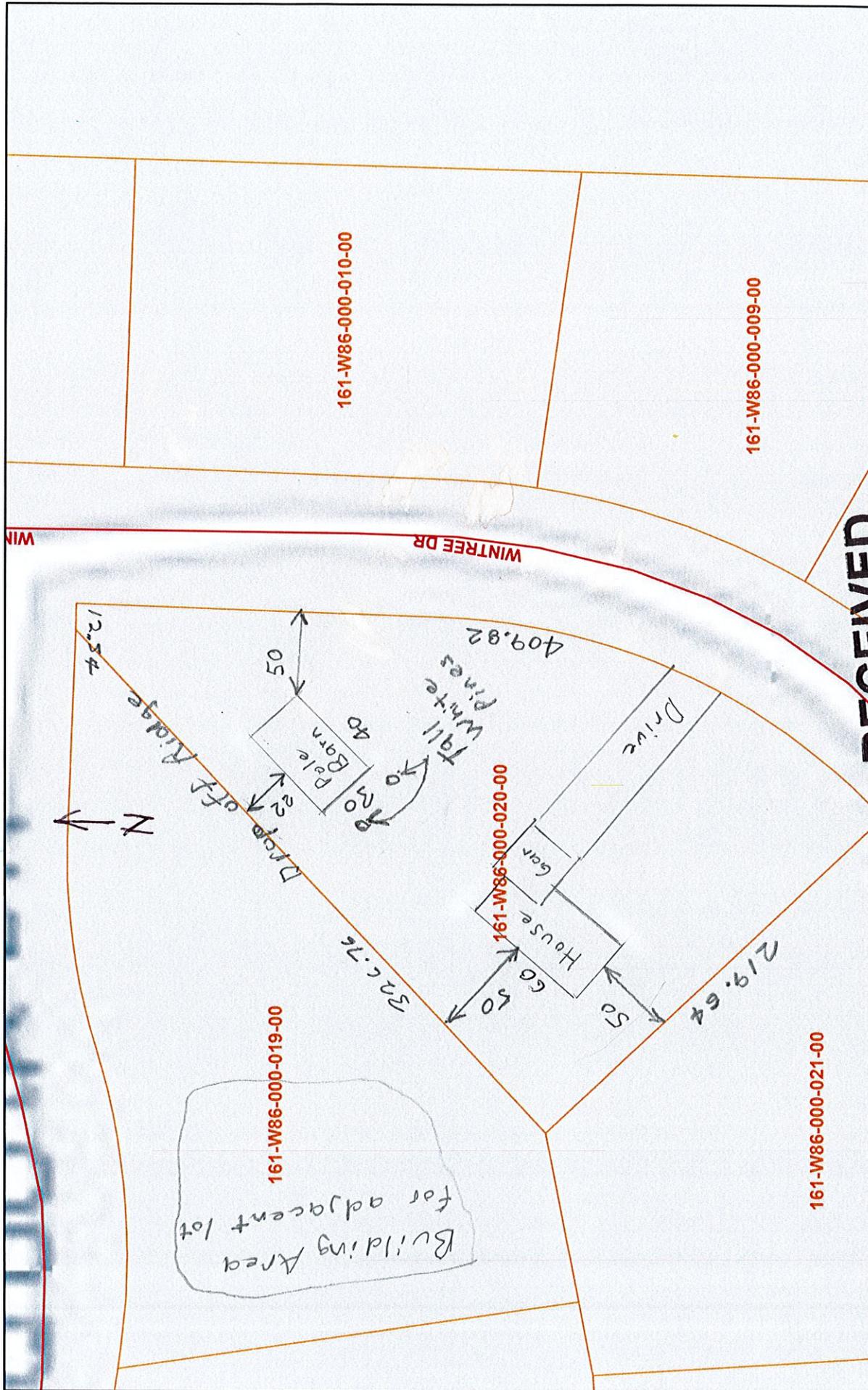


\* Continuation of 2 a.

→ could never be built on due to the steepness of the hill. This lot does not level off for at least 100'. There are also two virgin white pine trees, one approx. 120+ foot tall and the 2nd pine approx. 100+ feet tall. These 2 trees would have to be cut down if variance is not granted. The pines would be approx. 15' away from proposed building.

NOTE: The proposed pole barn would not have enough space between the new home and pine trees due to shape of lot. The barn exterior siding will match exterior of house. The house will be started after completion of barn. We are trying to get in our new home by early fall.

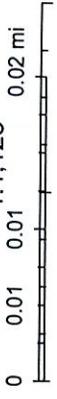
# Cheboygan County



May 14, 2018

Parcel Data

1:1,128



JUN 04 2018

**RECEIVED**  
CHEBOYGAN COUNTY  
COMMUNITY DEVELOPMENT DEPT.

Cheboygan County makes no warranty, express or implied, as to the accuracy, completeness, or usefulness of the information presented. The site is to be used solely as a reference tool for locating and identifying property ownership and other information about real property. Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



RECEIVED FOR RECORD  
KAREN L BREWSTER, CLERK/REGISTER  
CHEBOYGAN COUNTY, MICHIGAN  
05/29/2018 1:50:21 PM

RECEIPT# 6992, STATION 1  
\$30.00 WARRANTY DEED  
\$5.00 TAX CERTIFICATION



LIBER 1360 PAGE 260

**WARRANTY DEED**

The Grantors **Gregory Francis Drogowski and Jodi Kaye Drogowski**, husband and wife, whose address is 7385 Reams Road, Alanson, Michigan 49706,

conveys, warrants, grants, bargains, remises, and confirms to

**Gary Friske**, a <sup>married</sup> ~~single~~ man, whose address is 620 Plymouth Beach Road, Indian River, Michigan 49749

The following described premises: Situated in the Township of Tuscarora, County of Cheboygan and State of Michigan:

Unit No. 8, Waubun Woods Condominium, a Condominium according to the Master Deed recorded in Liber 983, Pages 535-594, as amended, in the Office of the Cheboygan County Register of Deeds, and designated as Cheboygan County Condominium Subdivision Plan No. 67, together with rights in general common elements and limited common elements as set forth in said Master Deed, and amendments thereto, and as described in Act 59 of the Public Acts of 1978 as amended.

Parcel #: 161-W86-000-020-00 ✓

Property Address: 910 Wintree Drive, Lot 8, Indian River, MI 49749

For the sum of: REAL ESTATE TRANSFER VALUATION AFFIDAVIT FILED

Subject to easements, reservations, restrictions and right of ways of record.

Dated this 24 of May 2018

Signed by:

Gregory Francis Drogowski

Jodi Kaye Drogowski

I hereby certify that for the five years preceding date of said instrument there are no tax liens or taxes held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.

5/29/18   
Cheboygan County Treasurer

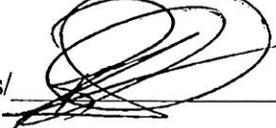
Subject to terms of Master Deed Recording No: Liber 983, Page 535 Name of Condominium: Waubun Woods Condominium.

Ingress and Egress to the Land is by means of a private road which is subject to the rights of others to use said road and which is not required to be maintained by any governmental agency.

If the land being conveyed is unplatted, the following paragraphs are deemed included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act." "The Grantor grants to the grantee the right to make any and all divisions under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967."

STATE OF MICHIGAN                    )  
  )        SS  
COUNTY OF CHEBOYGAN            )

On May 24 2018, Gregory Francis Drogowski and Jodi Kaye Drogowski, personally appeared before me and acknowledged the foregoing instrument as a free act.

/s/  Robert Gladkowski

Notary Public, State of Michigan, County of Cheboygan (Acting in Cheboygan County, MI)

My Commission Expires 11/30/23

DRAFTED BY: Stikovich Legal Counsel, PLLC Petoskey, Michigan

After Recording, Return to: SNP Title Agency: PO Box 781 Indian River MI 49749 ✓

Send future tax bills to: Grantee



161-W86-000-022-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-019-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-016-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-011-00  
CRONK, CODY  
6548 LINK DR  
INDIAN RIVER, MI 49749

161-W86-000-008-00  
BUIKEMA, BRIAN & JOVELYN H/W  
123 PARKSIDE DR  
ZEELAND, MI 49464

161-W86-000-005-00  
SMALLEY, JON & SHAWNA SMALLEY, TIC  
1192 KEBLE LAND  
OXFORD, MI 48371

161-W86-000-021-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-018-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-015-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-010-00  
UNION BAG & BARREL, INC  
622 W KALAMAZOO AVE  
KALAMAZOO, MI 49007

161-W86-000-007-00  
BUIKEMA, BRIAN & JOVELYN H/W  
123 PARKSIDE DR  
ZEELAND, MI 49464

161-001-315-141-00  
STUDLEY, GEORGE & SHARON, TTEES  
1294 E LINCOLN ST  
EAST TAWAS, MI 48730

161-W86-000-020-00  
DROGOWSKI, GREGORY & JODI H/W  
7385 REAMS RD  
ALANSON, MI 49706

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

161-W86-000-012-00  
FRISKE, GARY & DENISE H/W  
600 PLYMOUTH BEACH RD  
INDIAN RIVER, MI 49749

161-W86-000-009-00  
BUIKEMA, BRIAN & JOVELYN H/W  
123 PARKSIDE DR  
ZEELAND, MI 49464

161-W86-000-006-00  
BUIKEMA, BRIAN & JOVELYN H/W  
123 PARKSIDE DR  
ZEELAND, MI 49464

161-W86-000-022-00  
OCCUPANT  
1028 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-019-00  
OCCUPANT  
6845 SEQUOIA DR  
INDIAN RIVER, MI 49749

161-W86-000-016-00  
OCCUPANT  
6848 SEQUOIA DR  
INDIAN RIVER, MI 49749

161-W86-000-011-00  
OCCUPANT  
865 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-008-00  
OCCUPANT  
WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-005-00  
OCCUPANT  
WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-021-00  
OCCUPANT  
980 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-018-00  
OCCUPANT  
6893 SEQUOIA DR  
INDIAN RIVER, MI 49749

161-W86-000-015-00  
OCCUPANT  
840 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-010-00  
OCCUPANT  
897 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-007-00  
OCCUPANT  
WINTREE DR  
INDIAN RIVER, MI 49749

161-001-315-141-00  
OCCUPANT  
, MI 49749

161-W86-000-020-00  
OCCUPANT  
910 WINTREE DR  
INDIAN RIVER, MI 49749

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

161-W86-000-012-00  
OCCUPANT  
829 WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-009-00  
OCCUPANT  
WINTREE DR  
INDIAN RIVER, MI 49749

161-W86-000-006-00  
OCCUPANT  
WINTREE 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> The applicant requests an eight (8) ft. rear setback variance for construction of a 30 ft. x 40 ft. pole barn. Per Section 17.1 of the Zoning Ordinance, a minimum rear setback of 30 ft. is required in the Agriculture and Forestry (M-AF) zoning districts.	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> June 20, 2018	<b>Expected Meeting Date:</b> June 27, 2018

### GENERAL INFORMATION

**Applicant:** Gary Friske

**Property Owner:** Same

**Contact person:** Gary Friske

**Phone:** 231-420-3197

**Requested Action:** The applicant requests an eight (8) ft. rear setback variance to allow for a 22 ft. rear setback (where a minimum of 30 ft. is required in the Agriculture and Forestry Management [M-AF] zoning districts) for construction of a 30 ft. x 40 ft. pole barn.

### BACKGROUND INFORMATION

The 1.13 acre subject property is located at 910 Wintree Dr. within the Wintree, Waubun Woods Subdivision in Tuscarora Township. The property is currently vacant; ultimately, however, a single family dwelling, garage and pole barn are intended to be constructed. The proposed pole barn is requested to be sited 22 ft. from the rear property boundary, eight (8) feet less than the minimum 30 ft. rear setback standard in the M-AF zoning districts. The subject property is rather peculiarly configured in that it narrows considerably at its northern portion, the general area in which the structure is proposed. The applicant has indicated a preference for compliance with the minimum 50 ft. *front* setback standard in the M-AF districts which, per the applicant, would require a reduced rear setback of 22 ft. for the accessory structure as it's proposed.

**Surrounding Zoning:**

**North:** M-AF, Agriculture and Forestry Management

**South:** Same

**East:** Same

**West:** Same

**Surrounding Land Uses:**

Adjacent properties are currently vacant.

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

There are no known environmentally sensitive areas on the subject property.

**Public Comments:**

None

*\*An aerial of the subject property is provided at the end of this report.*

**VARIANCE CONSIDERATIONS**

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

**General Findings**

1. The property is in an Agriculture and Forestry Management (M-AF) zoning district. A minimum setback of 30 ft. from the rear property boundary is required, per Section 17.1 of the Zoning Ordinance.
2. The applicant has proposed constructing a 30 ft. x 40 ft. pole barn 22 ft. from the rear property boundary.
3. An eight (8) ft. rear setback variance from the rear property boundary is required to meet the minimum rear setback standard of 30 ft. in the M-AF zoning districts.

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

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

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

The subject parcel possesses unique conditions relative to the location of the proposed structure and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions of the lot or the location of the proposed structure.

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

The unique physical condition of the property regarding the proposed location of the structure is not the result of actions by the property owner or previous owners, and is not self-created.

OR, the physical condition relative to the location of the proposed location of the structure is the result of actions of the property owner or previous property owners.

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

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

OR, strict compliance with the requirements would not prevent the owner from reasonable use of the property or constructing the accessory structure which is a permitted use.

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

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

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

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

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.

OR, granting the variance will cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.



Figure 1; aerial of subject property and environs

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Morris Stevens – Revised 06/25/18

## 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 (5 Pages)
5. Mailing List (2 Pages)

### The following items were added to the exhibit list on 06/25/18:

6. Staff Report (4 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

## NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, JUNE 27, 2018 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Gary Friske** – Requests a 22ft. rear setback variance from the rear property line to construct a 1,200 sq.-ft. (30ft. x 40ft.) pole barn in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 910 Wintree Drive, Tuscarora Township, Section 1; parcel #161-W86-000-020-00. A minimum 30ft. rear setback from the rear property line is required in the M-AF zoning district.
- 2.) **Morris Stevens** – Requests a variance from the 600 sq.-ft. maximum square footage standard for a guesthouse to permit a 748 sq. ft. guesthouse. The subject property is zoned Lake and Stream Protection (P-LS), and located at 1643 Resort Rd., Tuscarora Township; Section 8; parcel #161-P63-000-006-00.

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

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

COURT REPORTER FOR HEARING  
 317-374-3696  
 \$110.-

RECEIPT #:	6233
CASH/CHECK:	3093
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 1643 Resort Rd	City / Village Alanson	Township / Sec. TU, 8	Zoning District PLS
Property Tax I.D. (Parcel) Number 161- P63 - 000 - 006 - 00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Morris Stevens	Telephone 317-374-3696	Fax	
Address 30 Kessler Blvd W	City & State Indianapolis	Zip Code IN 46208	E-Mail morris.stevens@indy.rr.com

OWNER (If different from applicant)

Name Morris Stevens	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

Go west from Indian River Rt. on Resort Rd.

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

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.

Repurposing a Timber Barn Structure for my primary residence. I would like to keep the existing floor plan of the guest house.

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

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

The existing home is such a small sq ft. size that it will greatly affect the layout and render the building unusable for summer guests if a reduction in living space is required.

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

The variance is requested due to a new home construction permit.

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

The existing building floor plan will be difficult + aesthetically difficult to alter to meet the least requirement.

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

We are asking the review board to consider allowing an additional 150 SF over the 600 SF threshold. This dwelling will only be used during summer months as HVAC/mech upgrades are not feasible to this small house.

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.

New home will add to tax base. I will become a permanent resident with an occupancy permit. Tax base should increase dramatically.

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

*Mans Stems*

Date

6/10/18

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

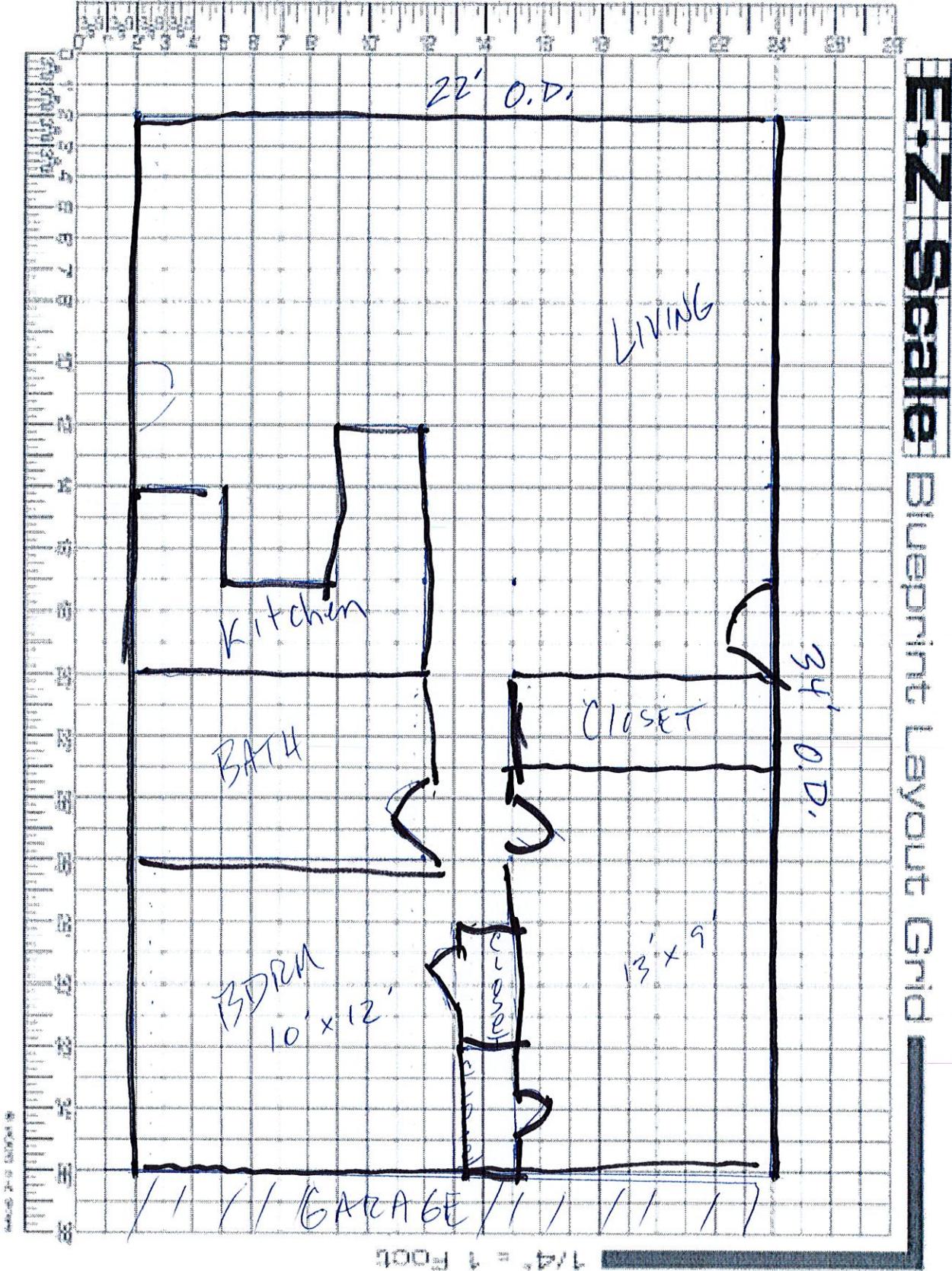
*Mans Stems*

Date

6/10/18

Morris Stevens 317 374 3696

1643 Resort Existing Dwelling



231 627 3646

1

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

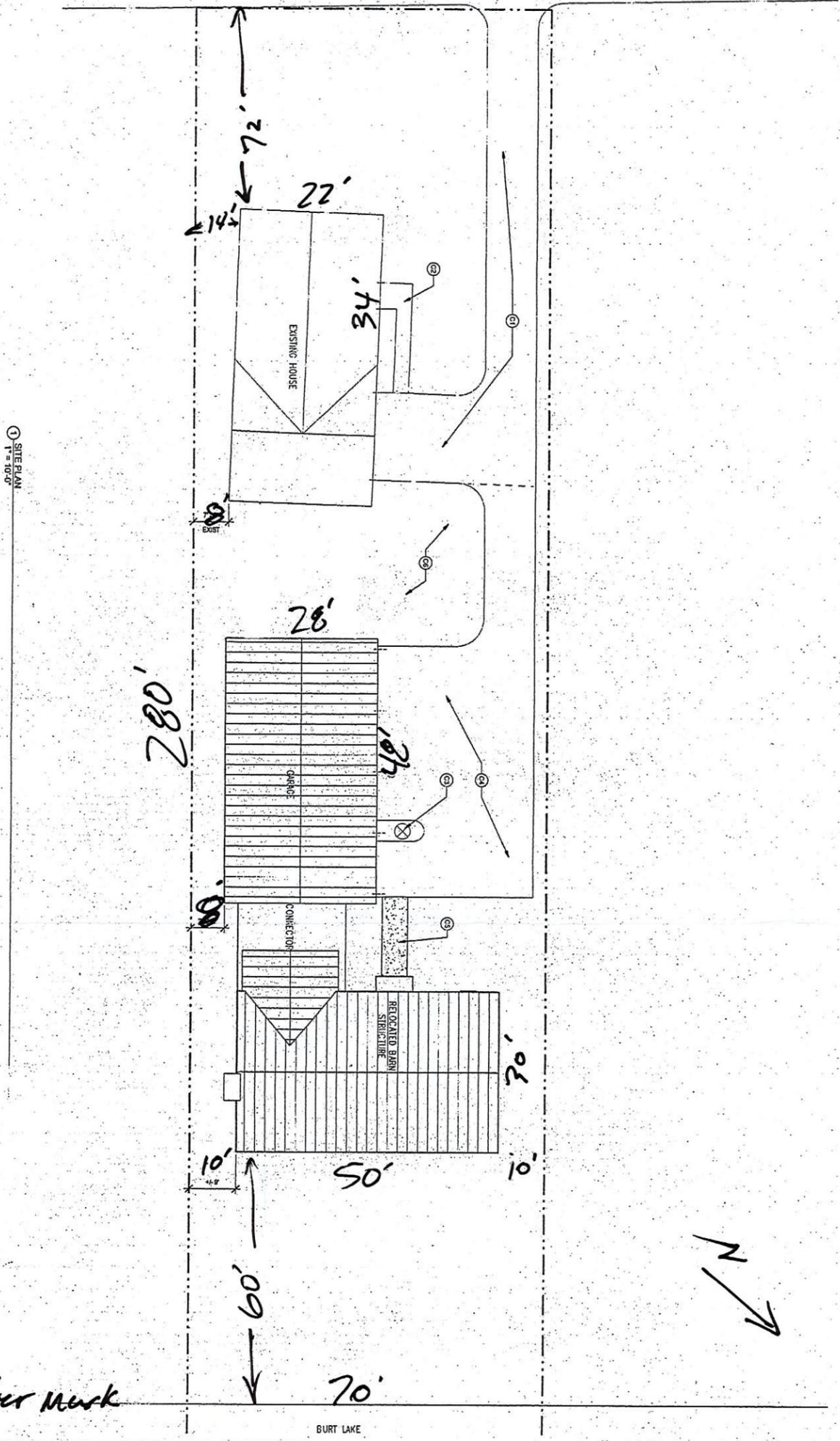
**Zoning District:**

**North:**

*See attached.*

# BINDING AREA

RESORT ROAD

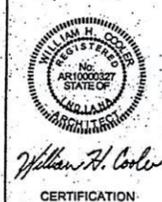


SITE PLAN NOTES	
01	EXISTING GARAGE DRIVE
02	EXISTING STRUCTURE
03	NEW BARN
04	NEW DRIVE
05	NEW STRUCTURE
06	RELOCATED BARN

**STEVENS RESIDENCE**  
 1643 RESORT ROAD  
 ALANSON, MICHIGAN  
**ARCHITECTURAL SITE PLAN**  
 SHEET NAME:

SHEET NO.  
**A100**

DATE: 6 JUNE 2018	COMMISSION: 050040	
DRAWN: FAST	COORD: WHC	
APPROVED: WHC		
No.	Description	Date



**COOLER DESIGN Inc.**  
 Comprehensive Architecture  
 Planning & Interior Design  
 8125 N. Meridian Street, Suite A1, Indianapolis, Indiana 46260  
 317.816.1144 PH 317.573.0301 FX www.coolerdesign.com

*Submitted  
 6/18/18*

161-P63-000-010-00  
HOLMES, ANDREA L, TRUSTEE  
31 DEVONSHIRE RD  
PLEASANT RIDGE, MI 48069

161-P63-000-006-00  
STEVENS, MORRIS  
30 KESSLER BLVD W  
INDIANAPOLIS, IN 46208

161-P63-000-001-01  
BURT LAKE COTTAGERS ASSOCIATION  
PO BOX 237  
BURT LAKE, MI 49717

161-P63-000-009-00  
BURT LAKE COTTAGE, LLC  
PO BOX J  
GRAND RAPIDS, MI 49501

161-P63-000-005-00  
HOLMES, WILLIAM B & WENDY B H/W  
4765 BRIDGEWAY  
ANN ARBOR, MI 48103

161-008-400-001-00  
BURT LAKE COTTAGERS ASSOC  
PO BOX 237  
BURT LAKE, MI 49717

161-P63-000-007-00  
BOARDWALK MAIZE LLC  
1369 BALLYBUNION CT. SE  
GRAND RAPIDS, MI 49546

161-P63-000-004-00  
HOLMES, WILLIAM & WENDY H/W  
4765 BRIDGEWAY DR.  
ANN ARBOR, MI 48103

161-P63-000-008-00  
CONARD, RICHARD & JOAN H/W AND  
5820 N NEW JERSEY  
INDIANAPOLIS, IN 46220

161-P63-000-010-00  
OCCUPANT  
1707 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-006-00  
OCCUPANT  
1643 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-001-01  
OCCUPANT  
1565 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-009-00  
OCCUPANT  
1691 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-005-00  
OCCUPANT  
1633 RESORT RD  
ALANSON, MI 49717

161-008-400-001-00  
OCCUPANT  
, MI 49717

161-P63-000-007-00  
OCCUPANT  
1651 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-004-00  
OCCUPANT  
1615 RESORT RD  
BURT LAKE, MI 49717

161-P63-000-008-00  
OCCUPANT  
1675 RESORT RD  
BURT LAKE, MI 49717



# 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> The applicant requests a 148 sq. ft. variance from the maximum 600 sq. ft. standard for guest houses (to allow for a 748 sq. ft. guesthouse), per Section 3.3 of the Zoning Ordinance.	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> June 20, 2018	<b>Expected Meeting Date:</b> June 27, 2018

### GENERAL INFORMATION

**Applicant:** Morris Stevens

**Property Owner:** Same

**Contact person:** Morris Stevens

**Phone:** 231-420-3197

**Requested Action:** The applicant requests a 148 sq. ft. variance from the maximum 600 sq. ft. standard for guest houses, per Section 3.3 of the Zoning Ordinance.

### BACKGROUND INFORMATION

The .46-acre (20,038 sq. ft.) legal, non-conforming subject property is zoned Lake and Stream Protection (P-LS), is located at 1643 Resort Rd. and within the Supervisor Amos Peterson's Subdivision (platted in 1925) in Tuscarora Township.

The existing structure that is the subject of this variance request is 748 sq. ft. and has been used as a seasonal private cabin/guest house. The variance would essentially allow the current floor area of the cabin/guest house to remain (rather than "walling off" a portion of the structure, for example, in order to comply. Section 3.3.3 of the Zoning Ordinance allows a guest house as an accessory use to a single family dwelling.

**3.3.3. (Rev. 05/25/12, Amendment #110)**

Per Section 3.3.3., a guest house shall be allowed as an accessory use to a single family dwelling, provided it does not exceed 600 sq. ft. in total floor area. The applicant has requested that the livable space remain rather than reduce it by approximately 148 sq.-ft. to meet the maximum floor area standard.

**Surrounding Zoning:**

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

**South:** Same

**East:** Not zoned (Burt Lake)

**West:** P-LS, Lake and Stream Protection; M-AF, Agriculture and Forestry Management

**Surrounding Land Uses:**

Adjacent properties to the north and south are residential. Burt Lake is adjacent to the east. Vacant land is immediately west.

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

There are no known environmentally sensitive areas on the subject property.

**Public Comments:**

None

*\*An aerial of the subject property is provided at the end of this report (Figure 1)*

**VARIANCE CONSIDERATIONS**

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

**General Findings**

1. The subject property is located in a P-LS zoning district.
2. The applicant is seeking to maintain an existing structure as a guest house that contains 748 sq. ft. of floor area.
3. Section 3.3.3. of the Zoning Ordinance allows a guest house as an accessory use to a single family dwelling and limits guest houses to 600 sq. ft. of floor area.
4. The applicant is requesting a 148 square foot dimensional variance to allow a guest house with a floor area of 748 sq. ft.

**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 floor area of the existing cabin/guest house is 748 sq. ft. which represents a somewhat unique circumstance, and the requested variance is not due to the applicant's personal or economic difficulty.

OR, the need for the requested variance is not due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and are due to the applicant's personal or economic 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 748 sq. ft. floor area of the existing cabin/guest house and is not the result of actions of the property owner or previous property owners.

OR, the need for the requested variance is due to the 748 sq. ft. floor area of the existing cabin/guest house and is the result of actions of the property owner or previous property owners.

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

Due to the current 748 sq. ft. floor area of the cabin/guest house, the structure will require a variance and conformity with regulations is deemed unnecessarily burdensome.

OR, strict compliance with the requirements would not prevent the owner from reasonable use of the property or using the structure as a guest house.

**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 748 sq. ft. floor area of the existing cabin/guest house, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

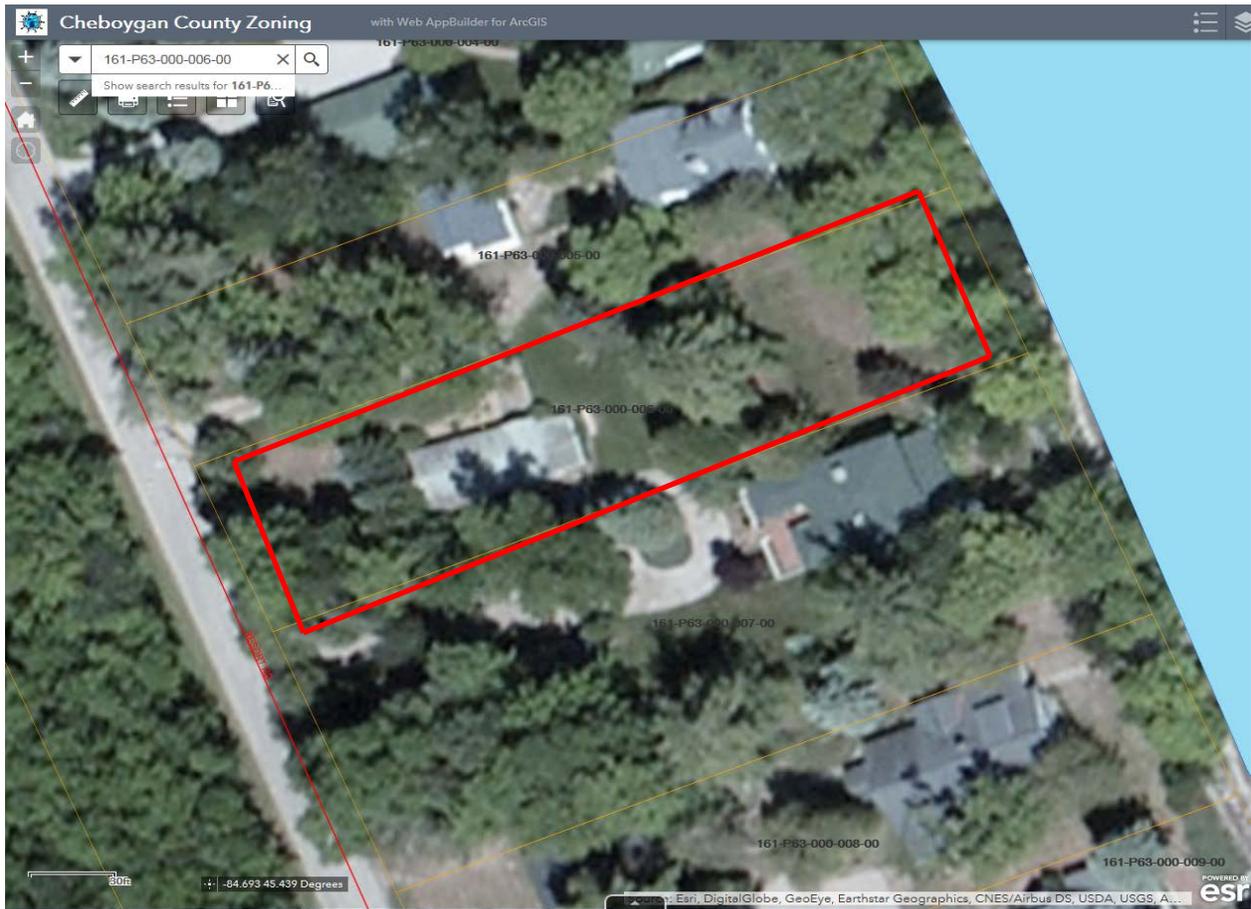
OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief.

**23.5.4.5**

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

Granting the variance will provide for a guest house with 748 sq. ft. of floor area to serve as an accessory use to the principal dwelling and will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the variance will cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.



*Figure 1; aerial of subject property and environs*