

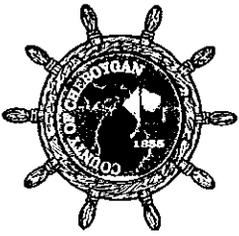
NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, AUGUST 26, 2020 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

1. **Mandy Cook/Gregory R. Cook** – The applicant requests approval of a 500-ft. setback variance from a Lake and Stream Protection (P-LS) zoning district boundary to operate a commercial kennel on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.16.a. of the Zoning Ordinance, the commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. The subject property is located at 12048 S. Straits Highway in Nunda Township, Parcel No. 251-006-100-001-04, Section 6.
2. **North Country Homes Corporation-Paul Fisher/Peter Fisher** – The applicant requests approval of a 6-ft., 6-in. side setback variance to construct a dwelling 3-ft., 6-in. from the nearest point on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.1 of the Zoning Ordinance, structures must be 10-feet from the side property lines. The subject property is located at 3915 N. Schook Road in Mullett Township, Parcel No. 130-016-100-006-00, Section 16.

Visit the Planning and Zoning office or visit our website to view the application and the associated plan drawings. Site plans may be viewed at www.cheboygancounty.net/planning. Comments, questions, and correspondence may be sent to p&z@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 Planning and Zoning Director at the above address one week in advance to request mobility, visual, hearing or other assistance.



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 26, 2020 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. **North Country Homes Corporation-Paul Fisher/Peter Fisher** – The applicant requests approval of a 6-ft., 6-in. side setback variance to construct a dwelling 3-ft., 6-in. from the nearest point on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.1 of the Zoning Ordinance, structures must be 10-feet from the side property lines. The subject property is located at 3915 N. Schook Road in Mullett Township, Parcel No. 130-016-100-006-00, Section 16.
2. **Mandy Cook/Gregory R. Cook** – The applicant requests approval of a 500-ft. setback variance from a Lake and Stream Protection (P-LS) zoning district boundary to operate a commercial kennel on a property in the Agriculture and Forestry Management (M-AF) zoning district. Per Section 17.16.a. of the Zoning Ordinance, the commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. The subject property is located at 12048 S. Straits Highway in Nunda Township, Parcel No. 251-006-100-001-04, Section 6.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JULY 22, 2020 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Michael Turisk, Jen Merk, Craig Carrier, Cal Gouine

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 presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the May 27, 2020 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Ms. Sherwood to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Craig Carrier/Peter Schwenzer – The applicant requests approval of a 27-ft. setback variance from a creek to reconstruct a garage on a property in the Lake and Stream Protection (P-LS) zoning district. Per Section 10.4.9 of the Zoning Ordinance, a 40-ft. setback is required for structures from the shoreline’s ordinary high water mark of any stream or pond that can be identified on the U.S. Geological Survey Maps of the 7.5’ quadrangle series of Cheboygan County. The applicant also requests approval of a 2-ft. side setback variance to reconstruct the garage 4 feet from the side property line. The subject property is located at 2513 Silver Lodge Trail in Mullett Township, Parcel No. 130-003-100-021-00, Section 3.

Ms. Merk reviewed the information included in the staff report.

Mr. Carrier stated that the driveway is narrow and there is a part of the driveway that is over the septic tank. Mr. Carrier that he can move the garage a little and put in a bigger door starting at the edge. Mr. Carrier stated that the existing garage is poorly built and is ready to fall down. Mr. Carrier stated that the owner would like the building to be bigger for his pontoon boat.

Mr. Freese stated that the diagram that is provided with the application indicates the drain field is on the east side. Discussion was held regarding the location of the drain field and well. Ms. Merk clarified that the septic tank is located underneath the deck and the drain field is located to the west of the garage. Mr. Carrier noted that the well is located between the house and road. Discussion was held regarding reducing the size of the porch. Mr. Freese noted that no matter what is done there will not be an access to the second door. Mr. Carrier agreed and stated that the new buyer understands that there will be one door. Mr. Freese stated that the location of the septic tank under the porch provides justification for the side setback, but questioned what is prohibiting moving the garage 5ft. 2in. towards the house as it would eliminate the need for the front setback variance request. Mr. Carrier stated that the property owner will not be able to utilize the garage without the side setback since the owner would not be able to make the swing into the garage to maneuver a 22ft. boat and truck through this area. Mr. Freese stated that this will not be an issue as the door will be moved to the side. Discussion was held.

Board held discussion. Ms. Sherwood stated that she would like to see the building as far back as it is now from the creek. Ms. Sherwood stated that regarding the side setback, she does not believe there will be an adverse effect as there is a garage on the adjacent property. Mr. Freese noted that the neighbor has stated that he has no problems with the proposed garage. Discussion was held.

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

The Zoning Board of Appeals reviewed and revised the General Findings regarding the front setback variance request. The Zoning Board of Appeals revised General Finding #3 "The subject property does not meet the minimum width standard (100 feet) and area (15,000 square feet) required for properties in the P-LS zoning district per Section 17.1 and is non-conforming." The Zoning Board of Appeals revised General Finding #4 "A creek (identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County) flows through the southern portion of the subject property and adjacent to the existing 24 ft. x 24 ft. non-conforming garage." Mr. Freese asked Mr. Carrier if he is willing to revise the request for the front setback to allow the new garage to be in the same location as the front wall of the existing garage rather than moving it closer to the stream. Mr. Carrier stated yes. The Zoning Board of Appeals added "The applicant is revising his front setback request to be 18ft. 2in. from the stream." as General Finding #12. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4 regarding the front setback variance request. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to approve the front setback variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

The Zoning Board of Appeals reviewed and revised the General Findings regarding the side setback variance request. The Zoning Board of Appeals added "The septic tank is located underneath the existing porch." as General Finding #13. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4 regarding the front setback variance request. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the side setback variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:48 pm.

John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

North Country Homes Corporation-Paul Fisher/Peter Fisher

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (4 Pages)
4. Real Estate Summary Sheet for parcel no. 130-016-100-006-00 (1 Page)
5. Property Tax Card for parcel no. 130-016-100-006-00 (1 Page)
6. Mailing List (2 Pages)
7. Staff Report (9 Pages)
- 8.
- 9.
- 10.
- 11.

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

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

DIMENSIONAL VARIANCE APPLICATION

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	7401
CASH/ CHECK	21856
ACTION / DATE:	8-26-20

PLEASE PRINT

PROPERTY LOCATION

Address 3915 N. Schook Rd	City / Village Cheboygan	Township / Sec. Mullet / 16	Zoning District M-AF
Property Tax I.D. (Parcel) Number 130-016-100-006-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name North Country Homes Corporation - Paul Fisher	Telephone 231-420-0666	Fax 231-238-8230	
Address P.O. Box 628	City & State Indian River	Zip Code MI	E-Mail pfisher@northcountryhc

OWNER (If different from applicant)

Name Peter Fisher	Telephone 231-818-2315	Fax	
Address 3915 N. Schook Rd	City & State Cheboygan, MI	Zip Code 49721	

Detailed directions to site, including nearest crossroad:
See Attached Map.

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

ii. **Detailed Request and Justification**

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

Construct a new 28x36' home on a foundation within 3'6" of the North west side line.

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.

Requesting a variance of 6'6" on the North Side, side line adjacent to the easement.

Can not locate
behind barn because of existing raised septic system & very
Poor Soil conditions

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

When the existing pole barn and mobile home were placed on the property, there was no plan to build a new home.

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 only way to meet the side setback requirement, would involve tearing down the existing pole barn.

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 can not build the home any closer to the existing pole barn without compromising the integrity of the footings.

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.

Replacing the existing old mobile home with a new modular
home will enhance surrounding property values. Also will
be much more aesthetically pleasing to the neighborhood.

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

Owner's Signature [Signature]

Date 7-17-20

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]

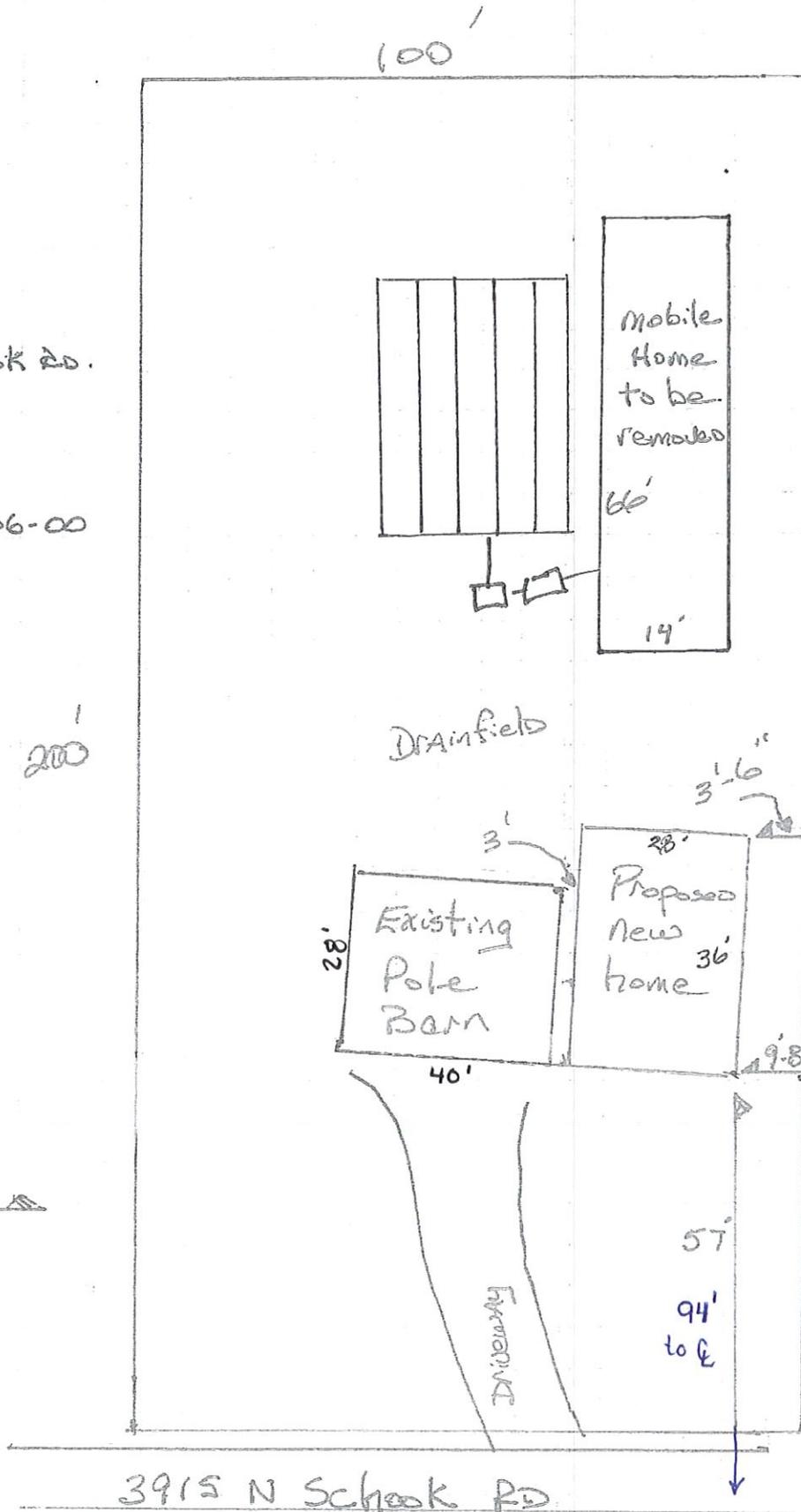
Date 7-17-20

7-10-20

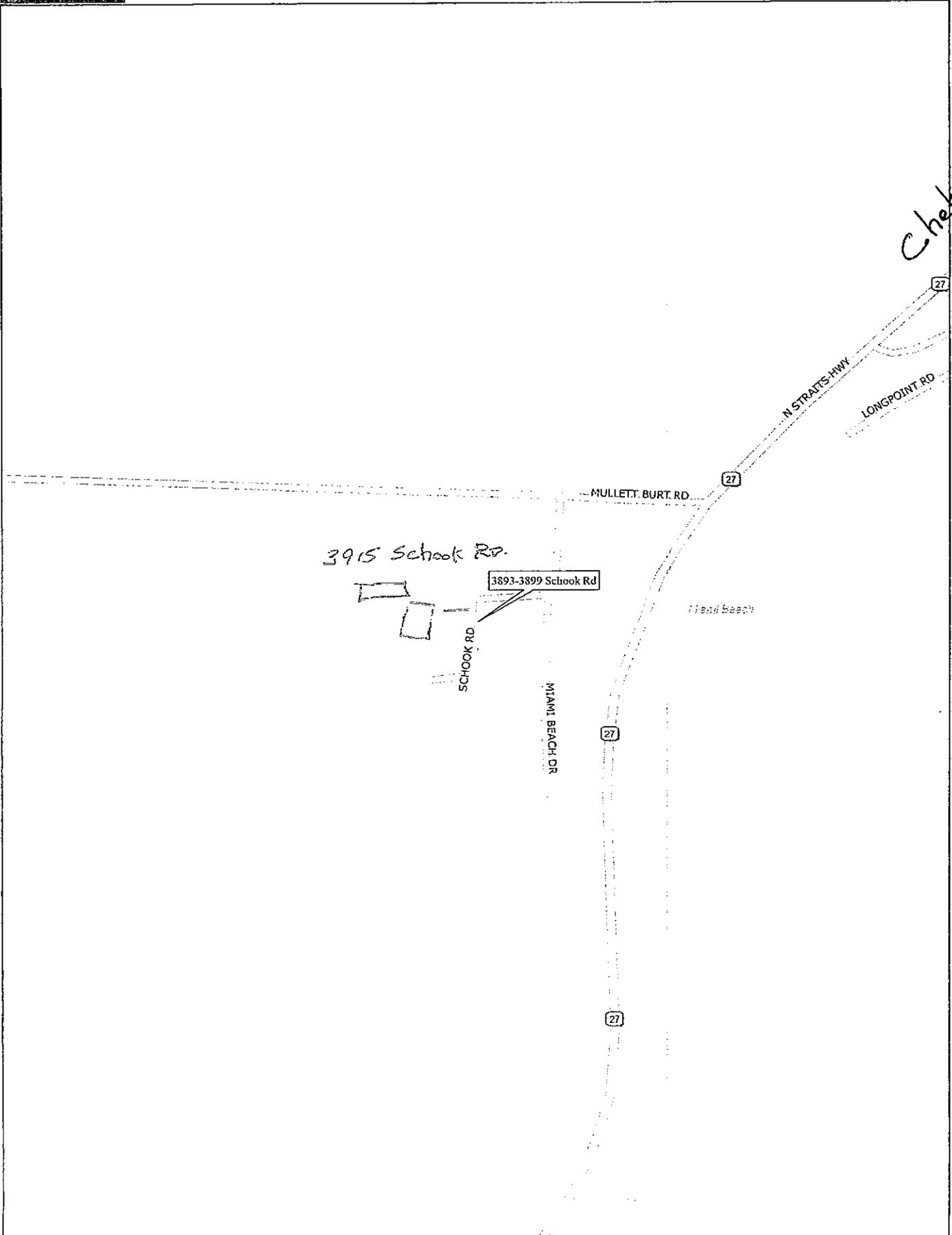
Peter Fisher
3915 N School Rd.
Cheboygan

130-016-100-006-00

200'



1" = 25'



Cheboygan

3915 School Rd.

3893-3899 School Rd

SCHOOL RD

MIAMI BEACH DR

MULLETT BURT RD.

N STRATS HWY

LONGPOINT RD

Miami Beach

Data use subject to license.

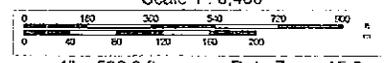
© DeLorme. DeLorme Street Atlas USA® 2015.

www.delorme.com

MI (FLA) TN

Topinabee

Scale 1 : 6,400



1" = 533.3 ft

Data Zoom 15-0

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

08/20/2020 10:55 AM

Parcel: 130-016-100-006-00
Owner's Name: FISHER, PETER
Property Address: 3915 N SCHOOK RD
CHEBOYGAN, MI 49721

Current Class: 400.400 RESIDENTIAL
Previous Class: 400.400 RESIDENTIAL
Gov. Unit: 130 MULLETT
MAP #
School: 16015 CHEBOYGAN AREA SCHOOLS
Neighborhood: CTY-R

Liber/Page: 1110/666 **Created:** / /
Split: / / **Active:** Active

Public Impr.: None
Topography: None

Mailing Address:

FISHER, PETER
3915 N SCHOOK RD
CHEBOYGAN MI 49721

Description:

BEG AT N 1/4 COR SEC 16, T36N,R2W; TH N 88D 22M W ALG N LI 280.17FT; TH S 00D 18M 40S W 428.23FT; TH N 89D 41M 20S W 66FT TO POB; TH S 00D 18M 40S W 100FT; TH N 89D 41M 20S W 200FT; TH N 00D 18M 40S E 100FT; TH S 89D 41M 20S E 200FT TO POB.
1033/855;1033/914;1110/666

Most Recent Sale Information

Sold on 10/29/2008 for 0 by FISHER, JEANNIE (GUNNARSSON).

Terms of Sale: NOT VALID SALE

Liber/Page: 1110/666

Most Recent Permit Information

None Found

Physical Property Characteristics

2021 S.E.V.: 16,800

2021 Taxable: 13,033

Lot Dimensions:

2020 S.E.V.: 16,800

2020 Taxable: 13,033

Acreage: 0.46

Zoning:

Land Value: 2,714

Frontage: 0.0

PRE: 0.000

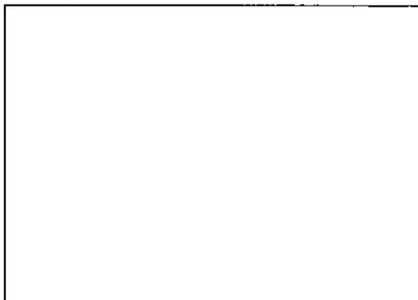
Land Impr. Value: 0

Average Depth: 0.0

Improvement Data

None

Image



Mullett

130-16-100-006

trude M Krause et ux R
40 Barlow
roit 5 Mich

MU? 9 9H-1

A-Beg at N 1/4 cor sec 16 th N 88°
W along N line 280.17 ft th S 00°
40" W 428.23 ft th N 89° 41' 20" W
ft to POB th S 00° 18' 40" W 100 ft
N 89° 41' 20" W 200 ft th N 00° 18'

0" E 100 ft th S 89° 41' 20" E 200
t to POB
Sec 16 T 36N R 2W

5

MISCELLANEOUS INFORMATION

YEAR	PAID TO	DATE	RECEIPT NO.	YEAR	PAID TO	DATE	RECEIPT NO.
67	pd			89	pd	10/31/10	pd
68	pd			90	Ca	04/4/04	Ca
69	pd			91	Ca	05/14/91	Ca
70	pd			92	Ca	06/3/92	Ca
71	pd			93	Ca	06/03/93	Ca
72	pd			94	Ca	07/6/06	Ca
73	pd			95	Ca	07/6/07	Ca
74	pd			96	Ca	07/6/08	
75	pd			97	Ca	08/27/00	
76	pd			98	pd		
77	pd			99	pd		
78	pd			2000	pd		
79	pd			01			
80	pd			02			
81	pd			03			
82	pd			04			
83	pd			05			
84	pd			06			
85	pd			07			
86	pd			08			
87	pd			09			
88	pd			10			

Fisher Mailing List

130-016-108-073-00
WAYBRANT, KATHERINE & GENE W/H
PO BOX 286
TOPINABEE, MI 49791

130-016-100-019-00
OSBORN, RACHEL &
3873 MIAMI BEACH DR
CHEBOYGAN, MI 49721

130-016-100-018-00
OSBORN, RACHEL &
3873 MIAMI BEACH DR
CHEBOYGAN, MI 49721

130-016-100-005-01
CHAABAN, MICHAEL J
7515 M-33 SOUTH
ATLANTA, MI 49709

130-016-100-017-00
LEDUC, JEROME & DONALD LEDUC
1320 POINT COURT
PORT ORANGE, FL 32127

130-016-100-016-01
ENGLER, KAREN
7851 MAPLE RIVER RD
BRUTUS, MI 49716

130-016-100-016-00
LEDUC, JEROME & DONALD LEDUC
13151 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

130-016-100-015-00
SMITH, JAMES & MARILYN H/W
3899 MIAMI BEACH DR
CHEBOYGAN, MI 49721

130-016-100-014-00
BASLER, TIMOTHY A
3917 MIAMI BEACH DR
CHEBOYGAN, MI 49721

130-016-100-013-00
STODDARD, HARRY & NANCY STODDARD
3448 4TH ST
WAYLAND, MI 49348

130-016-100-010-00
OXLEY, LYNNE M
900 FREMONT ST
CHEBOYGAN, MI 49721

130-016-100-008-00
NORTHERN SHORES INVESTMENT
989 E VFW RD
CHEBOYGAN, MI 49721

130-016-100-007-00
SANGSTER & ELLIOTT, LLC
123 N HURON
CHEBOYGAN, MI 49721

130-016-100-006-00
FISHER, PETER
3915 N SCHOOK RD
CHEBOYGAN, MI 49721

130-016-100-005-00
HANNULA, FRED A & KANDY KAY H/W
1736 SCHOOLHOUSE RD
LANSING, MI 48917

130-016-100-004-00
SHEDLOCK, JOSEPH C ET AL
11362 OAK GROVE CT
WASHINGTON, MI 48094

130-016-100-003-02
SCHOENITH, TESESA O REVOCABLE
3553 MULLETT BURT RD
CHEBOYGAN, MI 49721

130-016-108-073-00
OCCUPANT
3871 N SCHOOK RD
CHEBOYGAN, MI, 49721

130-016-100-019-00
OCCUPANT
3859 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-018-00
OCCUPANT
3873 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-016-00
OCCUPANT
3883 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-015-00
OCCUPANT
3899 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-014-00
OCCUPANT
3917 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-013-00
OCCUPANT
3937 MIAMI BEACH DR
CHEBOYGAN, MI, 49721

130-016-100-010-00
OCCUPANT
3285 MULLETT BURT RD
CHEBOYGAN, MI, 49721

130-016-100-008-00
OCCUPANT
3881 N SCHOOK RD
CHEBOYGAN, MI, 49721

130-016-100-007-00
OCCUPANT
3899 N SCHOOK RD
CHEBOYGAN, MI, 49721

130-016-100-006-00
OCCUPANT
3915 N SCHOOK RD
CHEBOYGAN, MI, 49721

130-016-100-005-00
OCCUPANT
3927 N SCHOOK RD
CHEBOYGAN, MI, 49721

130-016-100-004-00
OCCUPANT
3535 MULLETT BURT RD
CHEBOYGAN, MI, 49721

130-016-100-003-02
OCCUPANT
3553 MULLETT BURT RD
CHEBOYGAN, MI, 49721



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: Requests approval of a 6-ft., 6-in. side setback variance to construct a dwelling 3-ft., 6-in. from the nearest point of a side property line.	Prepared by: Jennifer Merk
Date: August 20, 2020	Expected Meeting Date: August 26, 2020

GENERAL INFORMATION

Applicant(s): North Country Homes Corporation/Paul Fisher

Phone: 231-420-0666

Owner(s): Peter Fisher

Property Address: 3915 N. Schook Rd., Cheboygan, MI 49721

Requested Action: The applicant is requesting a 6-ft., 6-in. variance from section 17.1 of the Zoning Ordinance. The applicant is proposing to construct a dwelling 3-ft., 6-in. from the north side property line. A 10-foot side setback is required for structures in the Agriculture and Forestry Management (M-AF) zoning district.

BACKGROUND INFORMATION

The subject property is 0.46 acres, located at 3915 Schook Road in Mullett Township and is zoned Agriculture and Forestry Management (M-AF). The subject property's dimensions are 100 feet wide by 200 feet long according to the legal description.

The subject property does not meet the minimum width standard (150 feet) and area (1 acre) required for properties in the M-AF zoning district per Section 17.1; however, the subject property is a non-conforming lot of record. Property tax card records, beginning in 1967, show the property (parcel no. 130-016-100-006-00) has the identical legal description then as it does today.

A mobile home (14 ft. x 66 ft.) and storage building (28 ft. x 40 ft.) exist on the subject property. A zoning permit was issued for a mobile home (14 ft. x 75 ft.) on September 22, 2003. No zoning or building permit history exists for the storage building in the County's permit tracking system.

The applicant and owner are proposing to construct a dwelling (28 ft. x 36 ft.) adjacent to the existing storage building. The proposed dwelling will be 3-feet, 6-inches from the north side property line at the nearest point. The existing mobile home is indicated to be removed from the property.

The proposed dwelling location is identified in the dimensional variance application as not being able to locate behind the storage building because of the existing raised septic system and poor soil conditions. The applicant has also indicated in the dimensional variance application that the proposed dwelling cannot be moved closer to the existing storage building without compromising the integrity of the footings. The well for the subject property is located off-site on the neighboring property and shared between them.

Section 17.1. of the Zoning Ordinance determines that side setbacks on property in Agriculture and Forestry Management zoning districts are 10 feet. A 6-ft., 6-in. side setback variance is requested in order for the proposed garage to be constructed 3-feet, 6-inches from the north side property line at the nearest point.



*Figure 1. Location and zoning of subject property (highlighted in light blue)
3915 Schook Road, Mullett Twp.*

Surrounding Zoning:

North: Agriculture and Forestry Management (M-AF)

East: M-AF

South: M-AF

West: M-AF

Surrounding Land Uses:

Residential land uses surround the subject property. A forested, undeveloped property is located west of the subject property.

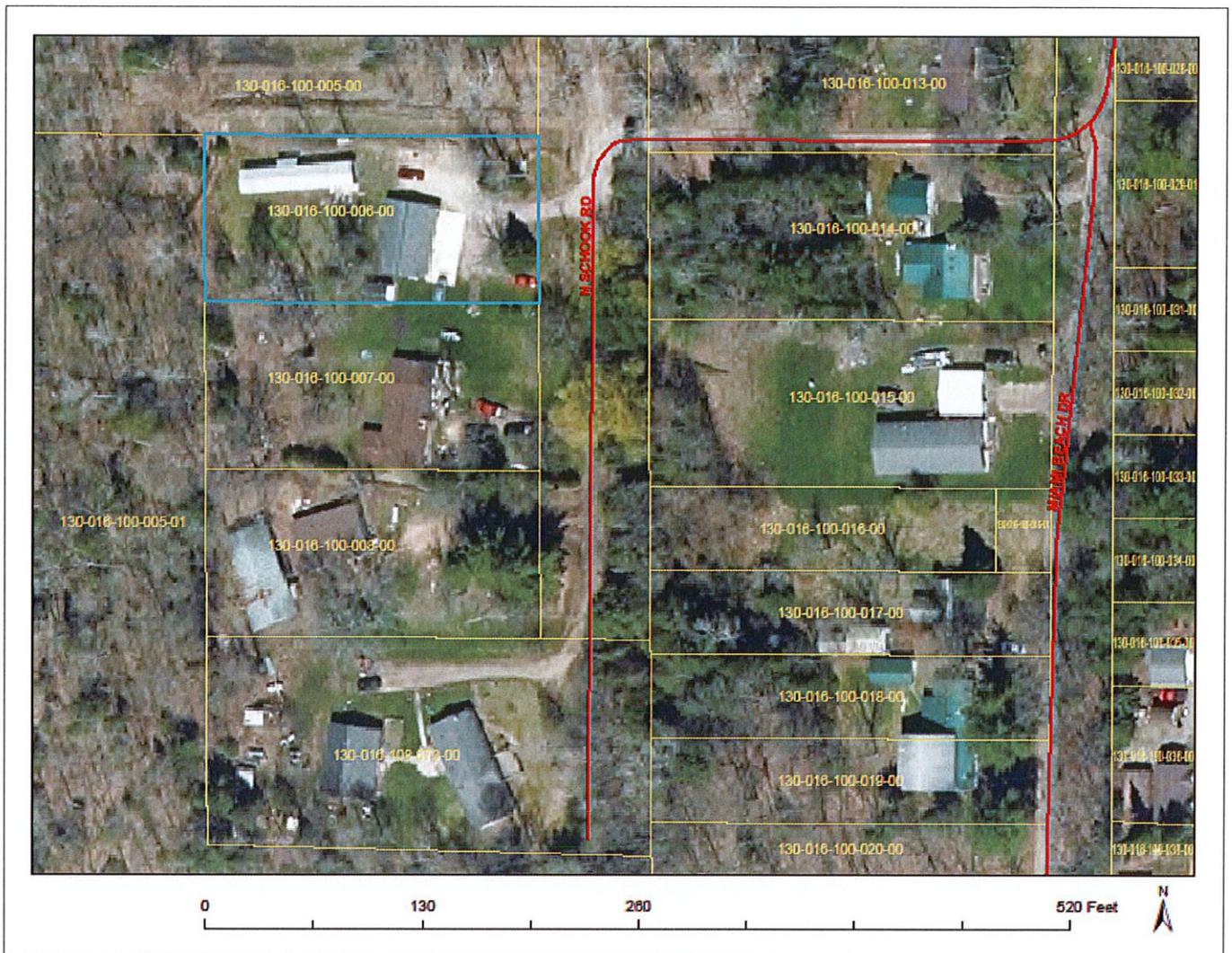


Figure 2. Subject property (highlighted in light blue).

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

The subject property rises slightly east of the road and drops abruptly beyond the north property line to a 30-foot easement.

Public comments:

No public comments have been received as of the date of this report.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS
Wednesday, August 26, 2020 at 7:00 PM
Room 135 – Commissioners Room
Cheboygan County Building, 870 S. Main St., Cheboygan, MI 49721

Applicant:

North Country Homes Corporation/Paul Fisher
P.O. Box 628
Indian River, MI 49749

Owner:

Peter Fisher
3915 Schook Road
Cheboygan, MI 49721

Parcel: 130-016-100-006-00

General Findings:

1. The subject property is 0.46 acres, located at 3915 Schook Road in Mullett Township and is zoned Agriculture and Forestry Management (M-AF).
2. The subject property's dimensions are 100 feet wide by 200 feet long according to the legal description.
3. The subject property is a non-conforming lot of record; it does not meet the minimum width standard (150 feet) and area (1 acre) required for properties in the M-AF zoning district per Section 17.1.
4. Property tax card records, beginning in 1967, show the property (parcel no. 130-016-100-006-00) has the identical legal description then as it does today.
5. A mobile home (14 ft. x 66 ft.) and storage building (28 ft. x 40 ft.) exist on the subject property. The existing mobile home is indicated to be removed from the property.
6. A zoning permit was issued for a mobile home (14 ft. x 75 ft.) on September 22, 2003. No zoning or building permit history exists for the storage building in the County's permit tracking system.
7. A septic tank and raised septic field is located behind (west) of the existing storage building and south of the existing mobile home.
8. The applicant and owner are proposing to construct a dwelling (28 ft. x 36 ft.) adjacent and north of the existing storage building.
9. The applicant indicated in the dimensional variance application that the proposed dwelling cannot be moved closer to the existing storage building without compromising the integrity of the footings.
10. The proposed dwelling will be 3-feet, 6-inches from the north side property line at the nearest point.
11. Section 17.1. of the Zoning Ordinance determines that minimum side setbacks on property in Agriculture and Forestry Management zoning districts are 10 feet.

12. A 6-ft., 6-in. side setback variance is requested in order for the proposed dwelling to be constructed 3-feet, 6-inches from the north side property line at the nearest point.

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 0.46 acres with dimensions of 100 feet wide by 200 feet long according to the legal description.
 2. The subject property is a non-conforming lot of record; it does not meet the minimum width standard (150 feet) and area (1 acre) required for properties in the M-AF zoning district per Section 17.1.

This standard has been met.

- B. The physical conditions of the property which support denying the variance are as follows:
 1. The property appears to be configured in a similar manner as other developed residential properties in the area.
 2. The subject property does allow for the construction of a smaller dwelling that would require a smaller dimensional variance.

This standard has not 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 which have occurred which support granting the variance which were not caused by the applicant:
 1. The subject property is 0.46 acres with dimensions of 100 feet wide by 200 feet long according to the legal description.

2. The subject property is a non-conforming lot of record; it does not meet the minimum width standard (150 feet) and area (1 acre) required for properties in the M-AF zoning district per Section 17.1.
3. A septic tank and raised septic field is located behind (west) of the existing storage building and south of the existing mobile home.

This standard has been met.

- B. Actions which the applicant has taken that results in the request for the variance and therefore requires denial of the variance:
 1. The applicant and owner are proposing to construct a dwelling (28 ft. x 36 ft.) adjacent and north of the existing storage building. The proposed dwelling will be 3-feet, 6-inches from the north side property line at the nearest point. The need for the 6-ft., 6-in. variance request is self-created.

This standard has not 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 regulation requirements result in the following conditions which prevent use of the property or cause undue hardship:
 1. Strict compliance with the required minimum side setback of 10 feet in the M-AF zoning district would result in the inability to construct the dwelling as proposed because a zoning permit cannot be approved without a dimensional variance.

This standard has been met.

- B. Factors that show no adverse effects caused by the zoning regulation conditions:
 1. Strict compliance with the zoning regulations would allow the applicant to construct a dwelling of smaller width and at a minimum of 10 feet from the side property line.

This standard has not 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 cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of the surrounding property owners:

1. A septic tank and raised septic field is located behind (west) the existing storage building and south of the existing mobile home.
2. The applicant indicated in the dimensional variance application that the proposed dwelling cannot be moved closer to the existing storage building without compromising the structural integrity of the footings.
3. The applicant and owner are proposing to construct a dwelling (28 ft. x 36 ft.) adjacent and north of the existing storage building. The proposed dwelling will be 3-feet, 6-inches from the north side property line at the nearest point. The need for the 6-ft., 6-in. variance request is the minimum variance request possible for the dwelling as proposed given the constraints presented by the septic tank and field along with the location of the existing storage building.

This standard has been met.

B. Factors that show the variance requested is more than needed and/or would infringe upon the rights of surrounding property owners:

1. The applicant could potentially construct a smaller dwelling to reduce the north side setback variance; therefore, the 6-ft., 6-in. requested variance is not the minimum variance necessary.

This standard has not 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 that show how granting the variance would not result in unfavorable impacts on the surrounding properties, neighborhood or zoning district:

1. There is no evidence that shows granting the 6-ft., 6-in. side setback variance to construct a dwelling 3-ft., 6-in. from the north side property line would result in unfavorable impacts on surrounding properties, neighborhood or zoning district. A similar pattern of development showing structures in close proximity to property boundaries exists on properties in the immediate area.

This standard has been met.

B. Factors that show how granting the variance would adversely impact the neighborhood or zoning district.

1. None identified.

This standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within thirty (30) days after the Zoning Board of Appeals certifies this Decision in writing or approves the minutes of its decision.

DATE DECISION AND ORDER ADOPTED

Wednesday, August 26, 2020

Charles Freese, Chairperson

John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Mandy Cook/Gregory R. Cook

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (12 Pages)
4. Real Estate Summary Sheet for parcel no. 251-006-100-001-04 (1 Page)
5. Property Dimensions (1 Page)
6. Mailing List (1 Page)
7. Staff Report (8 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 #:	7433
CASH/CHECK:	\$110. ⁰⁰
ACTION/DATE:	8-26-20

PLEASE PRINT

PROPERTY LOCATION

Address 12048 S. Straits Hwy.	City / Village Wolverine	Township / Sec. Nunda 6	Zoning District M-AF + P-LS
Property Tax I.D. (Parcel) Number 251-006-100-001-04	Subdivision or Condo. Name / Plat or Lot No. —		

APPLICANT

Name Mandy Cook	Telephone 989 390-0997	Fax —
Address 1290 Paula Dr Indian River, MI 49749	City & State IR, MI	Zip Code 49749
		E-Mail mimispawcabin@gmail.com

OWNER (If different from applicant)

Name Gregory R Cook (Husband)	Telephone 989 390-0997	Fax —
Address Same As Above	City & State —	Zip Code —

Detailed directions to site, including nearest crossroad:

Straits Hwy (old 27) off Highway I-75 (South or North)
Turn Right @ Stop Sign 1 mile down on left side
of road. Big Circle drive. located before thirsty
Sturgeon Restaurant on opposite side of road

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: _____
- 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.

See Attached Maps

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.

See attached

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.

See attached

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

See attached

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

See attached

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

See attached

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.

See attached

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

Greg Cook

Date

7/24/2020

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

Mandy Cook

Date

7/24/2020

II-

1- Doggie boarding and daycare

i wish to operate a doggie daycare and boarding facility.

I will have the means to operate the daycare caring for 11-15 small dogs under 20 pounds and up to 14 to 15 bigger dogs, depending on the charter and ability to get along with other's. I will have common area for social dogs. I will have areas designed for those with social anxiety and dogs not socially trained. This number for large dogs also is considered to have my family kennel, this kennel accounts for up to 3 dogs from the same family to be housed together. Unfortunately the existing building is approx. 53 ft from pl:s zoning district.

2-

a: There is a curve in the river that is determined P-LS is creating zoning distance variance, 500 ft. boundaries determines zoning distance.

b: river location is causing zoning difficulties, i am trying to use the existing location for the following reasons

- we are currently paying the mortgage off from this property that belonged to my deceased father, it is perfect for the business due to having concrete flooring, which is easy to clean and sanitize from dogs, It is insulated very well, we upgraded the insulation not only for temperature control, stays warm in cold and cool in hot temps. it also help's with noise control of a barking dog or playing dogs, in the social play area located in the house. This area is used for cold, snowy winter days, rain days or hot summer days. or play area for anti social behaved dogs. The existing building has plumbing, power, sewer, full kitchen, bathroom and osb walls. The second building on the property is used for storage of dog food, bones and extra supplies to operate the daycare. The easy huge turn around driveway is convient for clients to pull in and out with big vehicles pulling campers, trailer, boats etc.

It is close to Ems or fire department and very accessible if needed their services.

It has a drainage area for any water rushing down the hill to be redirected away from the building.

c: if the variance is not permitted it will cause a complete shut down of the business.

d: Yes, if i am denied i will have to permently close the business.

e: no impact.

I have very restricted policy and procedures that will ensure respect for the surrounding house

or business within close proximity of the Daycare.

I have strict pick up and drop off hours that respect the noise level ordinance

Monday through Friday

7 am to 7 pm

Saturday 8 am to 8 pm

Sunday 8 am to 6 pm

i restrict hours to go outside to the fenced in play area to respect neighbors for noise levels for barking. The last outside play and bathroom session during the week is 9pm, on the weekends it is 10pm, unless of emergency.

i clean up the waste and have it disposed of immediately so the smell is not present and for health and safety for the other dogs.

These rules and policies are easy to manage and were designed first for the safety of the dogs and second for neighborhood. I am operating this business with myself and my husband, so there are not employee's to not follow guidelines. unless in the case of an emergency, my niece is trained to operate only if needed.

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 site plan

I, 402

H, 711

106' I

Propane Tank

260' I



Ditch Line
Straits
Hwy

30 X 40 ft

40 ft

30 X 40 ft

251-006-100-001-06
WILLEY, COREY & GENEVIEVE HWY
12094 S STRAITS HWY

M-AF

251-006-100-001-05
DASHKOVITZ, DENNIS
& CAROL HW

251-006-100-001-04
COOK, GREGORY R; NORA MCADOW;
12048 S STRAITS HWY

P-LS

S STRAITS HWY

M-AF



P-LS



EXHIBIT A – LEGAL DESCRIPTION

Land situated in the Township of Nunda, County of Cheboygan, State of Michigan:

Part of the North 1/2 of the North 1/2 of the Northwest 1/4, Section 6, Town 33 North, Range 2 West, lying Westerly of South Straits Highway, described as:

Beginning at a point on the Westerly right-of-way line of said South Straits Highway distant 511.99 feet South 88 degrees 49' 11" East along the North Section line and 241.46 feet South 07 degrees 07' 50" East along said right-of way line from the Northwest corner of said Section 6 and extending thence South 07 degrees 07' 50" East 259.84 feet along said right-of-way line; thence South 77 degrees 13' 39" West 239.55 feet; thence North 83 degrees 13' 46" West 9.72 feet; thence North 10 degrees 00' East 204.03 feet; thence North 34 degrees 46' 19" East 115.65 feet; thence North 82 degrees 52' 10" East 110.49 feet to the point of beginning.

PARCEL ID: 251-006-100-001-04

Property Address: 12048 S. Straits Hwy, Wolverine, MI 49799

Helpful information about site of business-

Each building is 30 x 40

upon pick up or drop off, the pet owner arrives and enters the circle drive.

They park in front of the 10 foot gate, attached to the 6 foot high fenced in area.

Located

at the rear of the main building. The client brings the dogs to the gate and is met by myself for assistance in opening the gate. The dogs are led in or out of the fenced in area, on a leash. Once the dog is settled it is led into the daycare, through the rear door's, that is enclosed in the 6 foot fenced in area. The fenced in area is about a 50 x 50 foot area. The 2nd building on site, is mainly a storage area. This does have a 10 x 10 housing area in it, however it is only an emergency holding area. This building is also completely enclosed, in the fenced in area.

Once in the main lodging area, the dog's are assigned their house number. This then becomes the main number for their visit and is attached to any personal items the dogs have. Example: leashes, harness and food and or snack bins are tagged with this number. ALL BOARDED DOGS HAVE THEIR OWN FOOD DISH AND WATER SYSTEM.

EACH DOG HAS ASSIGNED PLAY TIME AND CUDDLE TIME.

EACH DOG HAS A FILE CONTAINING SHOT RECORD'S AND USEFUL INFORMATION SHEET'S ABOUT THE AMOUNT OF FOOD FED, HOW MANY TIMES FED, ANY KNOWN ALLERGIES AND FRIENDLINESS WITH HUMAN'S AND OR OTHER DOG'S.

THESE ARE ALWAYS PLACED ON THE COUNTER FOR EASY REFERENCE FOR THE DURATION, OF THEIR STAY.

set up

in the main room of the daycare is the following enclosures-

2- 4x 4 foot enclosed metal kennels

these are for little dogs.

3- 6 x 10 foot enclosed metal kennel's

for bigger dogs

1- 10 x 10 enclosed metal kennel, also know as the Family housing.

for multiple family of dog's.

1 -5 x 5 enclosed kennel.

All kennels have divider's in them so the dog's cannot see eachother through the kennels, with the exception of the 10 x 10 and the 5 x 5.

Each room is very well insulated for temp. control.

each room has a tv, for the dog's to have entertainment.

we heat in the winter with a pellet stove and have a propane heater in the front of the main building, which is my office and love, cuddle area for the dog's.

The main building has air conditioning to help keep the dog's nice and cool in the summer.

i have thermoter's throughout the building to be sure to keep accurate temp. control.

we do not use the front of the building for dog's. This is our entrence into the office and exit of the office only. The side yard is not accesiable to dogs', they are restricted to the fenced in area, located in the rear of the building, in the 6 foot fenced in area.

From Gaylord

↩ Turn left onto the I-75 N ramp to Mackinac Br



0.3 mi

↗ Merge onto I-75 N



18 mi

↘ Take exit 301 toward County Rd C-58/Wolverine



0.5 mi

↙ Turn left onto County Rd C-58/ Main St/Webb Rd



📍 Continue to follow County Rd C-58

0.8 mi

↘ Turn right onto S Straits Hwy



0.8 mi

📍 12048 S Straits Hwy
12048 S Straits Hwy



From Cheboygan

Head southeast on M-27 S/S
Main St toward County Rd

Continue to follow M-27 S



1.5 mi

Turn left onto the I-75 S ramp
to Saginaw



12 mi

Take exit 301 for County Rd
C-58 toward Wolverine



0.4 mi

Turn right onto County Rd
C-58/Afton Rd/Main St

Continue to follow County Rd C-58



0.5 mi

Turn right onto S Straits Hwy



0.8 mi

12048 S Straits Hwy
12048 S Straits Hwy



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

08/20/2020 10:55 AM

Parcel: 251-006-100-001-04
Owner's Name: COOK, GREGORY R; NORA MCADOW;
Property Address: 12048 S STRAITS HWY
WOLVERINE, MI 49799

Current Class: 400.400 RESIDENTIAL
Previous Class: 400.400 RESIDENTIAL
Gov. Unit: 251 NUNDA
MAP #: 06 NEW
School: 16100 WOLVERINE COMM SCHOOL DIST
Neighborhood: CTY-R

Liber/Page: 1400/55
Split: / /

Created: 01/05/2006
Active: Active

Public Impr.: None
Topography: None

Mailing Address:

COOK, GREGORY R; NORA MCADOW;
& ROBERT COOK, TIC
7292 PAULA DR
INDIAN RIVER MI 49749

Description:

COM NW COR SEC 6, T33N,R2W; TH S 89D 49' 11" E ALG N SEC LI 511.99FT; TH S 7D 7' 50" E 241.46FT ALG W R/W LI STRAITS HWY TO POB; TH S 7D 7' 50" E 259.84FT ALG SD R/W; TH S 77D 13' 39" W 239.55FT; TH N 83D 13' 46" W 9.72FT TH N 10D 0' 0" E 204.03FT; TH N 34D 46' 19" E 115.65FT; TH N 82D 52' 10" E 110.49FT TO POB. 1.22 ACRES SPLIT ON 01/05/2006 FROM 251-006-100-001-03; 1040/995;1349/41;1400/55

Most Recent Sale Information

Sold on 11/22/2019 for 0 by COOK, ROBERT D ESTATE OF.

Terms of Sale: NOT VALID SALE

Liber/Page: 1400/55

Most Recent Permit Information

None Found

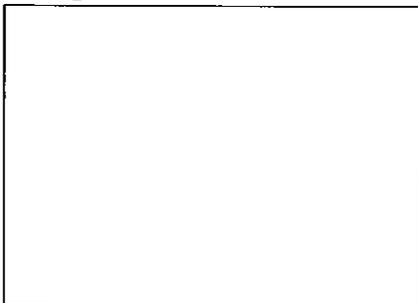
Physical Property Characteristics

2021 S.E.V.: 14,300	2021 Taxable: 13,668	Lot Dimensions:
2020 S.E.V.: 14,300	2020 Taxable: 13,668	Acreage: 1.22
Zoning:	Land Value: 0	Frontage: 0.0
PRE: 0.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image

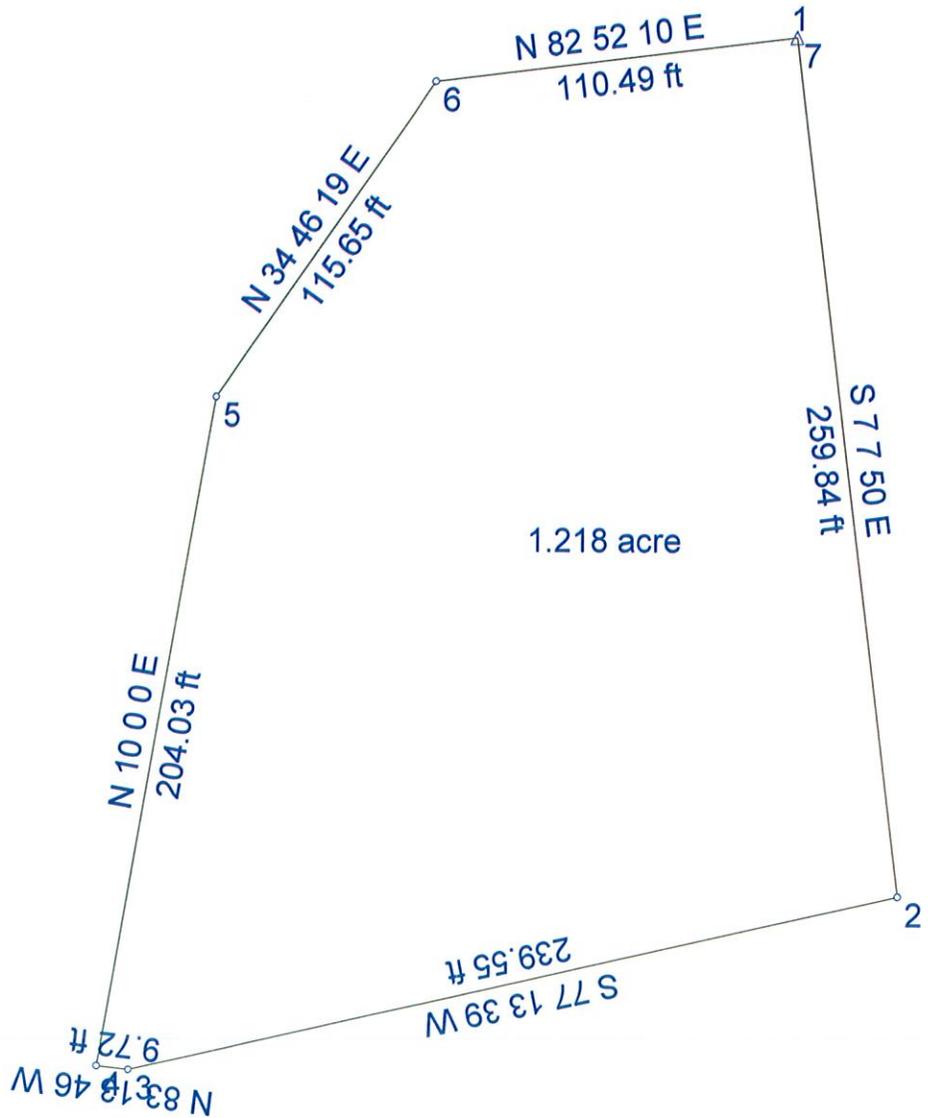


County: 1" = 55 ft
Deed:
Page:
Tract:
User:



Parcel 1
Area: 1.218 acre
Perimeter: 939.28 ft
Closing Distance = 0.00 ft
Closing Error = 0.00 %

CALLS	BEARING	DISTANCE
1 2	SE 7 7 50	259.84
2 3	SW 77 13 39	239.55
3 4	NW 83 13 46	9.72
4 5	NE 10 0 0	204.03
5 6	NE 34 46 19	115.65
6 7	NE 82 52 10	110.49



Cook Marling List.

210-031-300-010-00
MICHIGAN DEPT OF NATURAL RESOURCES
PO BOX 30722
LANSING, MI 48909

210-031-300-006-02
MICOFF, ADRIENNE MARIE
11882 S STRAITS HWY
WOLVERINE, MI 49799

251-006-100-002-00
FIELD, CHARLES A ET UX
PO BOX 19
WOLVERINE, MI 49799

251-006-100-001-06
WILLEY, COREY & GENEVIEVE H/W
4494 M-33
AFTON, MI 49705

251-006-100-001-05
DASHKOVITZ, DENNIS & CAROL H/W
9310 BUCK RD
FREELAND, MI 48623

251-006-100-001-04
COOK, GREGORY R; NORA MCADOW;
7292 PAULA DR
INDIAN RIVER, MI 49749

251-006-100-001-01
MICHIGAN DEPT OF NATURAL RESOURCES
PO BOX 30722
LANSING, MI 48909

251-006-100-006-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

251-006-100-001-04
OCCUPANT
12048 S STRAITS HWY
WOLVERINE, MI, 49721

251-006-100-001-04
OCCUPANT
12048 S STRAITS HWY
WOLVERINE, MI, 49721

251-006-100-001-04
OCCUPANT
12048 S STRAITS HWY
WOLVERINE, MI, 49721

251-006-100-001-06
OCCUPANT
12094 S STRAITS HWY
WOLVERINE, MI, 49721



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: Requests approval of a 500-ft. setback variance from a Lake and Stream Protection (P-LS) zoning district boundary to operate a commercial kennel within the Agriculture and Forestry Management (M-AF) zoning district.	Prepared by: Jennifer Merk
Date: August 21, 2020	Expected Meeting Date: August 26, 2020

GENERAL INFORMATION

Applicant(s): Mandy Cook

Phone: 989-390-0997

Owner(s): Gregory R. Cook

Property Address: 12048 S. Straits Highway, Wolverine, MI 49799

Requested Action: The applicant requests a 500-ft. setback variance from section 17.16.a. of the Zoning Ordinance that requires commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only to commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. The applicant proposes to operate a commercial kennel within an Agriculture and Forestry Management (M-AF) zoning district.

BACKGROUND INFORMATION

The subject property is over one acre, located at 12048 S. Straits Highway in Nunda Township and zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). The subject property dimensions conform to the minimum lot size required for both zoning districts. A storage building (30 ft. x 40 ft.) and home that was renovated to a kennel building (30 ft. x 40 ft.) with associated kennel fencing and a shed are existing structures on the subject property; all of these structures are within the Agriculture and Forestry Management (M-AF) zoning district.

The applicant and owner are proposing to operate a commercial kennel on the subject property and submitted a special use permit application (dated June 1, 2020) for this use. The special use permit application could not proceed because the proposed commercial kennel was within five hundred (500) feet of a Lake and Stream Protection (P-LS) zoning district boundary.

Section 17.16.a. of the Zoning Ordinance states, in part, commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary and this section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. A five hundred (500) foot variance is requested in order to apply for a special use permit to operate a commercial kennel on the subject property.

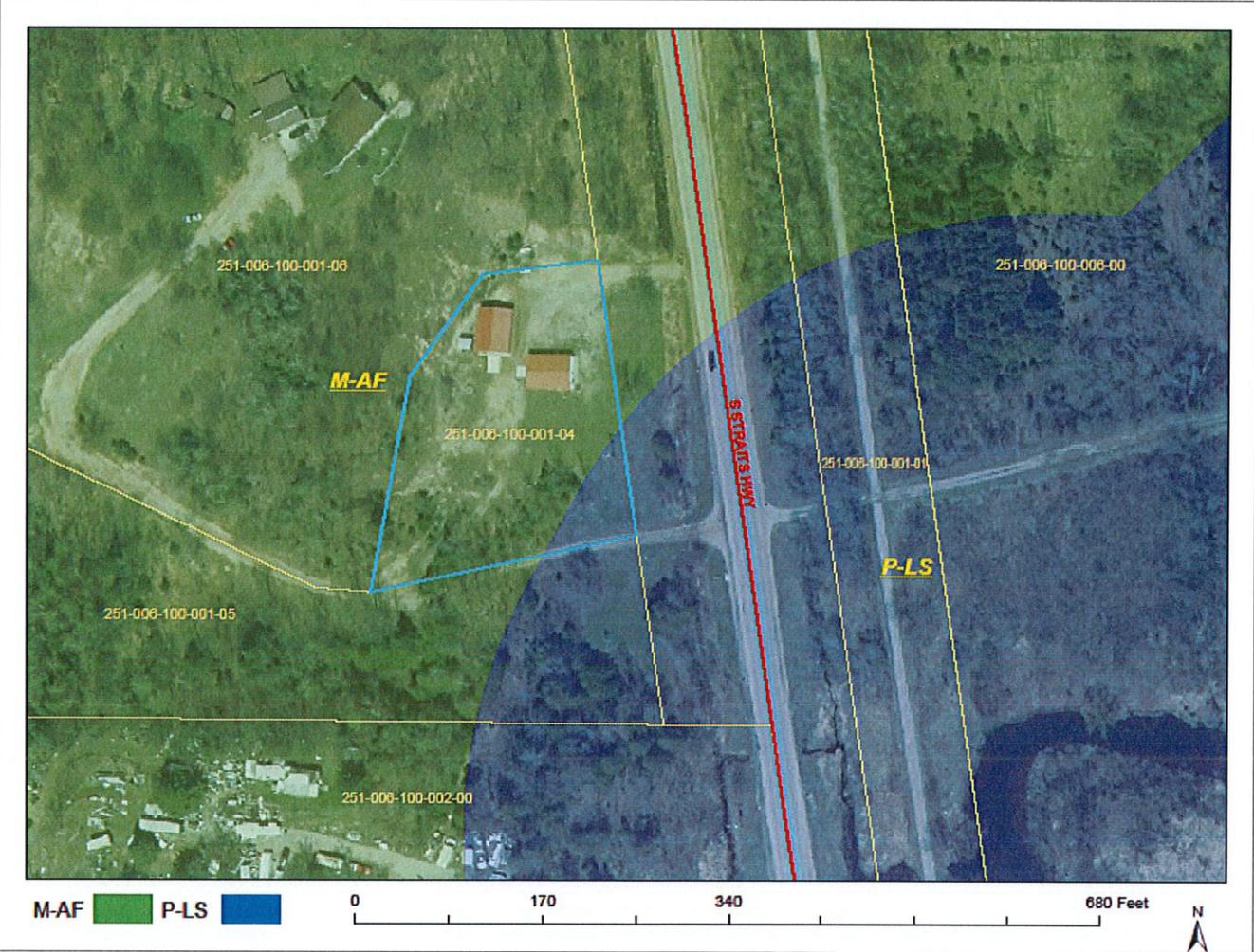


Figure 1. Location and zoning of subject property (highlighted in light blue) 12048 S. Straits Hwy., Nunda Twp.

Surrounding Zoning:

- North: Agriculture and Forestry Management (M-AF)
- East: M-AF and Lake and Stream Protection (P-LS)

South: M-AF and P-LS
West: M-AF

Surrounding Land Uses:

A residential property of over five acres directly surrounds the subject property to the north and west and larger parcels with residential land uses are located in the area to the north and south. Public lands owned by the Michigan Department of Natural Resources (rail trail) and State of Michigan are located east of the subject property. The Sturgeon River flows through the State of Michigan property.



Figure 2. Subject property (highlighted in light blue).

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

The subject property rises from South Straits Highway with steep slopes, trees and vegetation to the north and west and trees and vegetation to the south.

A portion of the subject property is zoned Lake and Stream Protection (P-LS) due to the Sturgeon River located across South Straits Highway to the east. According to the Michigan

Department of Environment, Great Lakes, and Energy (EGLE)/Final Wetlands Inventory Database, wetlands may be present on the southwest portion of the subject property and that portion along South Straits Highway.

Public comments:

No public comments have been received as of the date of this report.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS
Wednesday, August 26, 2020 at 7:00 PM
Room 135 – Commissioners Room
Cheboygan County Building, 870 S. Main St., Cheboygan, MI 49721

Applicant:

Mandy Cook
7292 Paula Dr.
Indian River, MI 49749

Owner:

Gregory R. Cook
7292 Paula Dr.
Indian River, MI 49749

Parcel: 251-006-100-001-04

General Findings:

1. The subject property is over one acre, located at 12048 S. Straits Highway in Nunda Township and zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).
2. The subject property dimensions conform to the minimum lot size required for both M-AF and P-LS zoning districts.
3. A storage building (30 ft. x 40 ft.), a home renovated to a kennel building (30 ft. x 40 ft.) with associated kennel fencing and a shed are existing structures on the subject property.
4. The commercial kennel buildings and associated dog enclosures located on the subject property are within the Agriculture and Forestry Management (M-AF) zoning district.
5. A small southeast portion of the subject property is zoned Lake and Stream Protection (P-LS) due to the Sturgeon River located across South Straits Highway to the east.
6. The applicant and owner are proposing to operate a commercial kennel on the subject property and submitted a special use permit (dated June 1, 2020) for this use. The special use permit application could not proceed because the proposed commercial kennel was within five hundred (500) feet of a Lake and Stream Protection (P-LS) zoning district boundary.
7. Section 17.16.a. of the Zoning Ordinance states, in part, commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary and this

section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.

8. A five hundred (500) foot variance is requested in order for the applicant and owner to apply for a special use permit to operate a commercial kennel on the subject property.

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 commercial kennel buildings and associated dog enclosures located on the subject property are within the Agriculture and Forestry Management (M-AF) zoning district and a portion of the subject property is zoned Lake and Stream Protection (P-LS) due to the Sturgeon River located across South Straits Highway to the east. The location of the river, thereby the location of the P-LS zoning district, is the unique circumstance or physical condition driving the variance request.

This standard has been met.

- B. The physical conditions of the property which support denying the variance are as follows:

1. None identified.

This standard has not 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 which have occurred which support granting the variance which were not caused by the applicant:

1. A small southeast portion of the subject property is zoned Lake and Stream Protection (P-LS) due to the Sturgeon River located across South Straits Highway to the east.

This standard has been met.

- B. Actions which the applicant has taken that results in the request for the variance and therefore requires denial of the variance:
 - 1. The applicant and owner are proposing to apply for a special use permit to operate a commercial kennel within an Agriculture and Forestry Management (M-AF) zoning district within 500 feet of a Lake and Stream Protection (P-LS) zoning district. The need for the five hundred (500) foot variance request is self-created.

This standard has not 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 regulation requirements result in the following conditions which prevent use of the property or cause undue hardship:
 - 1. Strict compliance with the required five hundred (500) foot setback from the Lake and Stream Protection (P-LS) zoning district would not permit a commercial kennel use on the subject property.

This standard has been met.

- B. Factors that show no adverse effects caused by the zoning regulation conditions:
 - 1. Strict compliance with the zoning regulations would potentially allow the applicant to use the property for the other uses permitted under Article 9 – Agriculture and Forestry Management District (M-AF) and, to a much lesser extent, the uses permitted under Article 10 – Lake and Stream Protection (P-LS).

This standard has not 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 cannot be reduced beyond that requested and still meet the needs of the applicant, and still not infringe upon the rights of the surrounding property owners:
 - 1. The applicant and owner are proposing to apply for a special use permit to operate a commercial kennel within an Agriculture and Forestry Management (M-AF) zoning district within five hundred (500) feet of a Lake and Stream Protection (P-LS) zoning

district. The P-LS zoning district covers the southeast corner of the subject property and five hundred (500) feet from this zoning boundary would exclude the entire parcel from the commercial kennel use; therefore the requested five hundred (500) foot variance is the minimum variance necessary.

This standard has been met.

- B. Factors that show the variance requested is more than needed and/or would infringe upon the rights of surrounding property owners:
 - 1. None identified.

This standard has not 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 that show how granting the variance would not result in unfavorable impacts on the surrounding properties, neighborhood or zoning district:
 - 1. Granting the five hundred (500) foot variance from the Lake and Stream Protection (P-LS) zoning district per section 17.16.a. would allow a commercial kennel use on the subject property resulting in the applicant and owner applying for a special use permit for a commercial kennel, potentially bringing this use into compliance with the Zoning Ordinance.

This standard has been met.

- B. Factors that show how granting the variance would adversely impact the neighborhood or zoning district.
 - 1. Granting the variance would allow the applicant and owner to apply for a special use permit for a commercial kennel use and potentially continue this use within five hundred (500) feet of a Lake and Stream Protection (P-LS) zoning district.

This standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within thirty (30) days after the Zoning Board of Appeals certifies this Decision in writing or approves the minutes of its decision.

DATE DECISION AND ORDER ADOPTED

Wednesday, August 26, 2020

Charles Freese, Chairperson

John Thompson, Secretary