



# 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, AUGUST 22, 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. **Gil Archambo** - Requests an approximately 3ft. front setback (at its closest) to construct a deck and lean-to in a Lake and Stream Protection (P-LS) zoning district. A 40ft. front setback is required in the Lake and Stream Protection zoning districts, per Section 17.1 of the Zoning Ordinance. The property is located at 6325 Arthur St., Tuscarora Township, Section 24, Parcel #161-024-200-007-00.
2. **Ruth Wolf** – Requests a variance from the minimum lot width (150ft.) and lot size (1 acre) standards for properties zoned Agriculture and Forestry Management (M-AF), per Section 17.1 of the Zoning Ordinance. The applicant seeks to create a parcel with reduced a reduced lot width and lot size. The property is zoned Agriculture and Forestry Management and is located at 4359 Wilson Rd., Tuscarora Township, Section 25, Parcel #161-025-200-050-04.
3. **United Auto Workers Education Center** – Requests a variance from the maximum 18 sq.-ft. free-standing sign surface area standard in the Agriculture and Forestry Management (M-AF) zoning districts, per Section 17.19.8. of the Zoning Ordinance. The applicant requests an approximately 45 sq.-ft. free-standing sign surface area. The property is located at the northeast corner of Maxon Rd. and N. Allis Hwy., (addressed as 2000 Maxon Rd.), Waverly Township, Section 13, Parcel #182-013-100-001-01.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

1. Citizen Planner Program -- Lindsey Gardner, Government and Community Educator, Michigan State University Extension

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JULY 25, 2018 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

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

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

**Others Present:** Michael Turisk, Carl Muscott, John F. Brown, Russell Crawford, Cheryl Crawford, Karen Johnson

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. Moore seconded by Mr. Hemmer to accept the agenda as amended with the withdrawal of the Burrus/Jung Cottage variance application. Motion carried. 3 Ayes (Freese, Hemmer, Moore), 0 Nays, 2 Absent (Sherwood, Thompson)

**APPROVAL OF MINUTES**

Minutes from the June 27, 2018 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Freese, to approve the minutes as presented. Motion carried. 3 Ayes (Freese, Hemmer, Moore), 0 Nays, 2 Absent (Sherwood, Thompson)

**PUBLIC HEARING & ACTION ON REQUESTS**

**Steven Sweany** - Requests a 1.1 ft. side setback variance (where 5.6 ft. is required) to construct a garage addition in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9150 Silver Strand Rd., Munro Township, Section 18, parcel #080-S15-000-031-00. An 8 ft. side setback and is required in the Lake and Stream Protection (P-LS) zoning district. However, per Section 17.1.J. of the Zoning Ordinance, if the subject lot is less than 80 feet in width (the subject lot is 56.2 ft. in width), then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.

Mr. Turisk reviewed information included in the staff report.

Mr. Sweany explained his reasoning for needing the variance and explained how any different configuration of the propose garage addition would be unsightly and adversely impact the surrounding property values.

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

The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to grant 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, Moore), 0 Nays, 2 Absent (Sherwood, Thompson)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

No comments.

**ZBA COMMENTS**

No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:45pm.

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John Thompson, Secretary

DRAFT

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Gil Archambo

## Exhibit List

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

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	6298
CASH/CHECK:	\$110
ACTION /DATE:	7.9.18

**PLEASE PRINT**

**PROPERTY LOCATION**

Address <i>6325 ARTHUR STREET</i>	City / Village <i>INDIAN RIVER</i>	Township / Sec. <i>T 35N R 3W, 24</i>	Zoning District <i>P-15</i>
Property Tax I.D. (Parcel) Number <i>161-024-200-007-00</i>	Subdivision or Condo. Name / Plat or Lot No. <i>NOT PLAT</i>		

**APPLICANT**

Name <i>GIL ARCHAMBO</i>	Telephone <i>231 420 2776</i>	Fax —	
Address <i>1604 NORTH BLACK RIVER</i>	City & State <i>CHEBOYGAN Mich.</i>	Zip Code <i>49721</i>	E-Mail <i>GIL@SRC-MILP.COM</i>

**OWNER (If different from applicant)**

Name <i>BRENDA ARCHAMBO</i>	Telephone <i>231 420 2736</i>	Fax —
Address <i>1604 N. BLACK RIVER</i>	City & State <i>CHEBOYGAN Mich</i>	Zip Code <i>49721</i>

Detailed directions to site, including nearest crossroad:

*TURN OFF SOUTH STRAITS HWY AT TUSCARORA TOWNSHIP HALL ON FLOYD STREET GO STRAIGHT TILL STOP SIGN ROAD NAME CHANGES AT STOP SIGN TO ARTHUR STREET GO ACROSS BRIDGE ON TO THE FIRST ISLAND GO TO THE RIGHT 3 CABINS ON THE ISLAND IT IS THE LAST ONE, WATER ON 3 SIDES OF US*

**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: CABIN
- 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.  
ATTACHED

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 GROUND LEVEL DECK OF 290 SQ FEET  
CONSTRUCT A LEAN TO ROOF OVER ~~THE~~ A PORTION OF THE DECK  
9 FEET BY 22'6"

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.

VERY SMALL AREA EXISTS  
EXISTING DECKS AT GROUND LEVEL ARE THERE NOW  
EXISTING DECKING HAS BEEN THERE FOR SEVERAL DECADES

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

WANT TO FILL IN AN AREA IN BETWEEN EXISTING  
DECKS THAT HAVE BEEN THERE FOR 40 PLUS YEARS

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

ALLOWING THE VARIANCE OF EXISTING PROPERTY WILL  
ALLOW ME FULL ENJOYMENT OF MY PROPERTY BY FILLING  
IN DECKING THAT HAS BEEN THERE FOR DECADES

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

THE VARIANCE IS THE MINIMUM NECESSARY IN ORDER  
TO FILL IN THE AREA BETWEEN EXISTING DECKING AS  
INTENDED TO FINISH THE PROJECT

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 VARIANCE WILL NOT ENPACK FULL IT WILL BE AN  
IMPROVEMENT, THERE ARE OTHER DECKS BY HOMEOWNERS  
IN THE AREA THAT ARE NON CONFORMING ALSO!

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 Brenda Archambault Date 7/8/2018

**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 Brenda Archambault Date 7/8/2018

161-024-200-010-00  
 LEMAY, JAMES & ALICE H/W  
 PO BOX 395  
 INDIAN RIVER, MI 49749

161-024-200-013-00  
 SCHMITT, MARK & KATHLEEN H/W  
 8200 MILNES RD  
 JONESVILLE, MI 49250

161-024-200-008-00  
 LEMAY, JAMES  
 15320 GREAT GLEN LN  
 HUNTERSVILLE, NC 28078

161-C13-001-005-00  
 MCDOWELL, JOHN & JILL  
 6280 ARTHUR ST  
 INDIAN RIVER, MI 49749

161-C13-001-006-00  
 MCCREADY, LOIS B MACPHERSON  
 PO BOX 62  
 HARBOR SPRINGS, MI 49740

161-C13-002-004-00  
 ANDREAE, WAYNE & DIANE H/W  
 3910 WILL O WAY LANE  
 WEST BLOOMFIELD, MI 48323

161-C13-002-008-00  
 HILL, DAVID & JUDITH H/W  
 PO BOX 975  
 BELLAIRE, MI 49615

161-C13-006-002-00  
 CORRELL, JAMES TTEE JAMES E CORRELL  
 35956 QUAKERTOWN  
 FARMINGTON HILLS, MI 48331

161-C13-005-002-00  
 ASMAN, KATHLEEN, TRUSTEE  
 3096 FIDDLER'S RIDGE DR  
 CINCINNATI, OH 45248

161-024-400-040-01  
 DEIBEL, DAVID & MARY, TTEES  
 PO BOX 95  
 INDIAN RIVER, MI 49749

161-024-200-011-00  
 SMITH, KAREN 1/3 INT; MARY GROSS  
 3664 JANE DR  
 MIDLAND, MI 48642

161-024-200-012-00  
 SCHMITT, MARK & KATHLEEN H/W  
 8200 MILNES RD  
 JONESVILLE, MI 49250

161-024-400-028-00  
 WECKESSER, WILLIAM & DIANE, TTEES  
 618 KENSINGTON  
 EAST LANSING, MI 48823

161-C13-001-003-00  
 REILLY, ZACHARY E  
 6256 ARTHUR ST  
 INDIAN RIVER, MI 49749

161-C13-002-011-00  
 GARNER, DEBORAH  
 4465 SPINNACHER LN  
 PLEASANT LAKE, MI 49272

161-C13-002-005-00  
 MCCREADY, JAMES & LOIS H/W  
 PO BOX 62  
 HARBOR SPRINGS, MI 49740

161-C13-002-009-00  
 DEIBEL, MARY THERESA TRUSTEE  
 378 MEDITATION LN  
 COLUMBUS, OH 43235

161-C13-006-003-00  
 THROOP, CAROL L, TRUSTEE  
 10704 S CENTER RD  
 GRAND BLANC, MI 48439

161-C13-005-001-00  
 DECKEBACH, GEORGE J, TRUSTEE  
 6553 WESSELMAN RD  
 CINCINNATI, OH 45248

161-024-400-025-00  
 DEIBEL, BARBARA S  
 208 31ST ST NW  
 CANTON, OH 44709

161-024-200-007-00  
 ARCHAMBO, BRENDA  
 1604 N BLACK RIVER RD  
 CHEBOYGAN, MI 49721

161-024-200-009-00  
 KORSTANJE, MICHAEL & SHERY H/W  
 1991 N SHERIDAN  
 MUSKEGON, MI 49445

161-C13-004-001-00  
 SULLIVAN, PAUL J; WILLIAM G  
 6189 WINTER DR  
 CANTON, MI 48187

161-C13-001-004-00  
 MILLER, LARRY & WENDY H/W  
 9769 COOLEY LAKE RD  
 COMMERCE TOWNSHIP, MI 48382

161-C13-002-002-00  
 BURDICK, WILMA  
 6249 ARTHUR , PO BOX 328  
 INDIAN RIVER, MI 49749

161-C13-002-006-00  
 MARSHALL, KRISTEL  
 11505 RAMSDELL DR NE  
 ROCKFORD, MI 49341

161-C13-006-001-00  
 KRIEG, RONALD & DARLENE H/W  
 6340 THE PIKE  
 INDIAN RIVER, MI 49749

161-C13-005-003-00  
 KRAEMER, ROBERT H TRUSTEE  
 1255 PASADENA AVE, #907  
 SAINT PETERSBURG, FL 33707

161-024-400-040-02  
 DEIBEL, DAVID L JR  
 PO BOX 608  
 INDIAN RIVER, MI 49749

161-131-019-004-00  
 ROOKUS PROPERTIES, LLC  
 789 142ND ST  
 WAYLAND, MI 49348

*Archambo*

161-131-019-007-00

ROOKUS PROPERTIES, LLC

789 142ND ST

WAYLAND, MI 49348

161-131-019-007-01

BEEBE, RICHARD & DEBRA

4716 FOREST TRAIL

INDIAN RIVER, MI 49749

161-131-018-002-00

COLUMBUS BEACH CLUB

PO BOX 130

INDIAN RIVER, MI 49749

*Archambo*

161-024-200-010-00  
OCCUPANT  
6320 ARTHUR ST  
INDIAN RIVER, MI 49749

161-024-200-013-00  
OCCUPANT  
6343 ARTHUR ST  
INDIAN RIVER, MI 49749

161-024-200-008-00  
OCCUPANT  
6323 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-001-005-00  
OCCUPANT  
6280 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-001-006-00  
OCCUPANT  
6290 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-002-004-00  
OCCUPANT  
6269 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-002-008-00  
OCCUPANT  
3617 CONSTANCE AVE  
INDIAN RIVER, MI 49749

161-C13-006-002-00  
OCCUPANT  
6350 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-005-002-00  
OCCUPANT  
6326 THE PIKE  
INDIAN RIVER, MI 49749

161-024-400-040-01  
OCCUPANT  
3570 DEIBEL PL  
INDIAN RIVER, MI 49749

161-024-200-011-00  
OCCUPANT  
6339 ARTHUR ST  
INDIAN RIVER, MI 49749

161-024-200-012-00  
OCCUPANT  
6341 ARTHUR ST  
INDIAN RIVER, MI 49749

161-024-400-028-00  
OCCUPANT  
6271 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-001-003-00  
OCCUPANT  
6256 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-002-011-00  
OCCUPANT  
6264 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-002-005-00  
OCCUPANT  
3583 CONSTANCE AVE  
INDIAN RIVER, MI 49749

161-C13-002-009-00  
OCCUPANT  
3625 CONSTANCE AVE  
INDIAN RIVER, MI 49749

161-C13-006-003-00  
OCCUPANT  
6374 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-005-001-00  
OCCUPANT  
6320 THE PIKE  
INDIAN RIVER, MI 49749

161-024-400-025-00  
OCCUPANT  
6291 THE PIKE  
INDIAN RIVER, MI 49749

161-024-200-007-00  
OCCUPANT  
6325 ARTHUR ST  
INDIAN RIVER, MI 49749

161-024-200-009-00  
OCCUPANT  
6321 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-004-001-00  
OCCUPANT  
6343 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-001-004-00  
OCCUPANT  
6266 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-002-002-00  
OCCUPANT  
6249 ARTHUR ST  
INDIAN RIVER, MI 49749

161-C13-002-006-00  
OCCUPANT  
3597 CONSTANCE AVE  
INDIAN RIVER, MI 49749

161-C13-006-001-00  
OCCUPANT  
6340 THE PIKE  
INDIAN RIVER, MI 49749

161-C13-005-003-00  
OCCUPANT  
6334 THE PIKE  
INDIAN RIVER, MI 49749

161-024-400-040-02  
OCCUPANT  
3609 DEIBEL PL  
INDIAN RIVER, MI 49749

161-131-019-004-00  
OCCUPANT  
3562 POPLAR ST  
INDIAN RIVER, MI 49749

161-131-019-007-00

OCCUPANT

, MI 49749

161-131-019-007-01

OCCUPANT

6302 ARTHUR ST

INDIAN RIVER, MI 49749

161-131-018-002-00

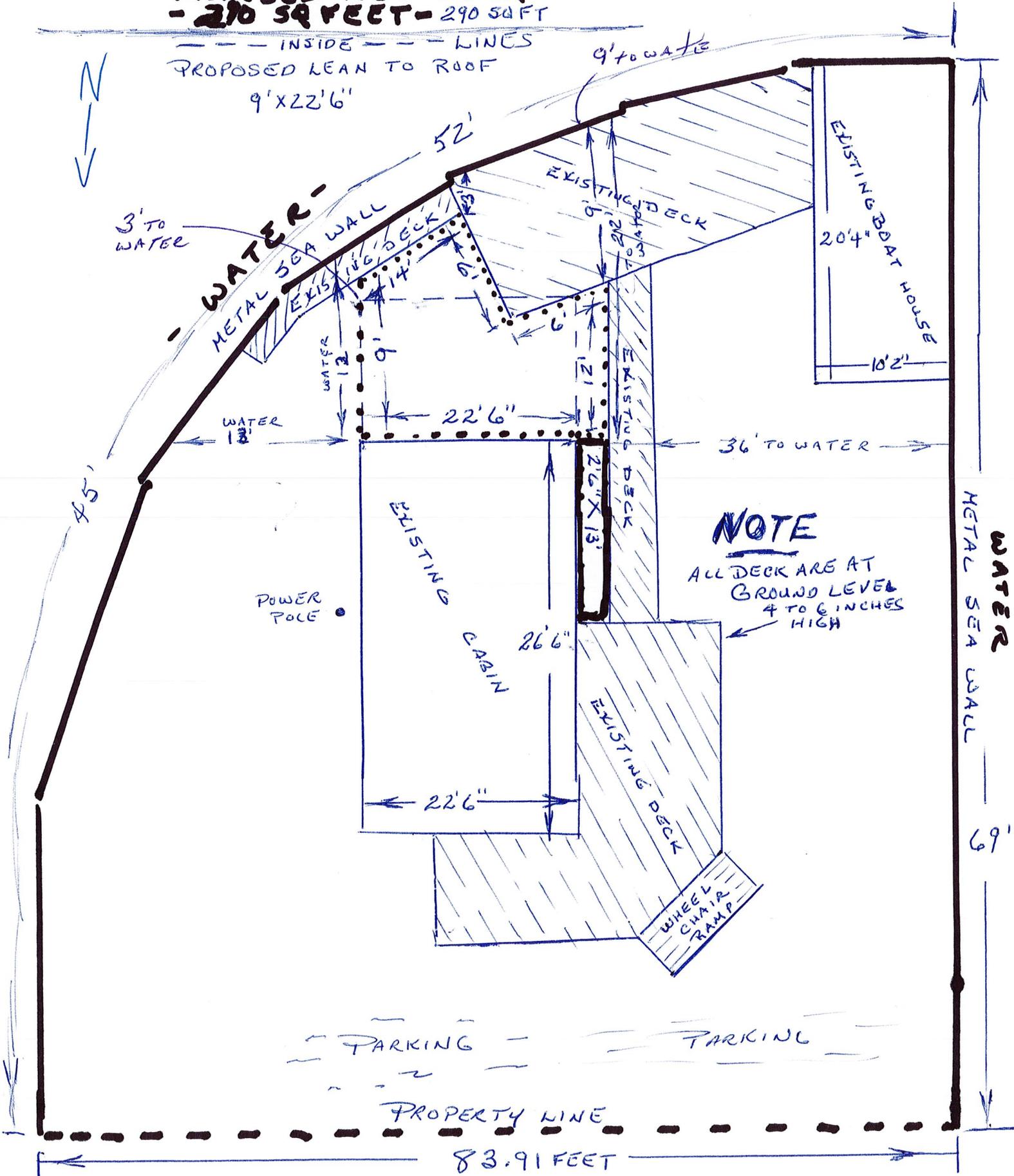
OCCUPANT

6275 HILLSIDE AVE

INDIAN RIVER, MI 49749

..... INSIDE..... LINE  
**PROPOSED NEW DECK**  
**- 210 SQ FEET - 290 SQ FT**

--- INSIDE --- LINES  
 PROPOSED LEAN TO ROOF  
 9' X 22' 6"



**NOTE**

ALL DECK ARE AT  
 GROUND LEVEL  
 4 TO 6 INCHES  
 HIGH

PARKING

PARKING

PROPERTY LINE

83.91 FEET





# 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 an approximately 3-ft. front setback (at its closest) to construct a deck and associated lean-to in a Lake and Stream Protection (P-LS) zoning district.	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> August 17, 2018	<b>Expected Meeting Date:</b> August 22, 2018

### GENERAL INFORMATION

**Applicant:** Gil Archambo

**Contact person:** Same

**Phone:** 231.420.2776

**Requested Action:** The applicant requests an approximately 3-ft. front setback where a minimum of 40-ft. is required, per Section 17.1 of the Zoning Ordinance, to construct a deck and associated lean-to.

### BACKGROUND INFORMATION

The subject parcel is addressed as 6325 Arthur St. in Tuscarora Township, has waterway frontage at three sides and is located on an island just east of the Indian River. The applicant is proposing to construct a low, almost ground level deck with a lean-to with approximately 3-ft. of front setback where a minimum of 40-ft. is required in the Lake and Stream Protection (P-LS) zoning districts. The location of the proposed deck is impacted by the property's small size (.1-ac.; 4,356 sq.-ft.) in addition to waterway frontage at three sides. It would cover a comparatively small area of sand where two mature trees were removed and currently covered by artificial turf adjacent to the existing dwelling.

Per Article 2 of the zoning ordinance (Definitions), a *structure* is anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, mobile homes, sheds and permanent signs, and exclude vehicles, sidewalks and paving.

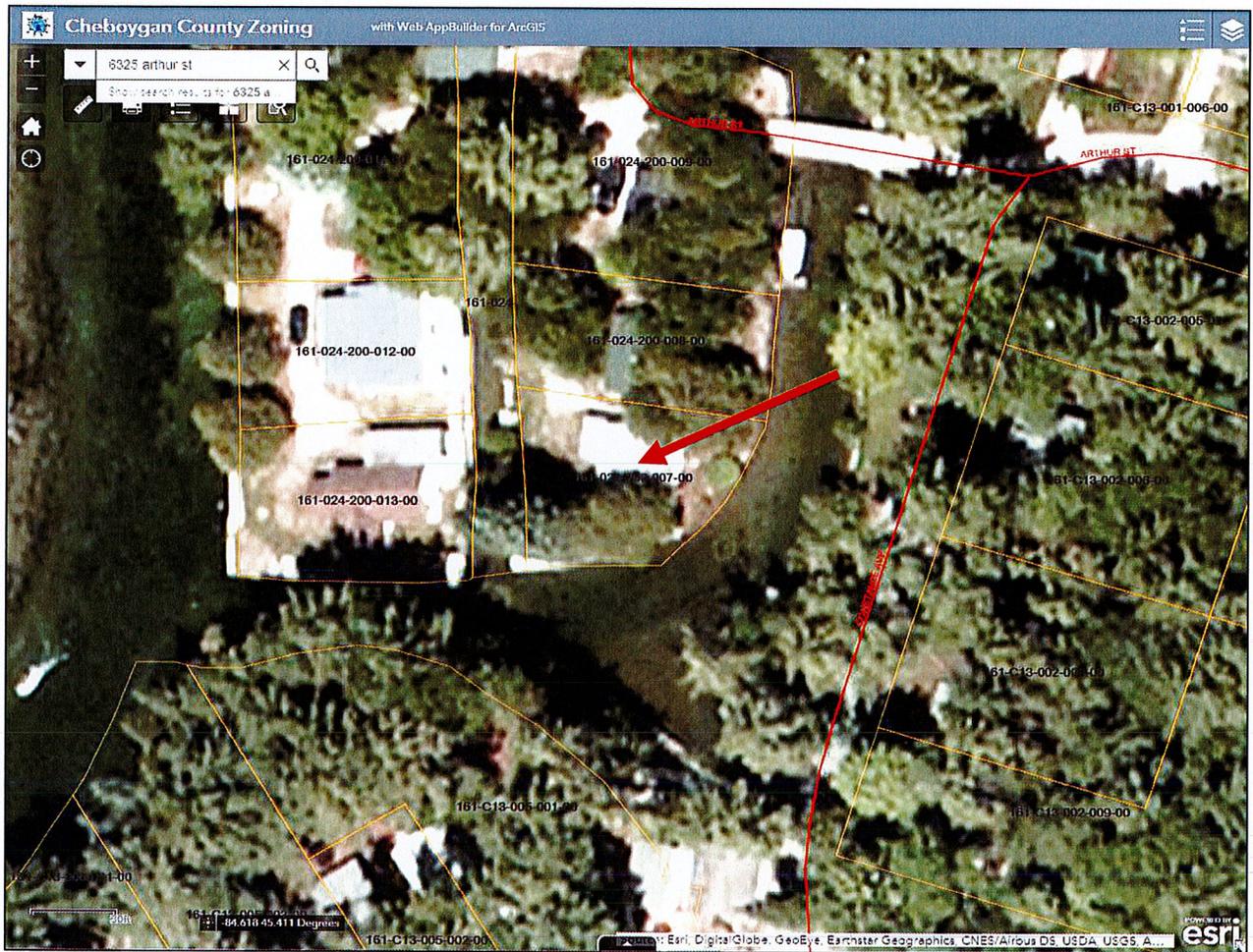


Figure 1; location of subject property at 6325 Arthur St., Tuscarora Twp.

**Surrounding Zoning:**

North: Lake and Stream Protection (P-LS)

East: Same

South: Same

West: Same

**Surrounding Land Uses:**

Residential to the north, canal to the immediate east, south and west with residential uses beyond.

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

The subject property is located in a P-LS zoning district near to the Indian River.

**Public comments:**

No written comments have been received as of this writing. One verbal comment of support was received by a neighbor during a recent site visit.

## 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 Lake and Stream Protection (P-LS) zoning district.
2. The subject property is located on an island and has waterway frontage at three sides.
3. The subject property, dwelling and deck are non-conforming.
4. The applicant is seeking a 37-ft. front setback variance (to allow for approximately 3-ft. of front setback) to construct a ground level deck with lean-to in order to complement the existing decking.
5. A minimum 40-ft. front setback is required in the P-LS 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.**

A. The physical conditions of the property that support granting the variance request are as follows:

1. The subject property is small (.10-ac.; 4,356 sq.-ft.) and has waterway frontage at three sides, unique physical conditions that are not due to the applicant's personal or economic difficulty, suggesting that compliance with the minimum front setback standard is difficult. (exhibits 3, 5, 6 and 7)

The standard has been met.

#### **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).**

A. Actions that have occurred that *support* granting the variance request that were not caused by the applicant, property owner or previous property owner:

1. The subject property is legal, non-conforming, created prior to the adoption of the Zoning Ordinance when minimum setback standards were established.
2. The need for the variance is due to the subject property having waterway frontage at three sides and the property's small size, physical constraints that are not the result of actions of the applicant, property owner or previous property owners. (exhibits 5, 6 and 7)

3. The standard has been met.

**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.**

- A. Zoning Ordinance requirements result in the following conditions which prevent use of the property or cause undue hardship:
1. The minimum setback requirements for properties zoned P-LS considered along with the physical constraints presented by the non-conforming subject property cause undue hardship and act as a significant hindrance regarding the degree to which the subject property may be developed. (exhibits 3, 5 and 7)

The standard has been met.

**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.**

- A. Factors that show the variance request cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of surrounding property owners:
1. Due to the rather unique physical conditions of the subject property, the location of existing decking and the reasonable intent to complete or “fill in” the turfed area with decking, the variance cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of surrounding property owners. (exhibits 3, 5, 6 and 7)

The standard has been met.

**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.**

- A. Factors which show how granting the variance would not result in unfavorable impacts on surrounding properties, neighborhood or zoning district:
1. The subject property and dwelling are legal, non-conforming, characteristics that a number of nearby residential properties share. Granting the variance would be in harmony with the pattern of area residential development and uses, as similar conditions exist on nearby residential properties. (exhibit 7)

2. The deck would not be immediately adjacent to neighboring properties due to the measure of separation provided by the canals.
3. A nearby property owner at 6343 Arthur St. was granted 6-ft. and 17.5-ft. front setback variances in 2017 for dwelling additions.

The standard has been met.

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Ruth Wolf

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Mailing List (4 Pages)
5. Aerial Photo (1 Page)
6. 2002 Winter Tax Bill For Parcel 161-025-200-050-03
7. Property Card (1 Page)
8. Undated Deed (1 Page)
9. Real Estate Summary Sheet (1 Page)
10. Staff Report (5 Pages)
- 11.
- 12.

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	6314
CASH/CHECK:	CK# 1217
ACTION /DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 4359 Wilson Rd. (previously known as 4959 Wilson Rd.)	City / Village Indian River	Township / Sec. Tuscaray	Zoning District <i>M-AF P-LS</i>
Property Tax I.D. (Parcel) Number 161-025-200-050-04	Subdivision or Condo. Name / Plat or Lot No.		

**APPLICANT**

Name Ruth Wolf	Telephone 740-501-0454/231-238-8253	Fax 1-866-463-3731	
Address 4359 Wilson Rd.	City & State Indian River, MI	Zip Code 49749	E-Mail lauren@thevillagepartn

**OWNER (If different from applicant)**

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:  
Rte 68 to West Wilson Rd. then Left on Wilson Rd.

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

**I. Property Information**

- A. List all known deed restrictions: None known
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat but was previously platted as 1610252000503
- C. Present use of the property is: Residential with one small home, well and septic existing *100'x200' Parcel*
- 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 N/A, nature of action requested N/A, and the decision N/A.
- E. Attach a site plan drawn per the attached directions.

*See previous legal description attached. Pins are still in ground per legal description.*

**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. Our intent is that nothing will change on the new parcel. It currently has a cottage, well, and septic. It was previously split out to be a 100'x200' parcel(as parcel #161025200050003). See previous legal description attached. We would like to reinstate this parcel as described on the legal description.
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. This parcel existed in the past at 100'x200'. Neighboring parcels are 100'x200'(i.e. parcel 161-025-200-051-01 which borders the subject property to the south, as well as several other parcels along Wilson Rd.) All are zoned residential.
- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created). Correct, it is not the result of the property owner or previous property owners creating the need for a variance.
- 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. If this "new" parcel is required to be 1 acre and/or 150' road frontage, this will cause too much property to be removed from parcel(161-025-200-050-04) and it will require that the new property line be placed too close to the exist house on parcel (161-025-200-050-04).
- 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. It is the minimum variance necessary to allow for the "new" parcel and parcel 161-025-200-050-04 to have adequate road frontage and set backs from the existing buildings.
- 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. It will not impact the surrounding properties as the parcel existed in the past and has had no changes to the property or dwellings.

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 Ruth Wolf Date 2/1/2018

**AFFADAVIT**

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

Applicant's Signature Ruth Wolf Date 2/1/2018

**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: 75' Rear: 85' Side: 45' Side: 35'

**Zoning District:**

M-AF; P-LS

**North:**

Blank area for site plan drawing.

Walt

161-025-400-004-04 COBE, JEFFERY & REAMEL H/W 4537 WILSON RD INDIAN RIVER, MI 49749 161-025-400-001-00 TAGLAUER, EDWARD & DANIELLE H/W 4507 WILSON RD INDIAN RIVER, MI 49749 161-025-300-034-01 PARKEY, ROBERT & ANN, TRUSTEES 4512 WILSON RD INDIAN RIVER, MI 49749 161-B01-000-022-00 P & K CHAMPAGNE FAMILY, LLC 7755 HOSPITAL RD FREELAND, MI 48623 161-G17-000-003-00 KAUFFMAN, SALLY REVOC TRUST 13216 WEST SHORE DR HOUGHTON LAKE, MI 48629 161-025-207-070-04 PEARSON, JOHN & KIM PEARSON TIC 4185 RAINBOWS END TRL INDIAN RIVER, MI 49749 161-025-200-051-02 HENSLEY, CONLEY & CHERYL H/W 3403 NICHOLS DR AUBURN HILLS, MI 48326 161-025-200-047-00 MARKIEWICZ, MARK & PATRICIA H/W 4261 WILSON RD INDIAN RIVER, MI 49749 161-025-400-004-00 ARVIN, RODERICK & NANCY ANN H/W PO BOX 2146 INDIAN RIVER, MI 49749 161-G17-000-010-00 ARVIN, RODERICK & NANCY ARVIN TIC PO BOX 2146 INDIAN RIVER, MI 49749	161-025-400-003-00 ARVIN, RODERICK & NANCY ANN H/W PO BOX 2146 INDIAN RIVER, MI 49749 161-025-300-033-00 PARKEY, ROBERT & ANN, TRUSTEES 4512 WILSON RD INDIAN RIVER, MI 49749 161-025-300-032-00 PARKEY, ROBERT & ANN PARKEY, TTEES 4512 WILSON RD INDIAN RIVER, MI 49749 161-G17-000-001-00 COULTER, CURTIS & JERILYNN H/W 4357 RAINBOWS END TRL INDIAN RIVER, MI 49749 161-G17-000-004-00 CHAVEZ, DANIEL A ET UX 8825 FALL GREEN DR LAS VEGAS, NV 89129 161-025-200-052-02 PRAITHER, WILLIAM & DIAN H/W 4303 WILSON RD INDIAN RIVER, MI 49749 161-025-200-050-04 WOLF, RUTH 4359 WILSON RD INDIAN RIVER, MI 49749 161-025-200-036-00 BIG BEAR GENERAL STORE 4271 S STRAITS HWY INDIAN RIVER, MI 49749 161-G17-000-007-00 STATE OF MICHIGAN PO BOX 30448 LANSING, MI 48909 161-G17-000-002-00 KAUFFMAN, SALLY REVOC TRUST 13216 WEST SHORE DR HOUGHTON LAKE, MI 48629	161-025-400-002-00 ARVIN, RODERICK & NANCY ANN H/W PO BOX 2146 INDIAN RIVER, MI 49749 161-025-300-032-02 PARKEY, ROBERT & ANN, TRUSTEES 4512 WILSON RD INDIAN RIVER, MI 49749 161-025-100-005-00 INLAND LAKES SCHOOL 4363 S STRAITS HWY INDIAN RIVER, MI 49749 161-G17-000-002-00 KAUFFMAN, SALLY REVOC TRUST 13216 WEST SHORE DR HOUGHTON LAKE, MI 48629 161-025-211-101-00 WROCKLAGE, ROBERT & JOAN 4401 WILSON RD INDIAN RIVER, MI 49749 161-025-200-051-05 OGLE, PAUL R 4491 WILSON RD INDIAN RIVER, MI 49749 161-025-200-048-00 STIREMAN, VIOLET L 4271 WILSON RD INDIAN RIVER, MI 49749 161-025-200-035-00 BIG BEAR GENERAL STORE 4271 S STRAITS HWY INDIAN RIVER, MI 49749 161-G17-000-008-00 LITTLE TRAVERSE CONSERVANCY, INC 3264 POWELL RD HARBOR SPRINGS, MI 49740 161-G17-000-006-00 STATE OF MICHIGAN PO BOX 30448 LANSING, MI 48909
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*Walt*

161-025-200-051-01  
OBRYAN, DENNIS & LINDA H/W  
2420 MANITOU TRL  
HARBOR SPRINGS, MI 49740

161-025-200-046-00  
MICHIGAN DEPT OF NATURAL RESOURCES  
PO BOX 30722  
LANSING, MI 48909

161-B01-000-001-00  
COULTER, CURTIS & JERILYNN H/W  
4357 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-025-207-070-01  
PEARSON, JOHN & KIM PEARSON TIC  
4185 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-025-200-027-00  
CARRON, INC  
4271 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-025-200-053-00  
LINDSTROM, KAREN  
23030 BUCHANAN RD  
STANWOOD, MI 49346

161-B01-000-002-00  
BROW, BRIAN & MARY H/W AND  
602 OAK HILL CT  
MONROE, MI 48162

161-025-207-070-02  
PEARSON, JOHN & KIM PEARSON TIC  
4185 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-025-100-002-00  
STATE OF MICHIGAN  
STATE PARK  
LANSING, MI 48909

161-025-208-080-00  
PEARSON, JOHN & KIM H/W  
4185 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-B01-000-003-00  
KESSEY, KRAIG & RENA H/W & JOHN  
PO BOX 3202  
MELVINDALE, MI 48122

161-025-207-070-03  
PEARSON, JOHN & KIM PEARSON TIC  
4185 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

Wolf

161-025-400-004-04

OCCUPANT

4537 WILSON RD

INDIAN RIVER 49749

161-025-400-001-00

OCCUPANT

4507 WILSON RD

INDIAN RIVER 49749

161-025-300-034-01

OCCUPANT

49749

161-B01-000-022-00

OCCUPANT

4240 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-G17-000-003-00

OCCUPANT

4413 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-025-207-070-04

OCCUPANT

, MI 49749

161-025-200-051-02

OCCUPANT

4371 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-047-00

OCCUPANT

4261 WILSON RD

INDIAN RIVER, MI 49749

161-025-400-004-00

OCCUPANT

, MI 49749

161-G17-000-010-00

OCCUPANT

4491 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-025-400-003-00

OCCUPANT

4613 RAINBOWS END TRL

INDIAN RIVER 49749

161-025-300-033-00

OCCUPANT

4512 WILSON RD

INDIAN RIVER 49749

161-025-300-032-00

OCCUPANT

6561 W WILSON RD

INDIAN RIVER 49749

161-G17-000-001-00

OCCUPANT

4379 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-G17-000-004-00

OCCUPANT

4423 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-025-200-052-02

OCCUPANT

4303 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-050-04

OCCUPANT

4359 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-036-00

OCCUPANT

, MI 49749

161-G17-000-007-00

OCCUPANT

4451 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-G17-000-002-00

OCCUPANT

4399 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-025-400-002-00

OCCUPANT

4507 RAINBOWS END TRL

INDIAN RIVER 49749

161-025-300-032-02

OCCUPANT

6547 W WILSON RD

INDIAN RIVER 49749

161-025-100-005-00

OCCUPANT

6680 W WILSON RD

INDIAN RIVER, MI 49749

161-G17-000-002-00

OCCUPANT

4399 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-025-211-101-00

OCCUPANT

4401 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-051-05

OCCUPANT

4491 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-048-00

OCCUPANT

4271 WILSON RD

INDIAN RIVER, MI 49749

161-025-200-035-00

OCCUPANT

4251 WILSON RD

INDIAN RIVER, MI 49749

161-G17-000-008-00

OCCUPANT

4463 RAINBOWS END TRL

INDIAN RIVER, MI 49749

161-G17-000-006-00

OCCUPANT

4445 RAINBOWS END TRL

INDIAN RIVER, MI 49749

Walt

161-025-200-051-01  
OCCUPANT  
WILSON RD  
INDIAN RIVER, MI 49749

161-025-200-027-00  
OCCUPANT  
4271 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-025-100-002-00  
OCCUPANT  
6635 STATE PARK RD  
INDIAN RIVER, MI 49749

161-025-200-046-00  
OCCUPANT  
, MI 49749

161-025-200-053-00  
OCCUPANT  
, MI 49749

161-025-208-080-00  
OCCUPANT  
, MI 49749

161-B01-000-001-00  
OCCUPANT  
4357 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-B01-000-002-00  
OCCUPANT  
4343 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-B01-000-003-00  
OCCUPANT  
4333 RAINBOWS END TRL  
INDIAN RIVER, MI 49749

161-025-207-070-01  
OCCUPANT  
, MI 49749

161-025-207-070-02  
OCCUPANT  
, MI 49749

161-025-207-070-03  
OCCUPANT  
, MI 49749



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**MESSAGE TO TAXPAYER**  
 DUE DECEMBER 1, 2002. TO AND INCLUDING, FEBRUARY 14, 2003, TO PAY WITHOUT PENALTY. FEBRUARY 15, 2003 A 3% PENALTY WILL BE ADDED. MARCH 1, 2003 ALL DELINQUENT TAXES ARE PAYABLE TO THE COUNTY TREASURER, EXCEPT FOR PERSONAL PROPERTY TAXES, WHICH REMAIN PAYABLE TO THE TOWNSHIP TREASURER. MARCH 1, 2003 A 4% P.T.A.F OR \$1 MINIMUM, AND 1% PER MONTH WILL BE ADDED.

**PAYMENT INFORMATION**

This tax is due by: 02/14/2003  
 Pay by mail to: TUSCARORA TOWNSHIP  
 SUSAN FISHER, TREASURER  
 PO BOX 220  
 INDIAN RIVER, MI 49749  
 231-238-4220

PAYMENTS ARE ALSO ACCEPTED AT CITIZENS NATIONAL BANK AND NATIONAL CITY BANK (INDIAN RIVER BRANCHES)

**PROPERTY INFORMATION**

Property Assessed To:  
 PFLIEGER, RICHARD T ET UX  
 761 W RIVER OAK DR  
 ORMOND BEACH, FL 32174

INLAND LAKES SCHOOL DIST  
 School: 16050

Prop #: 161-025-200-050-03  
 Prop Addr: 4387 WILSON RD

**Legal Description:**

COM CEN 1/4 COR SEC 25 TH S 87DEG 53MIN 30SEC E 33 FT TO ELY R/W CO RD TH N 1DEG 47MIN 30 SEC E ALG SD R/W 554.9 FT TO POB TH N 1DEG 47MIN 30SEC E 100 FT TH S 87DEG 59MIN 40SEC E 200 FT TH S 1DEG 47MIN 30SEC W 100 FT TH N 87DEG 59MIN 40SEC W 200 FT TO POB PART OF SW 1/4 OF NE 1/4-SEC 25 T35N R3W

**TAX DETAIL**

Taxable Value: 10,700 RESIDENTIAL  
 State Equalized Value: 10,700 Class: 400  
 Homestead %: .0000  
 Mort Code:

Taxes are based upon Taxable Value.  
 1 mill equals \$1.00 per \$1000 of Taxable Value.  
 Amounts with no millage are either Special Assessments or other charges added to this bill.

DESCRIPTION	MILLAGE	AMOUNT
COUNTY ALLOCATED	5.43600	58.16
SENIOR CITIZEN	.49000	5.24
TOWNSHIP ALLOCAT	.94720	10.13
LIBRARY	.17910	1.91
DEBT	.44790	4.79
SCHOOL ALLOCATED	16.58340	177.44
SCHOOL VOTED	1.41660	15.15
SCHOOL DEBT	2.86500	30.65
COPIED	1.79320	19.18
STATE EDUC TAX	6.00000	64.20
LIGHTS	.17920	1.91
POLICE	3.87070	41.41
FIRE	.63120	6.75

\*BALANCE OF DESCRIPTION ON FILE\*

**OPERATING FISCAL YEARS**

The taxes on bill will be used for governmental operations for the following fiscal year(s):

County: 01/01/03 - 12/31/03  
 Twn/Cty: 04/01/02 - 03/31/03  
 School: 07/01/02 - 06/30/03  
 State: 10/01/02 - 09/30/03

Does NOT affect when the tax is due or its amount

Total Tax 40.83950 436.92  
 Administration Fee 4.36  
**TOTAL AMOUNT DUE 441.28**

*Paid 2/3/03*

PLEASE DETACH ALONG PERFORATION. KEEP THE TOP PORTION

Totals----->            40.83950            441.28            441.28            0.00

Property Description:  
 COM CEN 1/4 COR SEC 25 TH S 87DEG 53MIN 30SEC E 33 FT TO ELY R/W CO RD TH N 1DEG 47MIN 30 SEC E ALG SD R/W 554.9 FT TO POB TH N 1DEG 47MIN  
 BALANCE OF DESCRIPTION ON FILE-----

To: PFLIEGER, RICHARD T ET UX  
 761 W RIVER OAK DR  
 ORMOND BEACH FL 32174

Addr: 4387 WILSON RD  
 I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN THE 'BALANCE' COLUMN ABOVE.

*Susan L Fisher*

TREASURER

TUSCARORA

161-25-200-050-03

OSTRANDER, EDWIN S ET UX  
02211 OLD SALEM RD  
PONTIAC, MICHIGAN 48057

Com Cen 1/4 cor sec 25 th S 87°53'30"  
E 33 ft to Ely r/w Co Rd th N 1°47'30"  
E alg sd r/w 554.9 ft to POB th N 1°  
47'30" E 100 ft th S 87°59'40" E 200 ft  
th S 1°47'30" W 100 ft th N 87°59'40" W  
200 ft to POB Part of SW1/4 of NE1/4

Sec 25 T 35 N R 3W

out of 200-050

YEAR	PAID TO	DATE	RECEIPT NO.	YEAR	PAID TO	DATE	RECEIPT NO.
67	<i>pd.</i>			89	<i>pd</i>		
68				90	<i>pd</i>		
69				91	<i>pd</i>		
70				92	<i>pd</i>		
71				93	<i>pd</i>		
72				94	<i>pd</i>		
73				95	<i>pd</i>		
74				96	<i>pd</i>		
75				97	<i>pd</i>		
76	<i>pd.</i>			98	<i>pd</i>		
77	<i>pd.</i>			99	<i>pd</i>		
78	<i>paid</i>			2000			
79	<i>pd</i>			01			
80	<i>pd</i>			02			
81	<i>pd</i>			03			
82	<i>pd</i>			04			
83	<i>pd</i>			05			
84	<i>pd</i>			06			
85	<i>pd.</i>			07			
86	<i>pd</i>			08			
87	<i>pd</i>			09			
88	<i>pd</i>			10			

MISCELLANEOUS INFORMATION

CHEBOYGAN COUNTY

(s) \*\*  
address is / are  
convey(s) and warrant(s) to  
whose address is / are

*Wire transfer A-OK*  
Richard T. Pflieger and Dorothy M. Pflieger,  
761 W. River Oak Drive, Ormond Beach, FL 32174  
Paul H. Wolf and Ruth A. Wolf, husband and wife, as tenants in  
the entireties  
4959 Wilson Rd. Indian River, MI 49749

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

Commencing at the center 1/4 corner, Section 25, Town 35 North, Range 3 West; thence South 87° 53 min. 30 sec. East 33 feet to the Easterly right of way line of County road; thence North 01° 47 min. 30 sec. East along right of way line 554.90 feet to point of beginning; thence continuing North 01° 47 min. 30 sec. East 100 feet; thence South 87° 59 min. 40 sec. East 200 feet; thence South 01° 47 min. 30 sec. West 100 feet; thence North 87° 59 min. 40 sec. West 200 feet to point of beginning, being part of the Southwest 1/4 of Northeast 1/4, Section 25, Town 35 North, Range 3 West

Subject to the rights of the public and of any governmental unit in any part thereof taken, used of deeded for any street, road or highway purpose.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining thereto, subject to easements and building and use restrictions of record and further subject to \_\_\_\_\_

for the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).

The Grantor(s) also grant(s) to the Grantee(s) the right to make \_\_\_\_\_ division(s) under Section 108 of the Land Division Act, Act No. 288 of Public Acts of 1967.

The above-described premises 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.

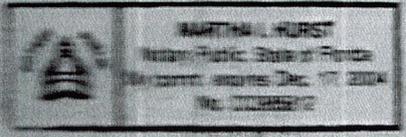
Dated this \_\_\_\_\_ day of \_\_\_\_\_

WITNESSES  
Martha L. Hurst  
Christina Rossi

Signed by  
Richard T. Pflieger  
(Richard T. Pflieger) FL. DR. LIC. # P426-758-24-065-0  
Dorothy M. Pflieger  
(Dorothy M. Pflieger) FL. DR. LIC. # P426-193-26-747-0

STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of January, 2004  
By RICHARD T. PFLIEGER



Martha L. Hurst Notary Public,  
Volusia County, Florida

# Real Estate Summary Sheet

\*\*\*Information herein deemed reliable but not guaranteed\*\*\*

08/13/2018 11:43 AM

**Parcel:** 161-025-200-050-04  
**Owner's Name:** WOLF, RUTH  
**Property Address:** 4359 WILSON RD  
INDIAN RIVER, MI 49749

**Current Class:** 401.401 RESIDENTIAL  
**Previous Class:** 401.401 RESIDENTIAL  
**Gov. Unit:** 161 TUSCARORA  
**MAP #** FLAT VALUES  
**School:** 16050 INLAND LAKES 16050  
**Neighborhood:** CTY-R

**Liber/Page:** 941/640 **Created:** 08/22/2007

**Split:** / / **Active:** Active

**Public Impr.:** None  
**Topography:** None

**Mailing Address:**

WOLF, RUTH  
4359 WILSON RD  
INDIAN RIVER MI 49749

**Description:**

COM CEN 1/4 COR SEC 25, T35N,R3W; TH S 87D 53M 30S E 33FT TO ELY R/W CO RD; TH N 1D 47M 30S E ALG SD R/W 554.90FT TO POB; TH N 1D 47M 30S E 100FT; TH S 87D 59M 40S E 200FT; TH S 1D 47M 30S W 100FT; TH N 87D 59M 40S W 200FT TO POB. \*\*AND\*\* BEG 333FT E OF NW COR SW1/4 OF NE1/4; TH S 200FT; TH W 300FT; TH S 66FT; TH E 190FT; TH S 196FT; TH W 190FT; TH S 200FT; TH E 200FT; TH S 100FT; TH W 10FT; TH S 200FT; TH E 10FT; TH S 100FT; TH W 200FT; TH S 66FT; TH E 200 FT; TH S 189.26FT; TH E ON 1/4 LI TO WLY LI OF GIBSON'S STURGEON RIVER SUB; TH NELY ON WLY LI SD SUB TO E 1/8 LI; TH N TO NE COR OF SW1/4 OF NE1/4; TH W ON N 1/8 LI TO POB. \*EXC: COM AT A PTE 854.37FT N 1D 47M 30S E & 223FT S 87D 59M 40S E FROM CEN POST; TH N 1D 47M 30S E 196FT; TH S 87D 59M 40S E 110FT ALG S LI OF A 66FT WIDE EASEMENT; TH S 1D 47M 30S W 196FT; TH N 87D 59M 40S W 110FT TO POB, PT OF SW1/4 OF NE1/4. COMBINED ON 08/22/2007 FROM 161-025-200-050-03 & 161-025-200-052-00; 941/640;1266/295

## Most Recent Sale Information

None Found

## Most Recent Permit Information

None Found

## Physical Property Characteristics

<b>2019 S.E.V.:</b>	108,900	<b>2019 Taxable:</b>	83,086	<b>Lot Dimensions:</b>	
<b>2018 S.E.V.:</b>	108,900	<b>2018 Taxable:</b>	83,086	<b>Acreage:</b>	0.00
<b>Zoning:</b>		<b>Land Value:</b>	35,595	<b>Frontage:</b>	0.0
<b>PRE:</b>	100.000	<b>Land Impr. Value:</b>	0	<b>Average Depth:</b>	0.0



# CHEBOYGAN COUNTY

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### DIMENSIONAL VARIANCE REQUEST STAFF REPORT

<b>Item:</b> Requests a variance from the minimum lot width (150-ft.) and lot size (one-acre) standards for properties zoned Agriculture and Forestry Management (M-AF).	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> August 17, 2018	<b>Expected Meeting Date:</b> August 22, 2018

#### GENERAL INFORMATION

Applicant: Ruth Wolf

Property Owner: Same

Contact Person: Same

Phone: 740.501.0454; 231.238.8253

#### BACKGROUND INFORMATION

The applicant requests a variance from the minimum lot width and lot size standards (150-ft. and one-acre, respectively) for properties zoned Agriculture and Forestry Management, per Section 17.1 of the Zoning Ordinance. The 25.2-acre subject (“parent”) property is located at 4359 Wilson Rd. in Tuscarora Township. The subject property has a single-family dwelling, “cabin” and several accessory structures. Per the applicant, the intent of the requested variances is to reestablish the previous 100-ft. x 200-ft. (20,000 sq.-ft.) dimensions of the former property to provide a dedicated lot to the “cabin.”

The submitted application indicates that the need for the variance is not the result of the property owner or previous property owner; however, the former non-conforming lot appears to have been created in 1976, was sold to the applicant in 2004 and then combined with the 25.2-acre subject or “parent” parcel in 2007. The applicant is now requesting to configure a new lot to its former dimensions. Despite several adjacent lots sharing similar configurations with approximately 100-ft. of lot width and approximately 20,000 sq.-ft. in size, the applicant is essentially proposing to create a new non-conforming lot.

Regarding non-conforming lots, structure or uses, Section 22.7. of the Zoning Ordinance reads as follows:

*No lot or lots, nor yard, court, parking space or any other space shall be so divided, altered or reduced as to provide less than the minimum allowable area and dimensions set forth in this ordinance. If such areas are already less than the minimum allowable area or dimensions set forth in this ordinance, they shall not be divided, altered or reduced further.*

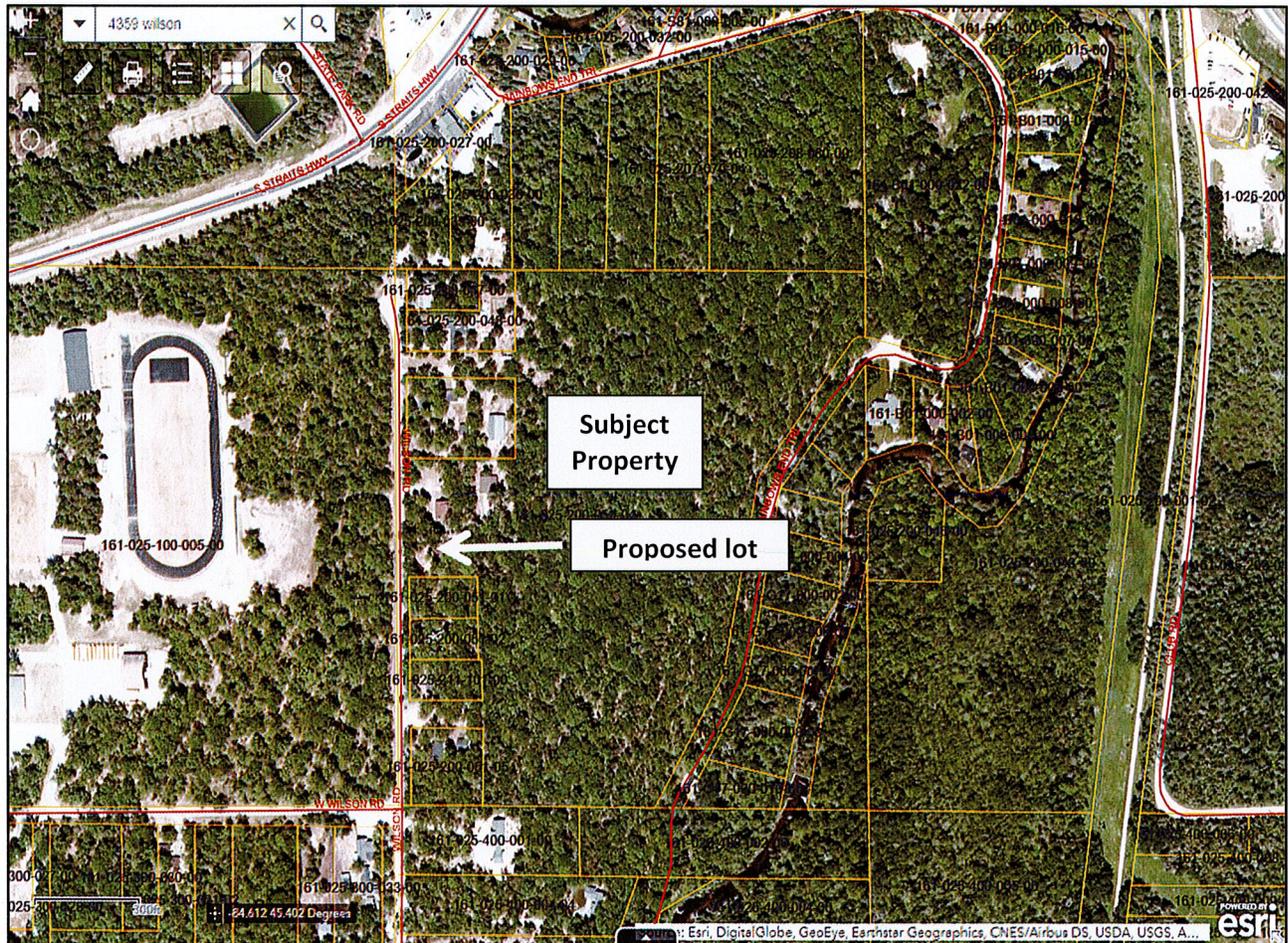


Figure 1; aerial of subject property (located at 4359 Wilson Dr.) and environs

The applicant can likely meet the minimum one-acre lot size standard by creating a property with greater depth than what has been proposed, for example. However, per the applicant, creating a property that complies with the 150-ft. minimum lot width standard would encroach upon the existing home to the north that is within the bounds of the subject or “parent” property.

**Surrounding Zoning:**

**North:** Agriculture and Forestry Management (M-AF); Commercial Development (D-CM) nearer to M-27

**East:** Lake and Stream Protection

**South:** Agriculture and Forestry Management (M-AF); Lake and Stream Protection (P-LS)

**West:** Same

**Surrounding Land Uses:**

Comparatively medium-density residential land uses, particularly north and south of the subject property along Wilson Rd., but also to the east and proximate to the Indian River. The Inland Lakes High School and associated property is to the west. Parkey's Taxidermy is nearby and to the south.

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

There are no known environmentally sensitive areas on the subject property, or at the location of the proposed lot.

**Public Comments:**

No written or verbal comments have been received as of this writing.

**General Findings**

1. The applicant is seeking approval to create a non-conforming lot specifically as it would regard minimum lot width and minimum lot size requirements for properties within the Agriculture and Forestry Management (M-AF) zoning districts.
2. A minimum lot width of 150-ft. is required for properties within the M-AF zoning district, per Section 17.1.
3. The subject ("parent") property is located within M-AF and Lake and Stream Protection (P-LS) zoning districts. However, the proposed non-conforming lot would be entirely within the M-AF zone.
4. The subject ("parent") parcel from which the new non-conforming property would be created is approximately 25-acres.
5. A minimum lot size of one-acre is required for properties within the M-AF zoning district, per Section 17.1.

**VARIANCE CONSIDERATIONS**

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

**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.**

- A. The physical conditions of the property that support granting the variance request are as follows:

The location of the single-family dwelling to the north of the proposed lot apparently precludes the applicant from meeting the minimum 150-ft. lot width standard. (exhibits 3, 5 and 10)

The standard has been met.

**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).**

- A. Actions that have occurred that *support* granting the variance request that were not caused by the applicant, property owner or previous property owner:

None identified. (Although non-conforming lots were largely created prior to adoption of the Zoning Ordinance.) (exhibit 10)

The standard has been met.

**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.**

- A. Zoning Ordinance requirements result in the following conditions which prevent use of the property or cause undue hardship:

1. Considering the required minimum lot width standard mentioned above and the location of the primary dwelling on the subject or “parent” property, the applicant is apparently precluded from creating a separate property that meets the minimum standard. (However, the property and uses contained thereon may continue to be used [and developed to a degree]). (exhibits 3, 5 and 10 )

The Zoning Ordinance recognizes the right to use and/or develop property within specified requirements. When those requirements are unable to be fulfilled due to hardship, a variance is provided as a means to seek relief. However, unfortunately, it appears the suggested hardship is self-created.

The standard has been met.

**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.**

A. Factors that show the variance request cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of surrounding property owners:

1. The location of the existing single-family home that would be adjacent and north of the proposed lot and is currently on the parent parcel from which the proposed new lot would be created apparently precludes the applicant from meeting the minimum lot width standard. However, the variance requests *do not* represent the minimum necessary to grant some measure of relief or reasonable relief and do substantial justice to other property owners in the district. (exhibits 3, 5 and 10)

The standard has been met.

**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.**

A. Factors which show how granting the variance would not result in unfavorable impacts on surrounding properties, neighborhood or zoning district:

1. Granting the requested variances to allow a reduced minimum lot width and lot size would likely not cause adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due in part to similar lot configurations and residential development in the immediate area. However, any future development would be required to meet current standards (e.g., setbacks). Therefore, it is suggested that granting the variances would not be materially detrimental to the public welfare or injurious to the property or neighboring properties. (exhibits 3, 5 and 10)

The standard has been met.

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

UAW Education Center

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Mailing List (2 Pages)
5. Aerial Photo Submitted By Applicant (1 Page)
6. Aerial Photo Submitted By Staff (1 Page)
7. Staff Report (4 Pages)
- 8.
- 9.
- 10.

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	6353
CASH/CHECK:	ck# 1748
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address <u>2000 Maxon RD</u>	City / Village <u>Onaway</u>	Township / Sec. <u>Waverly</u>	Zoning District
Property Tax I.D. (Parcel) Number <u>16-182-013-100-001-01</u>	Subdivision or Condo Name / Plat or Lot No.		

**APPLICANT**

Name <u>U.A.W. Education Center</u>	Telephone <u>231-268-8120</u>	Fax <u>989-733-2726</u>
Address <u>2000 Maxon RD</u>	City & State <u>Onaway, MI</u>	Zip Code <u>49765</u>
		E-Mail <u>mbergstrom@uaw.net</u>

**OWNER (if different from applicant)**

Name <u>U.B.F</u>	Telephone <u>989-733-7983</u>	Fax
Address <u>2000 Maxon RD</u>	City & State <u>Onaway MI</u>	Zip Code <u>49765</u>

Detailed directions to site, including nearest crossroad:

S. Black River Road TO four way stop ~~Right~~ LEFT on  
TO Maxon 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: GOLF Course
- 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.

Installing a Freestanding sign on the corner of N. Allis Hwy and Maxon Rd. Sign size 9' long 5' tall Installed Heighted 6'10"

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.

N/A

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

N/A

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

The sign Restriction will <sup>hinder</sup> visibility preventing customers from being aware of a new convenient store.

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.

N/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.

Low Impact to surrounding areas

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

Owner's Signature [Signature] General Manager UBE/036 Date 7-31-18

**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 [Signature] Date 8-1-18

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

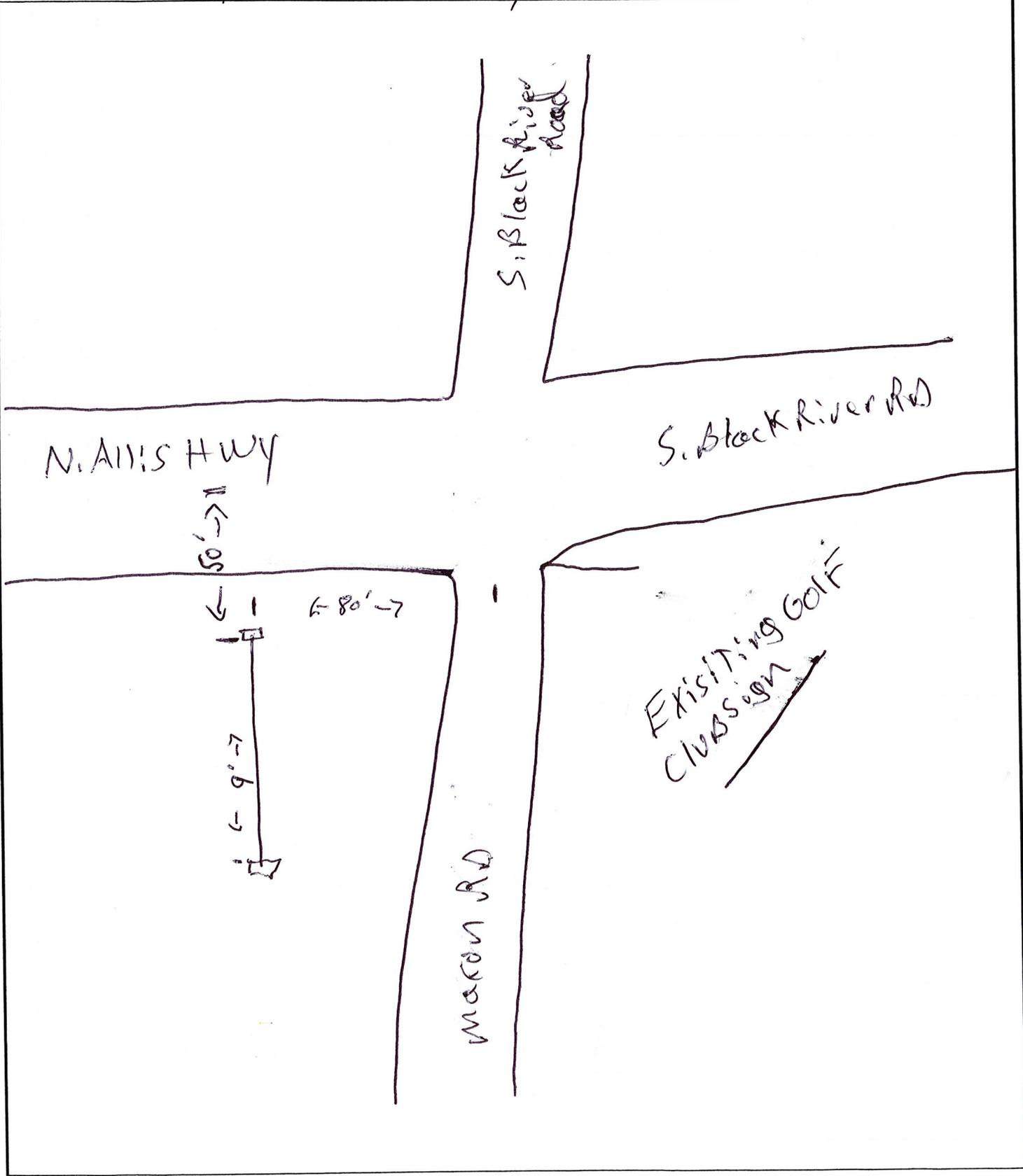
- |   |   |
|---|---|
| 1. Property Line dimensions and Property shape.                             | 6. Parcels under separate ownership therein.                |
| 2. Front, Rear, & Side setback dimensions.                                  | 7. Road Right-Of-Way (ROW); access or utility easements.    |
| 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: N/A Side: 80' Side: N/A

Zoning District:

North:



UAW

182-014-200-002-02  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48214  
 182-012-400-001-11  
 KENRICK, FAYE T TRUST  
 10103 W MT MORRIS RD  
 FLUSHING, MI 48433  
 182-012-315-141-00  
 SPETH, STEPHAN & SUSAN, TRUSTEES  
 2839 WARNER DR  
 WEST BLOOMFIELD, MI 48324  
 182-012-400-001-00  
 GOWLAND, RUSSELL H III REV TR &  
 21 BOONE TRL  
 SEVERNA PARK, MD 21146  
 182-014-200-002-01  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48214  
 182-013-300-003-02  
 BENOIT, SARAH; MARY CHASE; HENRY  
 1511 STREAMWOOD CT  
 ROCHESTER, MI 48309  
 182-012-416-160-00  
 JAMES, TYLER & LINDSAY H/W  
 1990 COUNTY LINE RD  
 ONAWAY, MI 49765  
 182-012-400-001-26  
 GRAY, KATHLEEN  
 424 E HILLSIDE AVE  
 BARRINGTON, IL 60010  
 182-024-100-002-01  
 RICHARDS, ANDREW LEE &  
 3037 S BLACK RIVER RD  
 ONAWAY, MI 49765  
 182-023-200-001-00  
 BREWMAX, LLC  
 11861 WAVERLY AVE  
 ONAWAY, MI 49765

182-013-300-003-01  
 SPETH, STEPHAN J & SUSAN H/W  
 2839 WARNER DR  
 WEST BLOOMFIELD, MI 48324  
 182-012-300-007-00  
 NASH, DONNA M, ESTATE OF  
 31760 GLENCOE  
 BEVERLY HILLS, MI 48025  
 182-012-300-002-00  
 NIKODEM, ELIZABETH ANNE; MARY  
 6112 WOODPARK DR  
 MIDLAND, MI 48640  
 182-011-300-001-01  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48214  
 182-013-300-002-00  
 SMITH, JASPER H  
 412 S CENTRAL AVE  
 GAYLORD, MI 49735  
 182-013-100-002-00  
 BLOOM, JAMES C; ELIZABETH  
 6112 WOODPARK DR  
 MIDLAND, MI 48640  
 182-012-400-012-00  
 HARMAN, PATRICK & KOSRAE H/W  
 1906 COUNTY LINE RD  
 ONAWAY, MI 49765-9531  
 182-024-100-005-00  
 STOCKWELL, DEAN N & KELLI L H/W  
 11330 N ALLIS HWY  
 ONAWAY, MI 49765  
 182-024-100-002-00  
 RICHARDS, ANDREW LEE &  
 3037 S BLACK RIVER RD  
 ONAWAY, MI 49765

182-013-200-002-04  
 MORGAN, WILLIAM & PATRICIA H/W &  
 2583 N COUNTY LINE RD  
 ONAWAY, MI 49765  
 182-012-315-142-00  
 BENOIT, SARAH; MARY CHASE; HENRY  
 1511 STREAMWOOD CT  
 ROCHESTER, MI 48309  
 182-012-300-001-00  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48202  
 182-014-200-001-00  
 WAVERLY TWP CEMETERY  
 182-013-200-002-06  
 MORGAN, GREGORY A  
 PO BOX 4055  
 GAYLORD, MI 49734  
 182-013-100-001-01  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48233  
 182-012-400-001-27  
 HAAS, CARROLL  
 PO BOX 248  
 MENDON, MI 49072  
 182-024-100-003-01  
 STOCKWELL, DEAN N & KELLI L H/W  
 11330 N ALLIS HWY  
 ONAWAY, MI 49765  
 182-024-100-001-00  
 UNION BLDG CORP  
 8000 E JEFFERSON AVE  
 DETROIT, MI 48233

JAW

182-014-200-002-02

OCCUPANT  
2124 MAXON RD  
ONAWAY, MI 49765

182-012-400-001-11

OCCUPANT  
STEWARTS BEACH RD  
ONAWAY, MI 49765

182-012-315-141-00

OCCUPANT  
11273 W BLACK LAKE DR  
ONAWAY, MI 49765

182-012-400-001-00

OCCUPANT  
, MI 49765

182-014-200-002-01

OCCUPANT  
2000 MAXON RD  
ONAWAY, MI 49765

182-013-300-003-02

OCCUPANT  
, MI 49765

182-012-416-160-00

OCCUPANT  
1990 COUNTY LINE RD  
ONAWAY, MI 49765

182-012-400-001-26

OCCUPANT  
, MI 49765

182-024-100-002-01

OCCUPANT  
, MI 49765

182-023-200-001-00

OCCUPANT  
3218 S BLACK RIVER RD  
ONAWAY, MI 49765

182-013-300-003-01

OCCUPANT  
, MI 49765

182-012-300-007-00

OCCUPANT  
11425 W BLACK LAKE DR  
ONAWAY, MI 49765

182-012-300-002-00

OCCUPANT  
11333 W BLACK LAKE DR  
ONAWAY, MI 49765

182-011-300-001-01

OCCUPANT  
, MI 49765

182-013-300-002-00

OCCUPANT  
2573 MAXON RD  
ONAWAY, MI 49765

182-013-100-002-00

OCCUPANT  
, MI 49765

182-012-400-012-00

OCCUPANT  
1906 COUNTY LINE RD  
ONAWAY, MI 49765

182-024-100-005-00

OCCUPANT  
11312 N ALLIS HWY  
ONAWAY, MI 49765

182-024-100-002-00

OCCUPANT  
3037 S BLACK RIVER RD  
ONAWAY, MI 49765

182-013-200-002-04

OCCUPANT  
, MI 49765

182-012-315-142-00

OCCUPANT  
11293 W BLACK LAKE DR  
ONAWAY, MI 49765

182-012-300-001-00

OCCUPANT  
, MI 49765

182-014-200-001-00

OCCUPANT  
, MI 49765

182-013-200-002-06

OCCUPANT  
, MI 49765

182-013-100-001-01

OCCUPANT  
, MI 49765

182-012-400-001-27

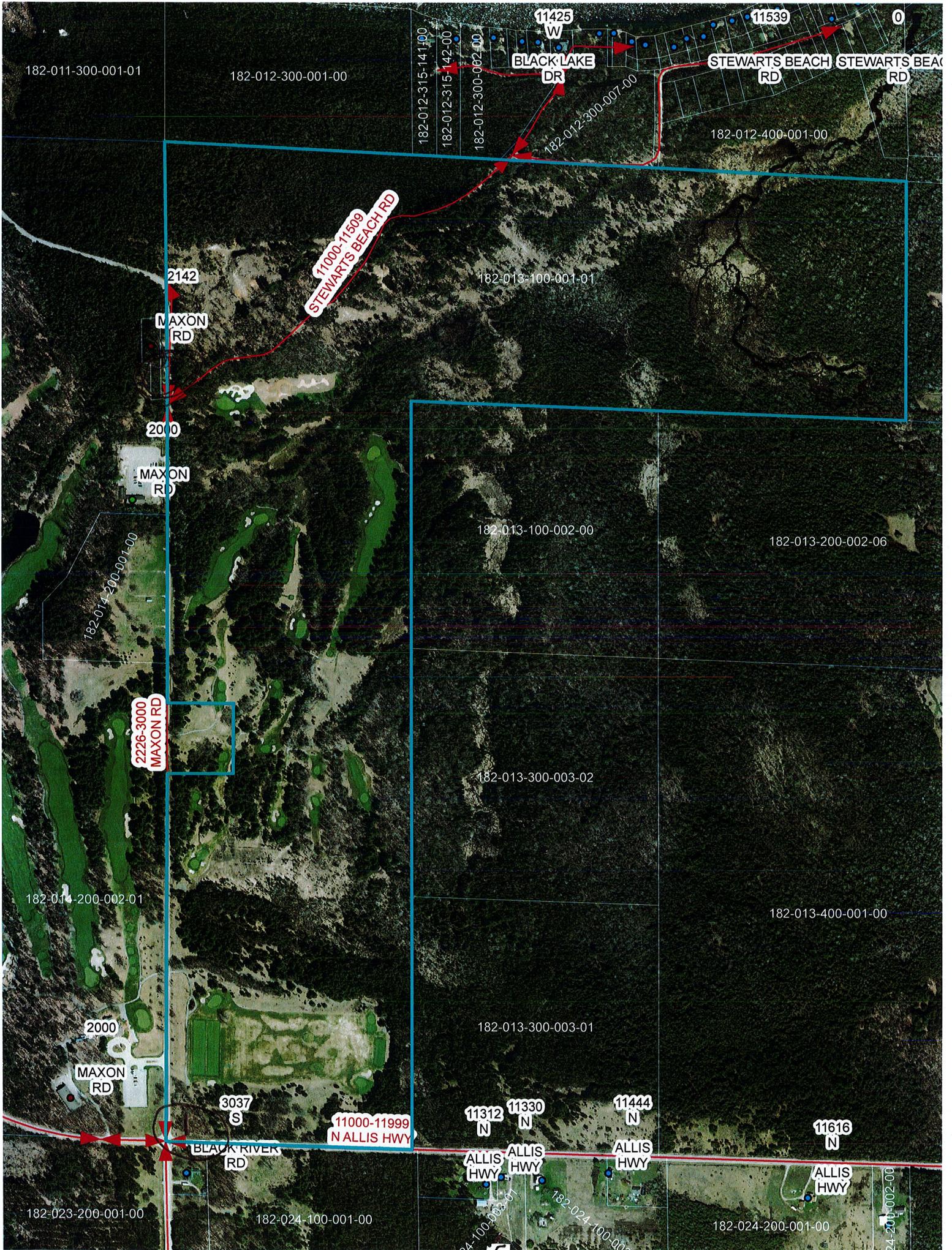
OCCUPANT  
STEWARTS BEACH RD  
ONAWAY, MI 49765

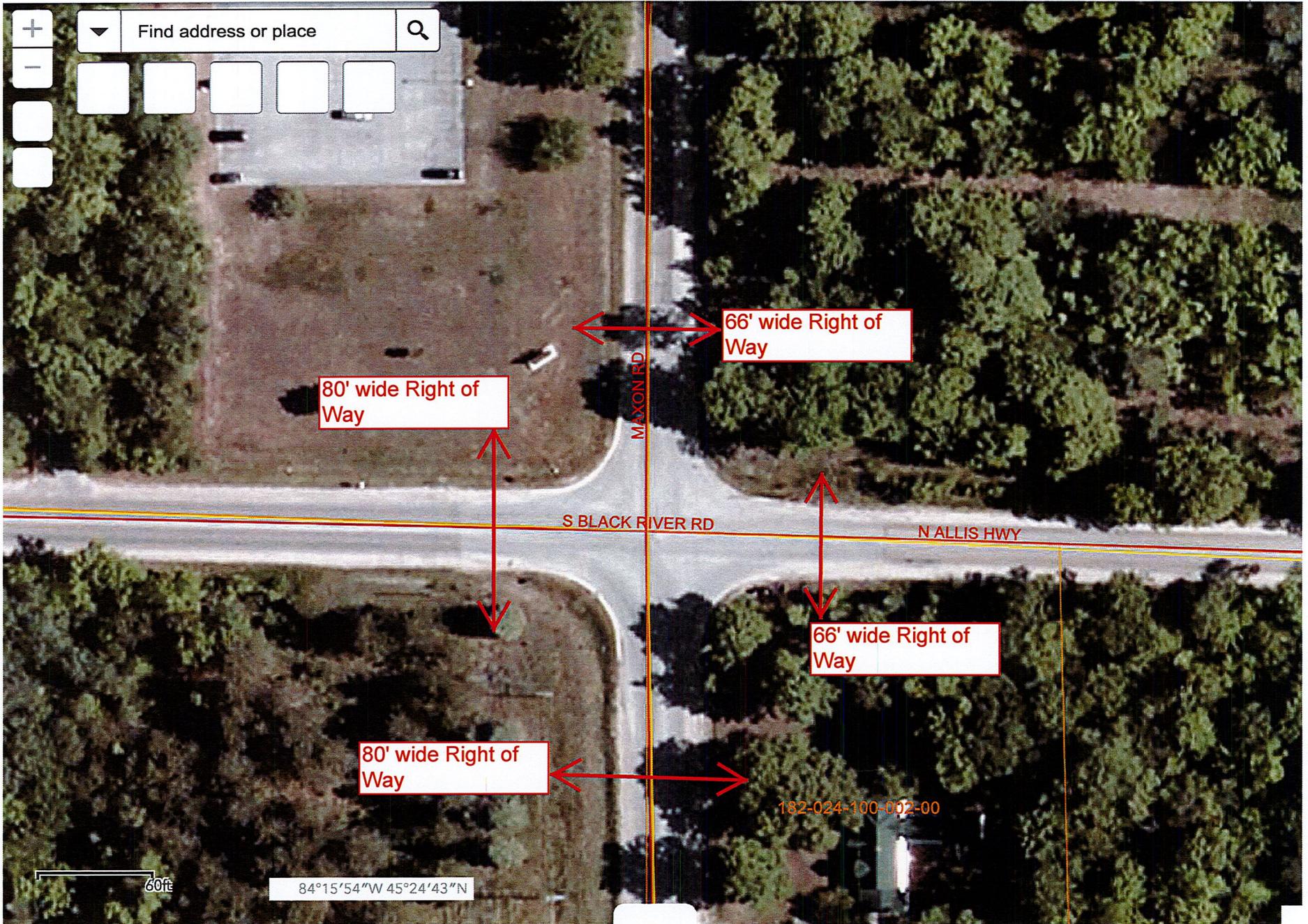
182-024-100-003-01

OCCUPANT  
11330 N ALLIS HWY  
ONAWAY, MI 49765

182-024-100-001-00

OCCUPANT  
, 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> A request for a variance from the maximum 18 sq.-ft. freestanding sign surface area standard in the Agriculture and Forestry Management (M-AF) zoning districts.	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> August 16, 2018	<b>Expected Meeting Date:</b> August 22, 2018

### GENERAL INFORMATION

**Applicant:** United Auto Workers (UAW) Walter and May Reuther Family Education Center

**Contact person:** Michael Bergstrom

**Phone:** 231.268.8120

**Requested Action:** The applicant requests a variance from the maximum 18 sq.-ft. freestanding sign surface area standard in the Agriculture and Forestry Management (M-AF) zoning districts, per Section 17.19.8. of the Zoning Ordinance to allow for approximately 45 sq.-ft. of surface area for a freestanding sign. The property is addressed as 2000 Maxon Rd. and located at the corner of Maxon Rd. and N. Allis Hwy. in Waverly Township.

### BACKGROUND INFORMATION

The applicant is proposing to install a 12-ft. tall freestanding sign with a 5-ft. x 9-ft. (45 sq.-ft.) face/panel in order to advertise the Walter and May Reuther Family Education Center's "Red Pine Market" located along the west side of Maxon Rd. just beyond the guard station. Per Section 17.19.8, freestanding signs are limited to a maximum of 18 sq.-ft. in the M-AF zoning districts.

The property on which the sign would be installed is approximately 232 acres and is a part of the large UAW land holdings just west of the County line in Waverly Township. The subject property includes several holes associated with the nearby Black Lake Golf Club located just to the west on a separate 468-acre property. The most obvious land uses on this property includes the golf club and associated course as well as the aforementioned market. Signage is at the extreme southeast corner identifying the golf club and education center.

**Freestanding Sign Requirements**

	RS	D-RC	CM	VC <sup>3</sup>	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP <sup>4</sup>
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback <sup>2</sup> (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

*Figure 1; freestanding sign requirements for the Ag/Forestry zoning districts*

Although the submitted site plan suggests 100-ft. of right-of-way for N. Allis Hwy., the right-of-way is 66-ft. (as well as for Maxon Rd.) Therefore, the proposed sign would require a minimum 38-ft. setback from the centerlines of N. Allis Hwy. and Maxon Rd. (33-ft. from centerline plus 5-ft. of zoning setback). The submitted site plan indicates that the location of the proposed sign would meet the minimum required setbacks.

Per the applicant, there are no existing signs on the subject property. Freestanding signs are limited to one per parcel in the M-AF zoning districts, per Section 17.19.8.

**Surrounding Zoning:**

North: Agriculture and Forestry Management (M-AF); Lake and Stream Protection (P-LS) nearer to Black Lake.

East: Primarily M-AF; some P-LS zoning

South: M-AF

West: Primarily M-AF; some P-LS zoning

**Surrounding Land Uses:**

To the west are the Black Lake Golf Club, the associated golf course and the Walter and May Reuther Family Education Center. Residential uses exist in the area, with lower residential densities noted to the east, south and west with higher density to the north nearer to Black Lake. Wolverine Power Cooperative has a small, unmanned facility to the south of the subject property. There are many acres of undisturbed forest and wetland areas throughout the area.

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

No particularly environmentally sensitive areas are known to exist on the subject property.

**Public Comment:**

None received as of this writing.

**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 applicant is seeking a 27 sq.-ft. variance to allow a freestanding sign with approximately 45 sq.-ft. of sign face/surface area.
2. The Zoning Ordinance limits the square-footage of freestanding sign located in the M-AF zoning districts to 18 sq.-ft.
3. The subject property is in an Agriculture and Forestry Management (M-AF) and Lake and Stream Protection zoning districts. The proposed location of the proposed freestanding sign at the extreme southwest corner of the subject property is zoned M-AF.

**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.**

A. The physical conditions of the property that support granting the variance request are as follows:

1. None identified. Staff finds that the size of the subject property does not create conditions and circumstances over and above merely inconvenience and therefore is not creating a hardship situation or special circumstance. (exhibits 5, 6 and 7)

The standard has been met.

**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).**

A. Actions that have occurred that *support* granting the variance request that were not caused by the applicant, property owner or previous property owner:

None identified. (The Zoning Ordinance does not determine the permitted number and size of particular signs based on the length of road frontage like numerous other sign-related ordinances.) (exhibit 7)

The standard has been met.

**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.**

- A. Zoning Ordinance requirements result in the following conditions which prevent use of the property or cause undue hardship:
  - 1. None identified. As previously mentioned, the Zoning Ordinance does not consider the length of road frontage in determining the permitted number and size of particular signs. Rather, the Zoning Ordinance takes what might be considered a “one size fits all” approach to regulating signage.

The standard has been met.

**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.**

- A. Factors that show the variance request cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of surrounding property owners:
  - 1. Generally speaking, the larger the sign the more obvious the message to passers-by. However, it is suggested that the requested variance may be reduced and still meet the needs of the applicant and not infringe upon the rights of surrounding property owners. (exhibits 3 and 7)

The standard has been met.

**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.**

- A. Factors which show how granting the variance would not result in unfavorable impacts on surrounding properties, neighborhood or zoning district:
  - 1. Although restricting the size of signage in the M-AF zoning districts intends to, in part, prevent or minimize what is typically a rural landscape from being overwhelmed by large signs, granting the variance would not cause adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district.
  - 2. Although the proposed sign would be sited at the extreme southwest corner, the subject property is 232-acres and the adjacent property under the same ownership is even larger, suggesting that any perceived negative off-site impact would be minimized. (exhibits 5 and 7)

The standard has been met.