



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

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

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

*AGENDA – Revised 04/18/17*

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

1. **Andy Stempky** – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00. *(This item was tabled at the 01/25/17 Zoning Board of Appeals meeting.)*
2. **Mark Sypniewski** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. for construction of a Private Storage Building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11962 Van Road, Munro Township, Section 18, parcel #080-S15-000-106-00. Under Section 17.23.1.d., if within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
3. **David and Laurie Valasek / Bandi Builders** – Requests a 2.46 foot side setback variance to reconstruct a dwelling structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 699 East Shore View Lane, Koehler Township, Section 4, parcel #172-P21-000-011-00. A side setback of 5.54 feet is required for the subject property in this zoning district
4. **The Zoning Administrator requests an interpretation** as to whether Travel Trailer Park as defined under section 2.2. and Travel Trailer Courts as allowed under section 9.3.11. are synonymous or not.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ZBA COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, MARCH 22, 2017 AT 7:00PM**  
**ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, Ralph Hemmer, John Moore, John Thompson, Nini Sherwood  
**Members Absent:** None  
**Others Present:** Scott McNeil, John F. Brown, Russell Crawford, Cheryl Crawford, Carl Muscott, Cal Gouine, Steve Crusoe

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 January 25, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**David Coombs** - Requests a 4ft. front setback variance to reconstruct a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4152 Agnes Road., Aloha Township, Section 2, parcel #140-002-100-004-00. A 40 foot front setback from the high water mark is required in this zoning district.

Mr. McNeil stated that Mr. Coombs is requesting a 4ft. front setback variance to replace a dwelling in its current location. Mr. McNeil stated that Mr. Coombs intends to keep a non-conforming deck at the front. Mr. McNeil stated that Mr. Coombs also intends to keep the fireplace located at the southwest corner of the dwelling. Mr. McNeil stated that the southwest corner of the dwelling is located 36ft. from the high water mark and the minimum requirement is 40ft. Mr. McNeil stated that Mr. Coombs is requesting a 4ft. variance.

Mr. Coombs stated that he bought this property approximately 4 ½ years ago. Mr. Coombs explained that there are unique roof lines on the dwelling that promote rot. Mr. Coombs stated that they originally intended to replace the roof and some windows, but the architect that they hired suggested tearing down the dwelling and bringing the dwelling up to code with heavier insulation. Mr. Coombs stated that they would like to retain as much of the existing foundation as possible. Mr. Coombs stated that they would also like to retain the fireplace which is approximately 100 years old. Mr. Coombs stated that he intends to keep the existing footprint and bring the dwelling up to code and make it more maintainable.

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

Mr. Freese stated that the parcel to the west is the public access to Long Lake and is quite a bit lower than Mr. Coombs property. Mr. Freese stated that Mr. Coombs also owns the two parcels to the east. Mr. Freese stated that if this variance is granted, it will not impede anyone’s view of the lake. Mr. Freese stated the dwelling is on higher ground and Mr. Coombs parcels are located on a promontory of high land which precludes any obstruction of view by property owners to the east. Mr. Freese stated that this parcel has unique physical properties.

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

7. The existing dwelling is a legal non-conforming structure.
8. The deck structure, which is proposed to remain, is approximately 27ft. from the high water line.
9. The property to the west is a public access to Long Lake owned by the DNR.
10. This parcel along with the two parcels to the east are all owned by the applicant and are located on a promontory of high land which precludes any obstruction of view by property owners to the east and the height of this parcel negates any view restrictions from the DNR public access property to the west.

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

and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

**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 7:27pm.

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John Thompson, Secretary

DRAFT

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Andy Stempky – *Revised 04/26/17*

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Use Variance Application (4 Pages)
5. Letter Dated 12/19/16 From Andy and Nancy Stempky to Zoning Board of Appeals (2 Pages)
6. Mailing List (2 Pages)

### ***The following items were added to the exhibit list on 01/17/17:***

7. Letter dated 01/09/17 from Michael and Susan Donovan (1 Page)

### ***The following items were added to the exhibit list on 01/17/17:***

8. Emails between Scott McNeil to Andy Stempky (2 Pages)

### ***The following items were added to the exhibit list on 04/26/17:***

9. Email dated 04/25/17 from Andy Stempky (1 Page)
- 10.
- 11.

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

## NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, JANUARY 25, 2017 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Joseph Gelina** - Requests a 35 ft. front setback variance for an addition to a storage building (19 ft. 2 in. x 10 ft. 6 in.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 4278 W. Temple Rd., Koehler Township, Section 5, parcel #171-005-300-005-00. A 40 ft front setback is required for the subject property in this zoning district.
- 2.) **Anthony Coppola** - Requests a 9 ft. front setback variance for construction of a dwelling (40 ft. 4 in. x 41 ft. 6 in.) in Residential Development (D-RS) zoning district. The property is located at 3147 Harold B Street., Koehler Township, Section 4, parcel #172-T34-000-016-00. A 30 ft front setback is required for the subject property in this zoning district.
- 3.) **Andy Stempky** – Requests a use variance for use of a single family dwelling for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5356 Hiawatha Drive, Aloha Township, Section 3, parcel #140-H09-000-014-00.

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

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

**CHEBOYGAN COUNTY  
PLANNING & ZONING DEPT.**  
PO Box 70  
CHEBOYGAN, MI 49721  
(231) 627-8489 (TELEPHONE)  
(231) 627-3646 (FAX)

USE VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	5417
CASH/CHECK:	3224
ACTION /DATE:	

PLEASE PRINT

**PROPERTY LOCATION**

Address <u>5356 Hiawatha Dr.</u>	City / Village <u>Cheboygan</u>	Township / Sec. <u>Aloha Sec 3</u>	Zoning District
Property Tax I.D. (Parcel) Number <u>140-H09-000-014-00</u>	Subdivision or Condo. Name / Plat or Lot No. <u>Hiawatha Subdivision</u>		

**APPLICANT**

Name <u>Andy Stempky</u>	Telephone <u>231-625-2019</u>	Fax	
Address <u>7607 M-33</u>	City & State <u>Cheboygan, MI</u>	Zip Code <u>49721</u>	E-Mail <u>astempky@adi.com</u>

**OWNER (If different from applicant)**

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

From crossroad of Chestnut Drive and Hiawatha Drive  
go SW on Hiawatha Drive 840 feet to driveway.

**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 Hiawatha
- C. Present use of the property is: vacation rental / personal use
- D. A previous appeal has  (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.

Would like to continue to rent to vacationers on a weekly basis. Will restrict rental to 14 weeks in the summer months with a maximum of 6 people.

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use 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. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

The property has a vacant property to west used sparingly for camping. Vacant lot to South, lake to North, seasonal weekly use to East. Owner lives 15 minutes away and can personally monitor use of property.

b. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

The property is used in a similar manner to neighbors on west (camping) and east (weekly seasonal). Many lake properties are seasonal use.

c. The granting of the variance will relate only to the property under control of the appellant.

Will relate only to lot 14 of owner. Other properties would require a variance by the commission

d. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

Will restrict rental to 14 weeks in the summer. Will restrict to 6 people or under and screen for family groups.

e. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

There is a large abundance of seasonal use properties on hang lake. Property would fall in line with that use including properties adjacent (A.)

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

Andy Stephy

Date

12/27/14

**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

Andy Stephy

Date

12/27/16

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

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

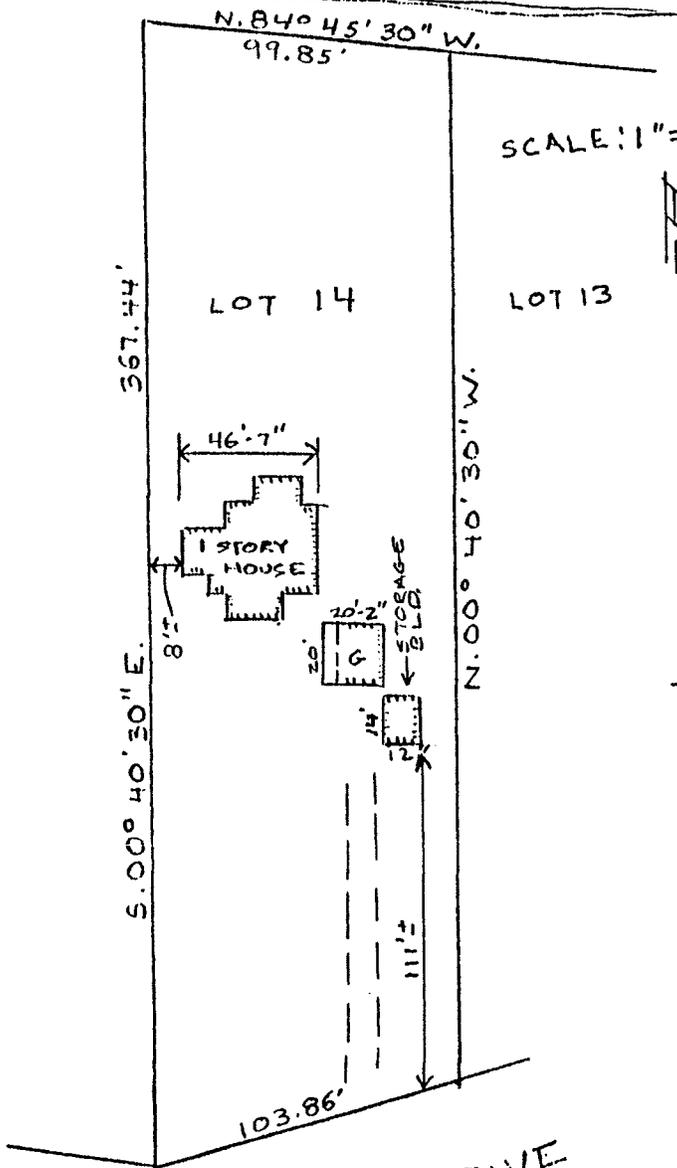
**Distance from property line to proposed structure:**

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

**Zoning District:**

**North:**

*See attached*



SCALE: 1" = 60 FT.



**Mortgagee:**

First of America-Northern  
316 North Main Street  
Cheboygan, MI 49721

**Mortgagor:**

Andrew & Nancy Stempky  
5356 Hiawatha Drive  
Cheboygan, MI 49721

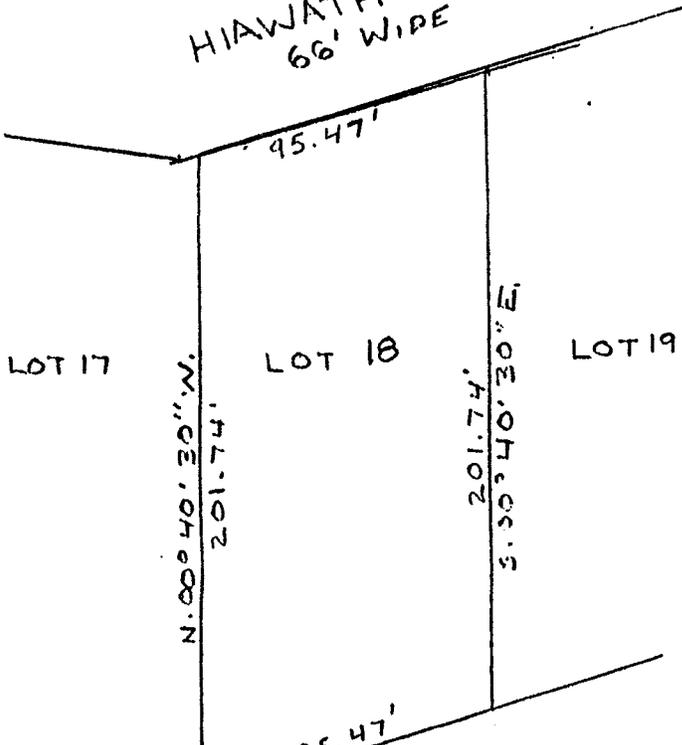
**Title Insuror:**

Cheboygan Title Company  
220 North Main Street  
Cheboygan, MI 49721

**DESCRIPTION**

Lots 14 and 18, Hiawatha Subdivision,  
according to the Plat thereof as recorded  
in Liber 6 of Plats on Page 47, Cheboygan  
County Records.

HIAWATHA DRIVE  
66' WIDE



December 19, 2016  
Cheboygan County Planning Commission

Dear Commission:

My wife and I own a small house on Long Lake in Cheboygan County. We originally purchased the home in 1991 and proceeded to live there for 4-5 years prior to moving to a home closer to town to raise a family, making it more convenient to attend school functions etc. Since that time we have kept the home up and rented it out in the summer months, on a weekly basis, to make the payments. Our goal was to use the rental income as a means to pay off the mortgage and perhaps move out to the Lake property in our retirement years. This fall we received a notice of violation concerning a Cheboygan County zoning ordinance prohibiting "transient rentals" on properties bordering Lakes and Streams. We had no idea there was a zoning provision prohibiting the rental of our property. While we understand the reasoning behind the zoning, to protect property values, we do not believe renting out our property, on a weekly basis during the summer months negatively affects the value of nearby homes. We rent the cottage as a quiet getaway and try to be selective as to who we rent to in that regard.

We are blessed with an abundance of beautiful lakes in Cheboygan County. While most people cannot afford to purchase a home and live on a lake in the county, a weekly stay with their family allows them to experience northern Michigan at its finest for a reasonable price. The people who stay at our cottage are generally not the same people who would stay in a hotel or motel. They wish to experience a quiet lake experience where they have a chance to get away from the hustle and reconnect with family members (we do not have phone or internet service at our cottage). If they do not find that opportunity in Cheboygan County they will simply take their dollars and vacation in a county which allows for that service. This would deprive Cheboygan County of on average about \$2,000 to \$3,000 per family which the weekly rental spends locally in the area, including rental, gas, groceries, shopping, dining and entertainment. Over a summer this would equate to upwards of \$40,000 generated from our cottage alone which is spent in the local area. In addition to the people who travel, "up north" to vacation, we often get a booking from locals who have family who grew up here and moved away and are visiting with their families. We provide a local place to stay for a weeks' vacation with a more home like experience than a hotel or the crowded experience they may get staying in Mackinaw City.

In my discussion with Mr. Schnell he indicated the main issue is usually noise. We present our house as a quiet getaway and try to rent to smaller families only, with a maximum of 6 people. We are in touch with each renter personally as we talk to them prior to booking and meet every renter upon arrival. We provide our renters and neighbors with our personal phone number, and, should problems arise, we live 15-minutes away and handle it personally.

My wife and I have purchased the home as an investment with the hope of living there again someday. While the rental income does not cover all expenses it helps to defer the cost of the mortgage enough allowing us to make the payments and to provide the necessary repairs and improvements. We

typically rent at the most 14 weeks a year. This includes one week which we donate to a local organization for their fundraiser every year.

In this regard we are requesting a variance which would allow us to rent out our property, on a weekly basis for a maximum of 14 weeks a year. We would rent during the summer months only; screen our renters to a maximum of 6 people. We are requesting this variance for a period of 7 years until we are of retirement age and the home is paid off. We believe this would benefit Cheboygan County including the local bank we have the mortgage with, the local businesses and vendors who provide services to those visiting, the local nonprofit who benefit from the donation of a week's rental donation each summer and local families who are able to rent a home where visiting family members can stay, relax, and reconnect with Northern Michigan. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy and Nancy Stempky". The signature is stylized and cursive, with the first name "Andy" and last name "Stempky" being the most legible parts. The signature is positioned above the printed name.

Andy and Nancy Stempky

16-140-003-400-006-00  
JACOBS, SHIRLEY J REVOC TRUST  
16863 SHREWSBURY  
LIVONIA MI 48154

16-140-H09-000-015-00  
DONOVAN, SUSAN  
5399 HIAWATHA DR  
CHEBOYGAN MI 49721

16-140-003-400-007-00  
JACOBS, RICHARD & DANUTA H/W  
32501 HAVERFORD ST  
FRANKLIN MI 48025

16-140-H09-000-016-00  
DONOVAN, MICHAEL & SUSAN H/  
5388 HIAWATHA DR  
CHEBOYGAN MI 49721

16-140-003-400-008-00  
DONOVAN, MICHAEL & SUSAN H/W  
5388 HIAWATHA DR  
CHEBOYGAN MI 49721

16-140-H09-000-017-00  
DONOVAN, MICHAEL & SUSAN H/  
5388 HIAWATHA DR  
CHEBOYGAN MI 49721

16-140-003-400-010-00  
WEISS-GELMI, DEBRA & MICHAEL  
10313 LYNWOOD LN  
ZEELAND MI 49464

16-140-H09-000-020-00  
DEROSIA, LILLIAN & KENNETH DE  
5560 CHESTNUT DR  
CHEBOYGAN MI 49721

16-140-003-400-011-00  
SWANSON, THOMAS & JAYME SW  
2296 E MALEPORT DR  
SAULT SAINTE MARIE MI 49783

16-140-H09-000-021-00  
DEROSIA, LILLIAN & KENNETH DE  
5560 CHESTNUT DR  
CHEBOYGAN MI 49721

16-140-003-400-015-00  
DEROSIA, LILLIAN & KENNETH DE  
5560 CHESTNUT DR  
CHEBOYGAN MI 49721

16-140-H09-000-022-00  
DEROSIA, LILLIAN & KENNETH DE  
5560 CHESTNUT DR  
CHEBOYGAN MI 49721

16-140-H09-000-011-00  
DEROSIA, LILLIAN & KENNETH DE  
5560 CHESTNUT DR  
CHEBOYGAN MI 49721

16-140-H09-000-012-00  
WISNIEWSKI, ARTHUR & MARY H/  
25631 FRIAR LN  
SOUTHFIELD MI 48034

16-140-H09-000-013-00  
WALLING, FLORENCE M, TRUSTEE  
10167 W PIERSON RD  
FLUSHING MI 48433

16-140-H09-000-014-00  
STEMPKY, ANDREW & NANCY H/W  
7607 N M-33 HWY  
CHEBOYGAN MI 49721

16-140-003-400-006-00  
OCCUPANT  
5406 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-017-00  
OCCUPANT  
5365 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-003-400-007-00  
OCCUPANT  
5398 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-020-00  
OCCUPANT  
5343 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-003-400-008-00  
OCCUPANT  
5388 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-021-00  
OCCUPANT  
5339 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-003-400-010-00  
OCCUPANT  
5382 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-022-00  
OCCUPANT  
5331 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-011-00  
OCCUPANT  
5316 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-012-00  
OCCUPANT  
5338 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-013-00  
OCCUPANT  
5348 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-014-00  
OCCUPANT  
5356 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-015-00  
OCCUPANT  
5399 HIAWATHA DR  
CHEBOYGAN, MI 49721

16-140-H09-000-016-00  
OCCUPANT  
5379 HIAWATHA DR  
CHEBOYGAN, MI 49721

January 9, 2017

Planning and Zoning Department  
870 South Main Street  
Post Office Box 70  
Cheboygan, Michigan 49721

Planning and Zoning Department:

Andy and Nancy Stempky are neighbors of ours and are hoping to receive a variance permit on their property on Hiawatha Drive that would allow them to rent their property on a weekly basis. They have been doing this for the past 15 years, not knowing that it was not allowed.

Our property is two lots from theirs at 5388 Hiawatha Drive. We are the only close neighbors that live in the area year round. My wife, Susan, and I are in favor of them receiving a variance permit for their property. In the past 15 years, there has never been a problem with renters and, in fact, we've enjoyed those renting the property. We believe that the tourism is great for the area and that allowing people to rent will promote our town and everything it has to offer.

We ask that you take into consideration that there have not been any issues with renters and that these renters bring revenue into the area.

Please feel free to contact me if you have any questions or concerns. I can be reached at 231-290-0620.

Sincerely,

Handwritten signatures of Michael J. Donovan and Susan Donovan in blue ink. The signature of Michael J. Donovan is written above the signature of Susan Donovan.

Michael J. and Susan Donovan  
5388 Hiawatha Drive  
Cheboygan, Michigan 49721

## Deborah Tomlinson

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**From:** Scott McNeil  
**Sent:** Monday, April 17, 2017 9:00 AM  
**To:** 'Stempky, Andy (DEQ)'  
**Subject:** FW: Variance Request

Hi Andy,

Any more thoughts regarding tabling the matter? Give me a call if you like.

Regards,  
Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**From:** Scott McNeil  
**Sent:** Thursday, April 6, 2017 11:24 AM  
**To:** 'Stempky, Andy (DEQ)'  
**Subject:** RE: Variance Request

Andy;

An amendment to the zoning ordinance that will allow short term rental of a dwelling is scheduled for a public hearing on April 19. I expect it will be recommended for approval by the board of commissioners. I would hope that the boc act on it in May.

You could ask for it to be tabled again until the May or June meeting.

Let me know what you think or if you have any concerns. The notice for the April meeting will go out on Monday at the latest. Don't hesitate to give me a call if you like.

Regards,  
Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**From:** Stempky, Andy (DEQ) [<mailto:STEMPKYA@michigan.gov>]  
**Sent:** Thursday, April 6, 2017 11:17 AM

**To:** Scott McNeil  
**Subject:** RE: Variance Request

Scott, what do you propose on the variance request?

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**From:** Scott McNeil [<mailto:scott@cheboygancounty.net>]  
**Sent:** Wednesday, February 8, 2017 9:00 AM  
**To:** Stempky, Andy (DEQ) <[STEMPKYA@michigan.gov](mailto:STEMPKYA@michigan.gov)>  
**Subject:** RE: Variance Request

Thanks Andy. I will keep you advised.

Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**From:** Stempky, Andy (DEQ) [<mailto:STEMPKYA@michigan.gov>]  
**Sent:** Wednesday, February 8, 2017 8:49 AM  
**To:** Scott McNeil  
**Cc:** Andy  
**Subject:** Variance Request

Scott, I would like to table my variance request until the April meeting pending resolution of the planning commission decision on the zoning language. Thanks. Andy

## Scott McNeil

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**From:** Stempky, Andy (DEQ) <STEMPKYA@michigan.gov>  
**Sent:** Tuesday, April 25, 2017 3:26 PM  
**To:** Scott McNeil  
**Subject:** Variance Request

Scott, due to the proposed zoning language change I would like to formally withdraw my proposed variance request to allow weekly rentals at the Hiawatha cottage on Long Lake. I want to thank the Planning Commission for taking their time to listen to the concerns of myself and countless others in Cheboygan County who had no intention of breaking the law and are simply trying to find a way to afford lakefront property which otherwise would have been out of reach financially. As indicated by many of the board members I truly believe it is in the best interests of Cheboygan County from a financial standpoint and also from the positive experiences of those visiting who may wish to simply visit again or call Cheboygan home someday. Thank you for your consideration.

Sincerely;

**Andy Stempky**



# 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/)

## USE VARIANCE STAFF REPORT

<b>Item:</b> Request a use variance for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> January 13, 2017	<b>Expected Meeting Date:</b> January 25, 2017

### GENERAL INFORMATION

**Applicant:** Andy and Nancy Stempky

**Property Owner:** Same

**Contact person:** Andy Stempky

**Phone:** 231-625-2019

**Requested Action:** Grant a use variance for a lodging house (For a period of 14 weeks per year with a maximum of 6 people) in a Lake and Stream Protection (P-LS) zoning district.

### BACKGROUND INFORMATION

This variance comes to the board as result of enforcement. The applicant has been renting a dwelling located on Long Lake on a short term basis during the summer months. This reflects a lodging house use. The applicant is seeking a use variance to carry on the rental use. Lodging houses is a permitted use in the Commercial Development zoning district (D-CM) under section 6.2.27. The subject property is located in a Lake and Stream Protection zoning district (P-LS). Lodging house is not a permitted use in the Lake and Stream Protection zoning district.

You will note that the applicant states that there is a seasonal weekly use to the east of the subject property in the application. If such use is identified, the same will be a separate enforcement matter.

A map to the subject site is located after the proposed specific findings in this report.

**Current Zoning:** P-LS, Lake and Stream Protection

**Surrounding Zoning:**

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

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

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

**North:** Long Lake

**Surrounding Land Uses:**

The subject property is surrounded by residential land uses.

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

The property is located on the Long Lake. No other environmental sensitive areas have been identified.

**VARIANCE CONSIDERTIONS**

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

**General Findings:**

1. The subject property is located at 5356 Hiawatha Drive with property tax identification number 16-140-H09-000-014-00.
2. The subject property is located in a Lake and Stream Zoning District (P-LS).
3. The owner/applicant is seeking a use variance for a lodging house for a period of no more than 14 weeks per year with a maximum of 6 people at any one time.
- 4.
- 5.

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

**23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist:**

**23.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.**

There are exceptional or extraordinary circumstances or conditions applicable to the property and/or to its use that do not apply generally to other properties or uses in the same district due to \_\_\_\_\_.

Or; There are no exceptional or extraordinary circumstances or conditions applicable to the subject property or to its use that do not apply generally to other properties or uses in the Lake and Stream Protection zoning district.

**23.5.3.2. Such a variance is necessary for the preservation of a substantial property right possessed by other property in the vicinity.**

The variance is necessary for the preservation of a substantial property right possessed by others in the vicinity due to\_\_\_\_\_.

Or, the subject property can be used for permitted uses within the district as possessed by others in the vicinity. The variance is not necessary for the preservation of a substantial property right.

**23.5.3.3. The granting of the variance will relate only to the property under control of the appellant.**

The appellant is seeking the use variance only for the property as described in the application which is under control of the appellant.

Or, \_\_\_\_\_.

**23.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.**

The Cheboygan County Master Plan must be considered in all land use decisions such as a use variance.

The Cheboygan County master Plan Future Land Use Map indicates a Lake and Stream Residential future land use category for the subject property. These land use categories are described in the Master Plan as follows:

**Residential**

The Residential area is intentionally designed to be restrictive in character, focusing on residential uses. The area is characterized by medium-density residential development. Typical residential development methods could include platted subdivisions, site condominiums or smaller parcel splits. Uses related to residential purposes, such as assembly halls, schools and parks, can be included if designed in a way that preserves the residential character of the area. Day care and group home facilities at residential scale are also anticipated

Open-space designs, with clustered residential units are also appropriate, particularly where such a design can preserve natural or recreational resources. New clustered residential developments that include small, neighborhood commercial activity as part of a comprehensive site design could be acceptable with proper controls. It is important to ensure adequate home occupation opportunities are available in the residential future land use category.

### **Lake, River, and Stream Protection**

The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically.

Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline buffers to prevent erosion and filter stormwater run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements for public sewer for higher density developments are recommended mechanisms for maintaining high water quality.

Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category.

Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

The Cheboygan County Master Plan also includes a Zoning Plan.

The first paragraph of Chapter 5, Five-year Implementation Plan (Zoning Plan) of the Cheboygan County Master Plan states as follows:

The Zoning Plan is an important part of a Master Plan. It explains how the land use categories on the Future Land Use Map relate to the zoning districts as well as how the Goals and Objectives relate to improvements needed in the zoning ordinance. The importance of a Zoning Plan is to facilitate immediate action to accomplish the goals of the Master Plan.

Future Land Use/Zoning Comparison Table of the Zoning Plan contains the following recommended changes relating to the Lake and Stream Protection zoning district:

Refine language for this district to better identify water resources in need of protection rather than *everything* that is on a 7.5' USGS topographical map.

Public lands are allowed in all zoning districts and no specific zoning district is proposed for this land use category.

A use variance for lodging house will not adversely affect the purposes and/or objectives Cheboygan County Master Plan or the Zoning Plan of the Cheboygan County Master Plan.

Or; A use variance for lodging house will adversely affect the purposes and objectives Cheboygan County Master Plan and/or the Zoning Plan of the Cheboygan County Master Plan.

**23.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.**

The granting of a variance for will not be detrimental to the public welfare or materially injurious to other property or improvements in the district due to other similar uses in the area in which the property is located due to \_\_\_\_\_.

Or, the granting of a variance will be detrimental to the public welfare and/or will be detrimental to the other property or improvements which in the district in which the property is locate



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Mark Sypniewski

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (3 Pages)
5. Picture (1 Page)
6. Mailing List (2 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

## NOTICE

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

1. **Mark Sypniewski** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. for construction of a Private Storage Building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11962 Van Road, Munro Township, Section 18, parcel #080-S15-000-106-00. Under Section 17.23.1.d., if within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
2. **David and Laurie Valasek / Bandi Builders** – Requests a 2.46 foot side setback variance to reconstruct a dwelling structure in a Lake and Stream Protection (P-LS) zoning district. The property is located at 699 East Shore View Lane, Koehler Township, Section 4, parcel #172-P21-000-011-00. A side setback of 5.54 feet is required for the subject property in this zoning district
3. **The Zoning Administrator requests an interpretation** as to whether Travel Trailer Park as defined under section 2.2. and Travel Trailer Courts as allowed under section 9.3.11. are synonymous or not.

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

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

**CHEBOYGAN COUNTY  
PLANNING & ZONING DEPT.**  
870 S. Main St., PO Box 70  
CHEBOYGAN, MI 49721  
(231) 627-8489 (TELEPHONE)  
(231) 627-3646 (FAX)

**USE VARIANCE APPLICATION**

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	2321
CASH/CHECK:	#2321
ACTION /DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address <i>LOTS 106, 107, 108 VAN Rd.</i>	City / Village <i>Levering</i>	Township / Sec. <i>Mane</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>16-080-515-000-106-00</i>	Subdivision or Condo. Name / Plat or Lot No. <i>LOTS 106, 107, 108</i>		<i>D-R5</i>

**APPLICANT**

Name <i>Mark Sypniewski</i>	Telephone <i>586 214 8596</i>	Fax <i>N/A</i>	
Address <i>58556 Valley View Dr.</i>	City & State <i>Washington Twp. MI</i>	Zip Code <i>48094</i>	E-Mail <i>MARKSYA10@gmail.com</i>

**OWNER (If different from applicant)**

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

*EAST OF 31 ON VAN Rd. LOTS LOCATED JUST WEST OF SILVERSTAND Rd. ON THE NORTH SIDE. PICTURE OF FRONT VIEW ATTACHED.*

**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 THAT I AM AWARE OF.
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat \_\_\_\_\_
- C. Present use of the property is: VACANT LAND
- D. A previous appeal has  (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

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

Build A PRIVATE STORAGE pole barn. Asking for relief  
of ZONING ORDINANCE. 17.18.6 Allows Board of Appeals to  
Waive greenbelt, or fence Requirement.

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use 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. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

There are No Other Buildings on Van Rd From  
Silverstrand to 31. About A 3 Mile SPAN

b. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

No other properties exist or are affected  
with existing structures. Natural Isolation  
and natural Barriers do exist.

c. The granting of the variance will relate only to the property under control of the appellant.

Yes, I own the property free and Clear

d. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

No Adverse affect will result. It is for  
private use only.

e. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

No Detrimental affect to the public or  
other property would Result given the  
NATURAL BARRIERS, Isolation and Land Patterns.

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

M. [Signature]

Date

3/21/17

**AFFIDAVIT**

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

Applicant's Signature

M. [Signature]

Date

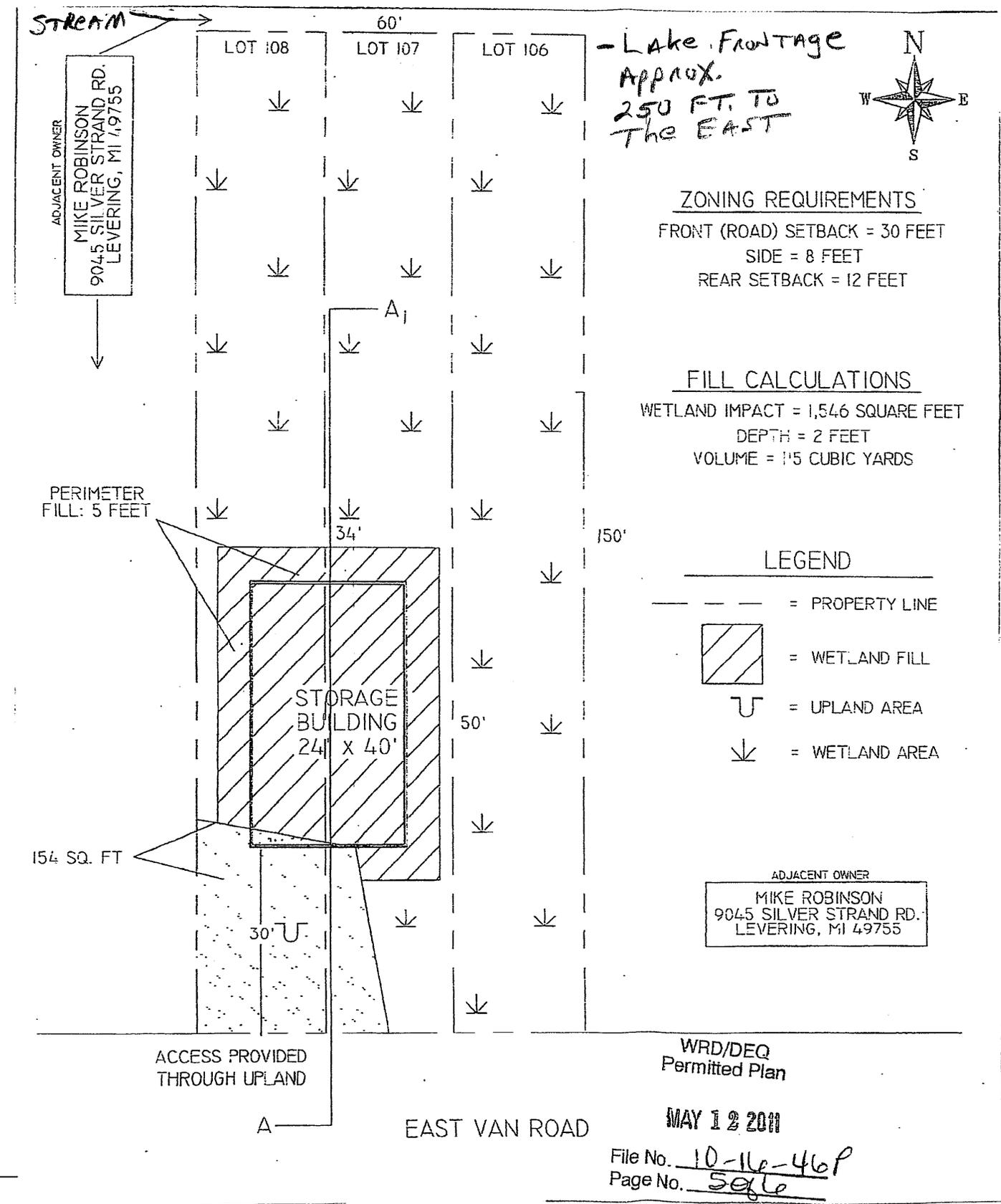
3/21/17

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

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

Distance from property line to proposed structure: (APPROX.)  
 Front: 30 FT    Rear: 80 FT    Side: 8 FT    Side: 28 FT

Zoning District: \_\_\_\_\_ North: \_\_\_\_\_



- Lake Frontage  
 APPROX.  
 250 FT. TO  
 THE EAST

ZONING REQUIREMENTS

FRONT (ROAD) SETBACK = 30 FEET  
 SIDE = 8 FEET  
 REAR SETBACK = 12 FEET

FILL CALCULATIONS

WETLAND IMPACT = 1,546 SQUARE FEET  
 DEPTH = 2 FEET  
 VOLUME = 115 CUBIC YARDS

LEGEND

- - - - - = PROPERTY LINE
- [Hatched Box] = WETLAND FILL
- U = UPLAND AREA
- ↓ = WETLAND AREA

ADJACENT OWNER  
 MIKE ROBINSON  
 9045 SILVER STRAND RD.  
 LEVERING, MI 49755

ACCESS PROVIDED  
 THROUGH UPLAND

WRD/DEQ  
 Permitted Plan

EAST VAN ROAD

MAY 1 2 2011

File No. 10-116-46P  
 Page No. 5 of 6



5

16-080-019-100-001-03  
TRAVIS, BARBARA A, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-109-00  
TRAVIS, DAVID W, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING MI 49755

16-080-P14-000-007-00  
LEWIS, ROBERT & MAUREEN H/W  
8984 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-112-00  
PRIOR, TODD EDWARD  
3262 W PRATT RD  
DEWITT MI 48820

16-080-P14-000-008-00  
DIPERT, L KIRBY & JACQUELINE H/  
12480 COUNTRY CLUB DR  
CHARLEVOIX MI 49720

16-080-P14-000-009-00  
TRAVIS, DAVID W, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-040-00  
HUEY, THOMAS & BARBARA H/W L  
9060 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-042-00  
ROBINSON, MICHAEL L/EWPTS AN  
9020 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-045-00  
ROBINSON, MICHAEL L/EWPTS AN  
9020 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-084-00  
BOSIN, DOUGLAS & DENISE H/W  
9090 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-091-03  
ROBINSON, MICHAEL L/EWPTS &  
9020 SILVER STRAND RD  
LEVERING MI 49755

16-080-S15-000-106-00  
SYPNIEWSKI, MARK & CHERYL H/  
58556 VALLEY VIEW DR  
WASHINGTON TOWNSMI 48094

16-080-019-100-001-03  
OCCUPANT  
8939 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-109-00  
OCCUPANT  
11990 VAN RD  
LEVERING, MI 49755

16-080-P14-000-007-00  
OCCUPANT  
8984 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-040-00  
OCCUPANT  
9061 SILVER STRAND RD  
LEVERING, MI 49755

16-080-P14-000-008-00  
OCCUPANT  
8972 SILVER STRAND RD  
LEVERING, MI 49755

16-080-P14-000-009-00  
OCCUPANT  
8960 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-040-00  
OCCUPANT  
9060 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-042-00  
OCCUPANT  
9020 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-045-00  
OCCUPANT  
9010 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-084-00  
OCCUPANT  
9091 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-091-03  
OCCUPANT  
9045 SILVER STRAND RD  
LEVERING, MI 49755

16-080-S15-000-106-00  
OCCUPANT  
11962 VAN RD  
LEVERING, MI 49755



# 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 variance request for a waiver from a screening requirement for construction of a Private Storage Building within 30 feet of a side lot line. The property is zoned Lake and Stream Protection District (P-LS)	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> April 12, 2017	<b>Expected Meeting Date:</b> April 26, 2017

### GENERAL INFORMATION

**Applicant:** Mark Sypniewski

**Property Owner:** Mark Sypniewski

**Contact person:** Mark Sypniewski

**Phone:** 586-214-8596

**Requested Action:** Request for a waiver under section 17.18.6. of a screening requirement under section 17.23.1.d. for construction of a private storage within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district.

### BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. Section 17.23.1 provides standards for private storage buildings in Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream (P-LS) Zoning Districts. Section 17.23.1.d. provides standards for screening at side lot lines as follows;

- d. If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.

The applicant is seeking a waiver from the screening requirement under section 17.18.6. The private storage building is proposed to be placed 8 feet from the west side lot line and 28 feet from the east side lot line.

Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows:

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

Reasons cited in section 17.18.6 will need to be interjected in the findings for approval upon discussion by the board and based on additional general findings of the board. I have prepared a finding for disapproval for the board's consideration.

*A maps providing directions to the subject lot are located on the last two pages of this report.*

**Surrounding Zoning;**

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

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

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

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

**Surrounding Land Uses:**

Residential uses surround the subject property

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

The lot appears to contain wet lands.

**General Findings**

1. The property is in a Lake and Stream (P-LS) zoning district.
2. The applicant proposes to construct a private storage building 8 feet from the west side lot line and 28 feet from the east side lot line.
3. Section 17.23.1.d. provides that if a private storage building located in a P-LS zoning district is built within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
4. The applicant is seeking a waiver from the screening requirement as provided in Section 17.18.6.
- 5.
- 6.
- 7.

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

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

Or,

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

**Detail Location of Subject Lot. (Directions on next page)**





# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

David Valasek

## Exhibit List

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2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
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- 11.
- 12.
- 13.

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## NOTICE

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ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

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PLANNING & ZONING DEPT.**  
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(231) 627-8489 (Telephone)  
(231) 627-3646 (Fax)

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 Pa.

\$110.00 APPLICATION FEE

RECEIPT #:	# 5504
CASH/CHECK:	VV343
ACTION /DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 699 E. Shoreview Lane	City / Village Indian River	Township / Sec. Koehler	Zoning District
Property Tax I.D. (Parcel) Number 16-172-P21-000-011-00	Subdivision or Condo. Name / Plat or Lot No. Parrots Point		

**APPLICANT**

Name Brett Bandi-BRBC Group Inc. DBA: Bandi Builders	Telephone 231-625-2476	Fax 231-225-0411
Address 6800 Hillside Dr.	City & State Harbor Springs MI	Zip Code 49740
		E-Mail brettbandi@gmail.com

**OWNER (if different from applicant)**

Name David M & Laurie M. Vaksek	Telephone 989-860-0919	Fax _____
Address 4312 Scenic Dr. E	City & State Saginaw, MI	Zip Code 48603

Detailed directions to site, including nearest crossroad:

Turn north onto Parrots Pointe Rd. go .2 mi., then turn left onto lake Side Dr. go .2 mi., then turn right onto

Shroevew Ln. go .2 mi. 699 E Shoreview Ln will be on the right

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

**I. Property Information**

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

II. Detailed Request and Justification

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

We intend to demolish the existing home, which is currently 2ft 5in over current setbacks, and rebuild a new home in the exact same footprint.

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

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

The narrowness of the property creates a situation where home can not be built and designed in a manner, that will replicate the original size and style of existing home.

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

The existing home is in dire need of rebuilding for safety and energy efficiency. Homeowners are trying keep the home in its original size as allowed when first constructed.

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 narrowness of the property creates the situation where homeowners are unable to use the current structure due to its age and deterioration without rebuilding in the same footprint that has always been there.

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

We are only asking to use the property in the exact same manner as it always has been and nothing more.

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 requested variance is not asking for anything more then is currently in place. Property values would only increase by allowing the structure to be rebuilt with modern building products and regulations.

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 AMW Date 3/10/17

**AFFIDAVIT**

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

Applicant's Signature [Signature] Date 3-28-17

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

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

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

Front: 48ft+/- Rear: 20ft+/- Side: 3ft 1in Side: 6ft+/-

**Zoning District:**

**North:**

SEE ATTACHED.



16-171-004-400-041-00 ESPLIN, ROBERT & CAROL H/W 5640 ANCHOR HILLS SYLVANIA OH 43560	16-172-P21-000-015-00 SJOBERG, ROY JR & MARGARET SJOBERG, 659 EAST SHORE VIEW LN INDIAN RIVER MI 49749	16-172-P21-000-088-10 RUDMANN, RONALD J REVOC TRUST 786 WEST SHOREVIEW LN INDIAN RIVER MI 49749
16-171-004-400-043-00 MENTZER, JOHN C 5236 BREEZE HILL PL TROY MI 48098	16-172-P21-000-017-00 GAMALSKI, JON 2012 W DAVISON LAKE RD OXFORD MI 48371	16-172-P21-000-088-11 RUDMANN, RONALD J REVOC TRUST 786 WEST SHOREVIEW LN INDIAN RIVER MI 49749
16-172-P21-000-007-00 BOUSSUM, WILLIAM & MARY H/W 7931 YELLOW RIVER RD FORT WAYNE IN 46818	16-172-P21-000-073-00 MCDERMOTT, JANET DAVIES, TRUSTEE 1355 KING GEORGE BLVD ANN ARBOR MI 48108	16-172-P21-000-088-12 RUDMANN, RONALD J, TRUSTEE 786 W SHOREVIEW LN INDIAN RIVER MI 49749
16-172-P21-000-007-01 HARDING, DOUGLAS & VALERIE H/W 755 EAST SHORE VIEW LN INDIAN RIVER MI 49749	16-172-P21-000-074-00 SJOBERG, ROY JR & MARGARET CO-TTEES 659 EAST SHORE VIEW LN INDIAN RIVER MI 49749	
16-172-P21-000-009-00 CLIPPERT, ROYAL & RUTH ANN H/W 9227 THORNHILL CLARKSTON MI 48348	16-172-P21-000-075-00 KASPZYK, GERALD & KATHRYN H/W 1772 KILBURN NORTH ROCHESTER MI 48306	
16-172-P21-000-010-00 CLIPPERT, ROYAL & RUTH ANN H/W 9227 THORNHILL CLARKSTON MI 48348	16-172-P21-000-077-00 HILL, ROBERT & FRANK HILL TIC 3431 PINEMEADOW CT DAVISON MI 48423	
16-172-P21-000-011-00 VALASEK, DAVID & LAURIE VALASEK 4312 SCENIC DR E SAGINAW MI 48603-9646	16-172-P21-000-079-00 CLIPPERT, ROYAL ET UX 9227 THORNHILL CLARKSTON MI 48348	
16-172-P21-000-012-00 REEB, DAVID & SHERRY H/W 15670 RYLAND REDFORD MI 48239	16-172-P21-000-080-00 BOUSSUM, WILLIAM & MARY H/W 7931 YELLOW RIVER RD FORT WAYNE IN 46818	
16-172-P21-000-013-00 KASPZYK GERALD & KATHRYN H/W 1772 KILBURN NORTH ROCHESTER MI 48306	16-172-P21-000-087-00 CRIBB, FRANK & ELIZABETH, TRUSTEES 3123 PARROTTS PTE RD INDIAN RIVER MI 49749	
16-172-P21-000-014-00 SJOBERG, MARGARET & SARA SJOBERG 673 EAST SHORE VIEW LN INDIAN RIVER MI 49749	16-172-P21-000-088-09 PARROTT, DAVID & BARBARA H/W 18025 QUAIL DR CLINTON TOWNSHIP MI 48038	

16-171-004-400-041-00  
OCCUPANT  
761 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-015-00  
OCCUPANT  
659 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-171-004-400-043-00  
OCCUPANT  
635 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-017-00  
OCCUPANT  
643 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-007-00  
OCCUPANT  
747 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-073-00  
OCCUPANT  
628 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-007-01  
OCCUPANT  
755 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-075-00  
OCCUPANT  
704 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-009-00  
OCCUPANT  
719 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-077-00  
OCCUPANT  
728 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-010-00  
OCCUPANT  
707 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-079-00  
OCCUPANT  
744 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-011-00  
OCCUPANT  
699 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-080-00  
OCCUPANT  
758 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-012-00  
OCCUPANT  
689 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-088-10  
OCCUPANT  
691 SMILEY CT  
INDIAN RIVER, MI 49749

16-172-P21-000-013-00  
OCCUPANT  
681 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-088-11  
OCCUPANT  
705 SMILEY CT  
INDIAN RIVER, MI 49749

16-172-P21-000-014-00  
OCCUPANT  
673 EAST SHORE VIEW LN  
INDIAN RIVER, MI 49749

16-172-P21-000-088-12  
OCCUPANT  
3310 CEDAR LN  
INDIAN RIVER, MI 49749



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## DIMENSIONAL VARIANCE STAFF REPORT

<b>Item:</b> A Variance Request to allow a 3.08 ft. side setback. The property is zoned Lake and Stream Protection District (P-LS)	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> April 11, 2017	<b>Expected Meeting Date:</b> April 26, 2017

### GENERAL INFORMATION

**Applicant:** Bandi Builders

**Property Owner:** David and Laurie Valasek

**Contact person:** Brett Bandi

**Phone:** 231-625-2476

**Requested Action:** Allow a 3.08 ft. (3 ft. 1 in.) side setback for reconstruction of a dwelling. A side setback of 5.54 ft. is required for the subject lot. This is a 2.46 ft. variance request.

### BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. The applicant is seeking to reconstruct a new dwelling 3.08 ft. from the side lot line, and in the same location as an existing dwelling structure. A zoning permit was approved an addition to the subject existing dwelling structure in 2012. Based on the site plan of the lot the width is calculated to be 55.45 feet

*A map of the subject area providing directions to the subject lot is located on the last page of this report.*

### **Surrounding Zoning:**

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

**East:** Mullett Lake

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

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

**Surrounding Land Uses:**

Residential uses surround the subject lot. Mullett Lake is to the east.

**Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain)** The subject site fronts on Mullett Lake.

**Public Comments:**

**VARIANCE CONSIDERTIONS**

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

**General Findings**

1. The property is in a Lake and Stream Protection (P-LS) zoning district.
2. A side setback of 5.54 ft. is required for the subject lot pursuant to section 17.1.
3. The applicant is proposing to construct a new dwelling structure 3.08 ft. from the side lot line in the same location as an existing dwelling structure.
4. The existing dwelling structure is located 3.08 ft. from the side lot line.
- 5.
- 6.

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

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

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

- The subject parcel possesses unique physical conditions relative to property dimensions established from the original plan and an existing nonconforming dwelling structure and is not due to the applicant’s personal or economic difficulty.
- OR, there are no unique circumstances or physical conditions due to like parcels in the area as the applicant has enough land area to construct the dwelling structure within the required setbacks.

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

- The unique physical condition of the property which is the result of property dimensions established from the original plat and non-conforming dwelling structure and is not the result of actions by the property owner or previous owners, and is not self-created.
- OR, the physical condition is the result of previous property owners. The applicant has enough land area to construct the dwelling structure within the required setbacks.

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

- Due to the unique condition of the parcel, like conditions in the area and a nonconforming existing structure, strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose.
- Or, strict compliance with the requirements would not prevent the owner from reasonable use of the property for a permitted use.

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

- Do to unique conditions and a nonconforming existing structure, the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district.
- OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief.

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

- The variance will not cause an adverse impact on surrounding property due to like conditions in the area.
- OR, the variance will cause an adverse impact on surrounding property.

Directions to the site. 699 E. Shore View Ln. (Parrots Point Sub.)





# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

To: Zoning Board of Appeals

Subject: Zoning Administrator request for an interpretation as to whether Travel Trailer Park as defined under section 2.2. and Travel Trailer Courts as allowed under section 9.3.11. are synonymous or not.

From: Scott E. McNeil, Planner

Date: April 12, 2017

Relevant sections of Zoning Ordinance #200

## **Definitions under section 2.2:**

### **RECREATIONAL VEHICLE (HABITABLE)**

A motorized or non-motorized vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, but not to include manufactured or mobile homes.

### **TRAVEL TRAILER OR CAMPER**

Any trailer coach, motor home, demountable camper, tent camper or unit designed as a vacation unit for short term seasonal occupancy, which measures eight (8) feet or less in width and/or is designed to be operated on highways.

### **TRAVEL TRAILER PARK**

Any parcel or plot of ground upon which five (5) or more travel trailers or campers occupied for dwelling or sleeping purposes are located.

## **Use listing under section 9.3.11.:**

Travel trailer courts, tenting areas and general camping grounds.

Common definitions for Trailer Court

Collins English Dictionary –Another name for trailer park.

MacMillan Dictionary – Another name for trailer park.

## Common definitions for Trailer Park

Merriam-Webster Dictionary - an area equipped to accommodate mobile homes — called also *trailer camp*, *trailer court*

Collins English Dictionary - A trailer park is an area where people can pay to park their trailers and live in them

MacMillan Dictionary - a caravan site

Common definitions of Travel Trailer Court could not be found

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