



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

---

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

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING  
WEDNESDAY, JUNE 22, 2016 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.) **Larry Sidell** – Requests a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units. The property is located at 8627 North Straits Highway, Inverness Township, Section 24, parcel #091-024-200-006-00 and is zoned Commercial Development (D-CM). The Zoning Board of Appeals may permit temporary buildings and uses for periods not exceeding two (2) years, which may be renewed upon request for not more than one (1), one (1) year period pursuant to Section 23.5.2.5. of the Cheboygan County Zoning Ordinance #200.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, MAY 25, 2016 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, Allen Carter, Tony Matelski, John Palmer, Charles Maziasz, Mary Smith

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 April 27, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**John Palmer** – Requests a 42ft. frontage variance and a 43ft. width variance for a lot with a dwelling. The property is located at 5289 Long Lake Road, Aloha Township, Section 12, parcel #140-012-100-019-00 and is zoned Lake and Stream Protection (P-LS). A lot must have a minimum of 100 feet of frontage and a minimum of 100 feet in width per dwelling in this zoning district pursuant to Section 17.1., note M of the Cheboygan County Zoning Ordinance #200.

Mr. McNeil stated that this variance request is to divide a lot for a dwelling with width and frontage requirements that do not meet section 17.1 for a lot for a dwelling. Mr. McNeil stated that in section 17.1 there is a requirement for 100ft. of width and 100ft. of frontage in the Lake and Stream Protection Zoning District. Mr. McNeil explained that Mr. Palmer is asking for a 42ft. frontage variance and a 43ft. width variance. Mr. McNeil stated that this would allow a lot with 58ft. of frontage and 57ft. of width. Mr. McNeil stated that the lot with the two dwellings is non-conforming. Mr. McNeil stated it is not non-conforming under the ordinance as there are shared waterfront standards which allow two dwellings to be located on a lot to share waterfront if it has no less than 150ft. of frontage and 22,500sf of area. Mr. McNeil stated that this lot does meet the shared waterfront requirement.

Mr. Moore asked if the second home is too large to be considered a guest house. Mr. McNeil stated yes, as there is approximately 680sf of living space.

Mr. Palmer stated he purchased the house and the cottage as they currently exist. Mr. Palmer explained that someday he may want to move into the cottage and sell the house.

Mr. Freese asked if there is any correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. Mr. Maziasz, Aloha Township Supervisor, stated that upon the initial review of this request it appeared to be an unusual request. Mr. Maziasz stated that after looking at the lots on Long Lake he realized there are many old lots that are 65ft. wide. Mr. Maziasz explained that this lot is also an old lot and the structures have existed for 25-30 years. Mr. Maziasz stated that there are many 65ft. lots in this area that have huge homes with double the square footage of this dwelling. Mr. Maziasz stated the township does not oppose this request unless there is any negative feedback from the neighbors. Mr. Maziasz stated he has not received any negative comments in regards to this request. Mr. Maziasz stated the lot is deep which allows space for a septic system and water well. Mr. Maziasz stated the township has no objections to this request.

Mr. Schneider stated he is an adjacent property owner. Mr. Schneider stated his concern that no one knows at this time if the variance will affect adjacent properties. Mr. Schneider asked if this variance is approved will other variances be granted in the future for further buildings such as a garage. Mr. Schneider stated he is concerned how this will affect property values.

Public comment closed.

Mr. Freese stated that the two buildings were constructed after zoning went into effect. Mr. Freese asked Mr. McNeil if he was able to find if a building permit was issued. Mr. McNeil stated he was not able to find a building permit. Mr. Freese stated the dwellings and the lot are non-conforming. Mr. Freese stated that shared waterfront requirements went into effect in 2006 and made it conforming from this standpoint, however, it was not conforming prior to 2006. Mr. Freese stated if the Zoning Board of Appeals approves the variance request, another non-conforming lot will be created.

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

**Allen Carter** - Requests a 9 ft. front setback variance to construct a garage. (30ft. x 40ft.). The property is located at 2567 Riggsville Road, Inverness Township, Section 15, parcel #091-015-100-005-00 and is zoned Agriculture and Forestry Management. (M-AF). A 50 ft. front setback is required in this zoning district period pursuant to Section 17.1. of the Cheboygan County Zoning Ordinance #200.

Mr. McNeil stated that Mr. Carter is seeking a 9ft. front setback variance for construction of a storage building/garage. Mr. McNeil stated that a 50ft. front setback is required in the Agriculture and Forestry Management Zoning District. Mr. McNeil reviewed the plot plan and stated that the variance request is a result of his calculations after a site visit. Mr. McNeil stated that Mr. Carter had different measurements.

Mr. Carter stated he is asking to construct a storage building where he currently has a permanent structure. Mr. Carter stated he is not asking for anymore. Mr. Carter stated he just wants to make it a little longer and a little wider. Mr. Carter noted that the current structure has been in this location for over 20 years. Discussion was held.

Mr. Freese asked if there is any correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Freese stated that there is a lot of property and the applicant would like to tear down three buildings to construct a new building in the same location. Mr. Freese stated that after talking to Mr. Carter, one of his concerns in the parking area which he does not want to reduce. Mr. Freese stated that during the site visit, he pointed out to Mr. Carter that the proposed building could be constructed without materially reducing the size of the parking area by turning the building and moving it back. Mr. Freese stated the setbacks would be met. Discussion was held.

Mr. Moore asked if Mr. Carter would like to take time to review Mr. Freese's suggestion to see if it will work for him. Mr. Moore noted that Mr. Carter will not be able to submit another variance application if the Zoning Board of Appeals makes a decision on this request now. Mr. Carter stated that he would like for the Zoning Board of Appeals to make a decision tonight regarding this request.

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

#### **UNFINISHED BUSINESS**

Mr. McNeil stated that the Planning Commission has requested that Mr. McNeil come up with language for the regulation of boat houses. Mr. McNeil stated that this may possibly be an overlay district with consideration for the Cheboygan River, Black River and Indian River. Mr. McNeil stated that the Planning Commission has requested Mr. McNeil to come up with structure specifications.

Mr. Moore asked for information on the photo that was submitted to the Zoning Board of Appeals. Mr. McNeil stated that this photo was provided by Mr. Muscott and it is a photo of a subject lot from the previous Zoning Board of Appeals meeting. Mr. McNeil stated that Mr. Muscott asked that this photo be provided to the Zoning Board of Appeals. Discussion was held regarding what is considered the front of a parcel when it is within 500ft. of a lake or river.

#### **NEW BUSINESS**

No comments.

#### **ZBA COMMENTS**

No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:33pm.

---

John Thompson, Secretary

DRAFT

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Larry Sidell

## Exhibit List

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

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

**NOTICE**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING**

**WEDNESDAY, June 22, 2016 AT 7:00 P.M.**

**ROOM 135 – COMMISSIONERS ROOM**

**CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Larry Sidell** – Requests a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units. The property is located at 8627 North Straits Highway, Inverness Township, Section 24, parcel #091-024-200-006-00 and is zoned Commercial Development (D-CM). The Zoning Board of Appeals may permit temporary buildings and uses for periods not exceeding two (2) years, which may be renewed upon request for not more than one (1), one (1) year period pursuant to Section 23.5.2.5. of the Cheboygan County Zoning Ordinance #200.

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

\$110.00 APPLICATION FEE

RECEIPT #:	5034
CASH/CHECK:	1060
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 8627 North Straits Hwy	City / Village	Township / Sec. Jawors 1 24	Zoning District
Property Tax I.D. (Parcel) Number 091-024-200-006-00	Subdivision or Condo. Name / Plat or Lot No. N/A		D-CM Commercial

**APPLICANT**

Name LARRY R STELL	Telephone 231-818-5947	Fax N/A	
Address 1283 INDIAN TRAIL RD.	City & State Cheboygan	Zip Code 49721	E-Mail LStell@charter.net

**OWNER (if different from applicant)**

Name PAUL McPALL	Telephone 248-224-8013	Fax	
Address 1125 RIVERDA DR	City & State CHEBOYGAN	Zip Code 49721	

Detailed directions to site, including nearest crossroad:

M-27 - 1 1/2 MILE SOUTH OF M-33/M-27 JUNCTION  
 (Lakes Corridor)

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

**I. Property Information**

- A. List all known deed restrictions: NONE
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat \_\_\_\_\_
- C. Present use of the property is: STORAGE - WAREHOUSE - CONTRACTING YARD
- 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.

PARK TRUCKS AND DUMPSTERS - TRUCKS CLASSIFIED AS  
SOLID WASTE TRANSPORTING UNITS - DUMPSTERS WILL BE EMPTY

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.

Request temporary use currently warehouse and semi-truck  
and trailer parking activity on site

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

SEE "A" ABOVE

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

Applicant's 1 YEAR LEASE OF PROPERTY (SEE ATTACHED)

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

NO SEE ITEM A ABOVE ZONED COMMERCIAL

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.

FOR ~~TRUCK~~ PARKING OF TRUCKS AND EMPTY DUMPSTERS ONLY

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

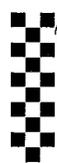
Owner's Signature

Date 5-20-16

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

Owner's Signature

Date 5-24-16



COMMERCIAL LEASE – LOCAL SANITATION

This lease is between Local Sanitation, a corporation, and Larry Sidell , personal guarantor, Tenant, and Lakes Center, Landlord for office space and outdoor storage for a dumpster and four (4) trucks. This lease is for one year , commencing on April 1, 2016 to April 1, 2017. Rent will be \$300.00 per month due on the first of each month. A late fee of 5% of the monthly rent (\$50.00) will be assessed on any late rent payments. The tenant shall pay to the landlord the first and last month rent, totaling \$600.00 due upon signing the lease.

Rent will be renegotiated at the end of this lease.

Utilities are based upon the square footage used by the Tenant. Lakes Center shall provide a monthly copy of the utilities bills for their review. Utilities include gas, electric, internet and trash removal. Snow removal and grass cutting is billed directly to the tenants by the maintenance company.

All alterations made to the facility shall be approved by Lakes Center prior to any work being done. The tenant shall be responsible for any and all damage done to his area in the building.

Lakes Center shall be responsible for insurance coverage and taxes for the building

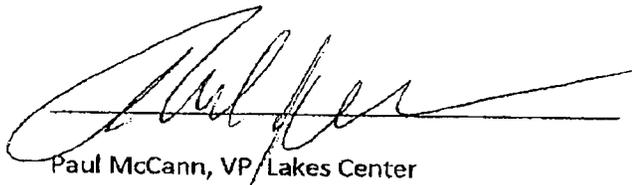
Tenant is responsible for insuring his personal property, inventory, and equipment.

This lease is personally guaranteed by the tenant, Larry Sidell, OWNER OF Local Sanitation.

 , Tenant

Larry Sidell, owner of Local Sanitation

SS# 381-78-5151 Drivers License # S-340-488-738-293

  
Paul McCann, VP Lakes Center

*L. McCann  
231-7818-5947*

Date: 2-22-16



N.E. CORNER  
SEC. 24, T37N R2W

● = POWER POLE

\* TEMP. BAKING SOLID WASTE TRANSPORT  
CONTAINERS YARD UNITS (TRUCK LANDING  
TRUCKS)  
MATERIAL STORAGE AREA

LARRY SIDEWALK 5/20/16

200' ROW

111' Y.

562' 03" W

562' 03" W

185'

185'

185'

185'

583° 59' E

404.67'

P.O.B.

504' Storage Area

54° 12' W  
654.10'

527° 05' E  
534.07'

\* TEMP. EMPTY  
TRUCKS

DRAIN FIELD

ASPHALT PARKING

SEE DETAIL

SEE DETAIL

SEE DETAIL

SEE DETAIL

ee line

16-091-024-100-003-07  
SCHEELE, JOHN  
8775 OUTBACK ALLEY  
CHEBOYGAN MI 49721

16-091-024-100-003-11  
SCHEELE, JOHN  
8775 OUTBACK ALLEY  
CHEBOYGAN MI 49721

16-091-024-100-004-04  
KAVANAUGH, MICHAEL & ANNET  
2235 POLISH LINE RD  
CHEBOYGAN MI 49721

16-091-024-100-012-00  
ROBIADEK & SONS EXCAVATING  
12370 NORTH RIGGSVILLE RD  
CHEBOYGAN MI 49721

16-091-024-100-013-00  
LUTTRELL, JAMES ET UX L/E  
8591 BROE RD  
CHEBOYGAN MI 49721

16-091-024-200-006-00  
LAKES CENTER, INC  
1175 RIVERA DR  
CHEBOYGAN MI 49721

16-091-024-200-007-01  
SAINT JOHN EVANGELICAL  
8757 N STRAITS HWY  
CHEBOYGAN MI 49721

16-091-024-200-007-02  
CONSUMERS ENERGY COMPANY  
ONE ENERGY PLAZA  
JACKSON MI 49201

16-091-024-100-003-07  
OCCUPANT  
8775 OUTBACK ALLEY  
CHEBOYGAN, MI 49721

16-091-024-100-003-11  
OCCUPANT  
8780 OUTBACK ALLEY  
CHEBOYGAN, MI 49721

16-091-024-100-012-00  
OCCUPANT  
750 INDIAN TRAIL RD  
CHEBOYGAN, MI 49721

16-091-024-200-006-00  
OCCUPANT  
8627 N STRAITS HWY  
CHEBOYGAN, MI 49721

16-091-024-200-007-00  
OCCUPANT  
8757 N \*\*2014 RETIRE\*\* STRAITS HW  
CHEBOYGAN, MI 49721

16-091-024-200-007-01  
OCCUPANT  
8757 N STRAITS HWY  
CHEBOYGAN, MI 49721

*16-091-024-200-007-02*  
*Occupant*  
*8759 N. Straits Hwy*  
*Cheboygan, MI 49721.*



# 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> Requests a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units in a Commercial Development zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> June 14, 2016	<b>Expected Meeting Date:</b> June 22, 2016

### GENERAL INFORMATION

**Applicant:** Larry Sidell

**Property Owner:** Paul McCann

**Contact person:** Larry Sidell

**Phone:** 8627 North Straits Hwy.

**Requested Action:** Permit a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units in a Commercial Development zoning district pursuant to section 23.5.2.5.

### BACKGROUND INFORMATION

The applicant is requesting a temporary use variance for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units for a period of twelve (12) months.

The subject property is zoned Commercial Development (D-CM). The site plan included in the application depicts the proposed location of the trucks and empty dumpsters. The site plan is a copy of that submitted to the Planning Commission in conjunction with a special use permit amendment application for a Contractors yard use which was approved on October 2 of 2013. The owner has also received special use permit approval for retail, boat storage and warehouse uses. (See attached Planning Commission Findings of Fact Dated October 2, 2013 located at the end of this report)

Section 23.5.2.5., under powers of the Zoning Board of Appeals states as follows;

23.5.2.5. Permit temporary buildings and uses for periods not to exceed two (2) years, which may be renewed upon request for not more than one (1), one (1) year period.

**Current Zoning:** D-CM, Commercial Development

**Surrounding Zoning:**

**West:** D-CM, Commercial Development

**East:** D-CM, Commercial Development

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

**South:** D-CM, Commercial Development

**Surrounding Land Uses:**

Vacant and residential to the north. Vacant commercial to the east and west. Church to the south.

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

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

**Other Public Comments:**

None

**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 in a Commercial Development Zoning District (D-CM) and identified by parcel code number 16-091-024-200-006-00.
2. The applicant operates a waste disposal business.
3. The applicant is seeking a 12 month temporary use approval at the subject site for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units on the subject site.
4. The subject site has received special use permit approval for retail, boat storage, warehouse and contractor's yard uses.
- 5.
- 6.
- 7.

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

**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.**

A 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units will address exceptional circumstances for the use of the property in order to meet immediate and temporary business needs.

Or; No exceptional or extraordinary circumstances or conditions have been demonstrated.

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

Other parcels are located near the subject site, which are zoned D-CM. Junk yards, salvage yards and waste disposal site are uses which are allowed in the D-CM zoning district with a special use permit and the temporary and limited 12 month use proposed is necessary for the preservation of a substantial property right possessed by others in the vicinity.

Or, The subject property can be used for other permitted uses within the district and as possessed by other property 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 temporary use only for the property as described in application and the existing structures located on the same which is under control of the appellant. (see exhibit 3)

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 Future Land Use Map includes that the subject property is in an area projected for Commercial Land Use.

The Commercial future land use is described in the Cheboygan County Master Plan as follows;

**Commercial**

The Commercial designation is intended to provide for business locations outside of village centers designed to meet the variety of commercial needs of a growing community. The Commercial areas are intended to provide retail goods and services to local and regional consumers as well as tourist support services. The Commercial area is also intended to provide space for commercial operations that require significantly more space or parcel size than is normally found in village centers. Examples of such uses may include motor vehicle display and sale, modular home sales, equipment rental, home improvement centers, or shopping centers. Because the Commercial classification includes a diverse collection of land areas with a variety of attributes, access to the area and the impact on the surrounding property should be considered carefully. Also, the specific nature of the land should be reviewed when determining appropriate commercial land uses.

For commercial areas along the waterfront, typical uses in these areas would be marinas, motels, resorts, larger campground resorts, convenience retail and services and recreational uses. Commercial areas located on waterfront property should generally be less intensive and special considerations should be made to mitigate any possible adverse impacts. Possible impacts could include, but are not limited to, shoreline erosion, septic discharge, and removal of natural features along the shoreline.

To ensure a diversity of residential living options, some mixed uses of commercial and residential should be considered where appropriate in this future land use area.

Major general Commercial areas are located along significant highway corridors in Cheboygan County, including U.S. 23 east of Mackinaw City (Mackinaw Township), Old 27 south of Cheboygan (Inverness Township), and Straits Highway (Old 27) north and south of Indian River (Tuscarora Township). Smaller concentrations of general commercial uses exist and are planned at or near the several Interstate-75 interchanges within Cheboygan County.

Approval of a temporary use outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units for a period of 12 months in order to meet immediate business needs of the applicant is constant with future land use within the Master Plan will not adversely affect the purposes or objectives of the Plan of the County due to the diverse nature of the land use and existing approved uses on the site.

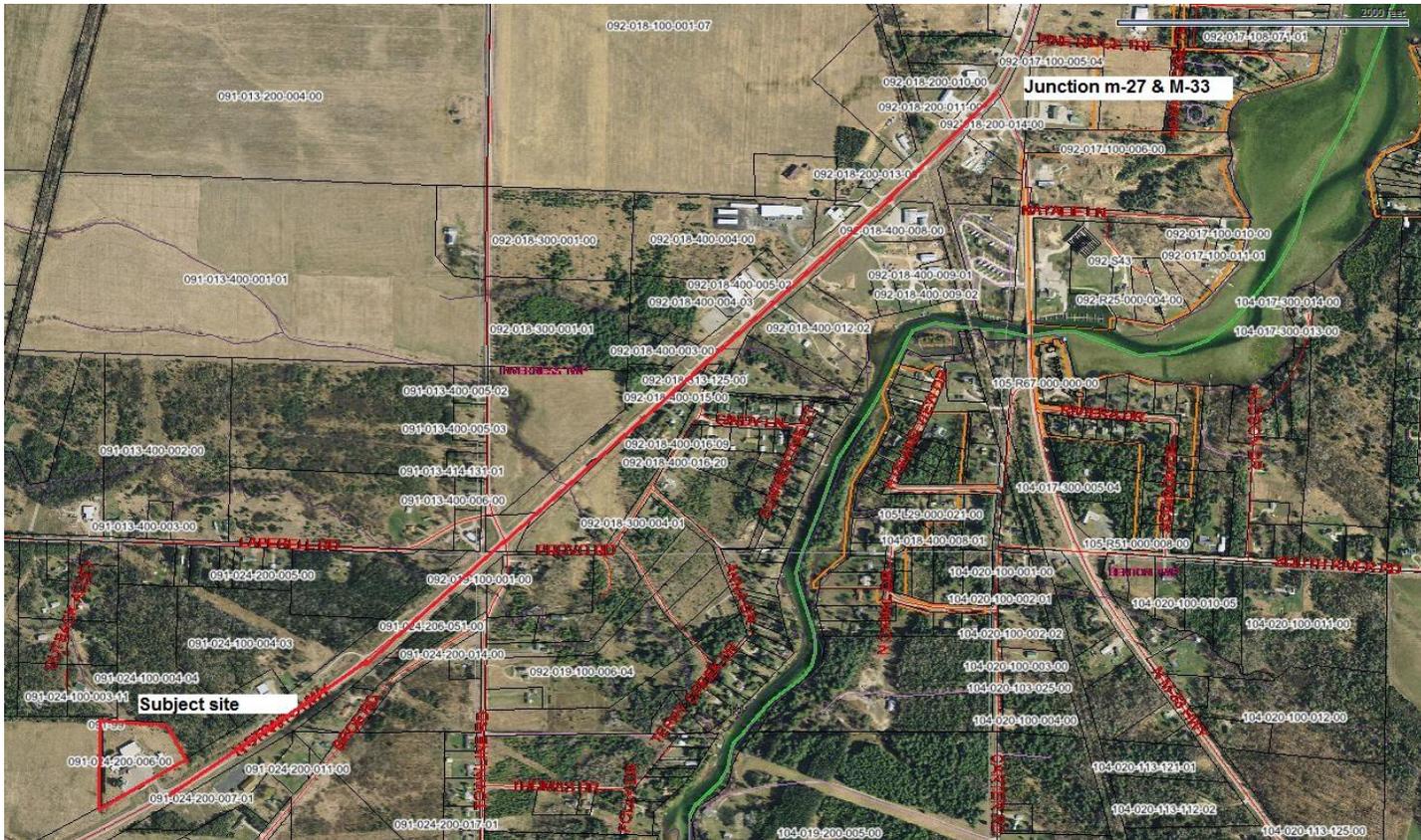
Or: Outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units is not constant with future land uses of the Master Plan and will adversely affect the purposes or objectives of the Master Plan due to possible adverse impacts on neighboring properties and/or the nature of the land and/or \_\_\_\_\_.

**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.**

Approval of outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units for a period of 12 months in order to meet temporary and immediate business needs of the applicant will not be detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

Or; Approval of outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units will be detrimental to the public welfare and/or will be detrimental to the other property or improvements in the district in which the property is located due to \_\_\_\_\_.

Directions to Subject Site



## CHEBOYGAN COUNTY PLANNING COMMISSION

### SPECIAL USE PERMIT REQUEST

Wednesday, October 2, 2013, 7:00 PM

Applicant

Paul McCann  
1175 Rivera Dr.  
Cheboygan , Mi. 49721

Owner

Paul McCann  
1175 Rivera Dr.  
Cheboygan, Mi. 4972

Parcel

8627 N Straits Hwy.  
Inverness Township  
091-024-200-006-00

#### GENERAL FINDINGS

1. The subject property is zoned Commercial Development District. (D-CM)
2. The owner/applicant is seeking a special use permit for a Contractors yard.
3. Contractors yard is a use requires a special use requiring a special use permit in a D-CM zoning district pursuant to Section 6.3.5.
4. The Planning Commission approved a site plan review application relative to the subject parcel for a retail use on April 19, 2006,
5. The Planning Commission approved a special use permit relative to the subject parcel for boat storage and auto sales on May 17, 2006.
6. The Planning Commission approved a special use permit relative to the subject parcel for a warehouse on June 20, 2012.
7. The applicant is seeking a waiver to the topographic survey requirement for site plans.
- 8.

#### FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  1. The subject property is located in a D-CM Zoning district.
  2. Contractors yard is a use requires a special use requiring a special use permit in a D-CM zoning district pursuant to Section 6.3.5.
  - 3.
  4. Standard has been met.
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  1. The applicant is requesting a special use permit for a Contractors yard use. (see exhibit 3)
  2. The subject is located in the D-CM zoning district and on a State Highway (M-27)
  3. The special use permit for a Contractors yard will not create a substantially negative impact on the natural resources of the County or the natural environment as a whole. (see exhibit 3)
  - 4.
  5. Standard has been met.
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
  1. The special land use permit is for a Contractors yard.
  2. The subject is located in the D-CM zoning district and on a State Highway (M-27)
  3. The Contractors yard use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area. (see exhibit 3 and 5)

- 4.
  5. Standard has been met.
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
    1. The special use permit is for a Contractors yard use in a D-DM zonings district. .
    2. The use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibits 3,and 7)
    - 3.
    4. Standard has been met.
  - e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
    1. The special use permit is for a Contractors yard use in a D-CM zoning district and will not place demands of fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties. (see exhibit 3)
    - 2.
    3. Standard has been met.
  - f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
    1. The subject property is located on M-27 which is a State Highway. The use will not cause congestion or increase traffic hazards in excess of current capacity. (see exhibit 7)
    2. The site is served by an existing entrance and exit driveway from M-27 which provides adequate access to the site. The access drives are more than 25 ft. from a street intersection. (see exhibit 7)
    3. Existing signage, buildings, other elements and do not interfere with driver visibility. No new signage, structures are proposed. (see exhibit 7)
    - 4.
    5. Standard has been met.
  - g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
    1. The special use is adequately served by water and sewer facilities, and refuse collection and disposal facilities. (see exhibit 3 and 7)
    - 2.
    3. Standard has been met.
  - h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
    1. The special use complies with all the specific standards required under this Ordinance and other specific standards applicable to it. (see exhibit 1, 3, and 7)
    - 2.
    3. Standard has been met.

**SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE**

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the

site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

1. No changes to the overall contours of the site are proposed (see exhibit 3)
  - 2.
  3. Standard has been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
1. No trees are proposed to be removed. No topographic modifications are proposed. (see exhibit 3)
  - 2.
  3. Standard has been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
1. No changes to site drainage are proposed. (see exhibit 3)
  - 2.
  3. Standard has been met.
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
1. Not applicable. No Dwelling units are proposed
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
1. A practical means for access by emergency vehicle is provided via a driveway from M-27. (see exhibit 7)
  - 2.
  3. Standard has been met.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
1. The structures on the subject have access to M-27, which is a State Highway. (see exhibit 7)
  - 2.
  3. Standard has been met.
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
1. Not applicable. No subdivision plats or subdivision condominiums are proposed.
- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
1. Existing lighting is deflected away from adjacent properties and does not impede vision of traffic and does not unnecessarily illuminate night skies. (see exhibit 3)
  2. No new exterior lighting is proposed (see exhibit 3)
  - 3.
  4. Standard has been met.
- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

1. Not applicable. No public common ways are proposed.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
  1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
  - 2.
  3. Standard has been met

**DECISION**

Motion by Mr. Borowicz, seconded by Mr. Oswald, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.

**TIME PERIOD FOR JUDICIAL REVIEW**

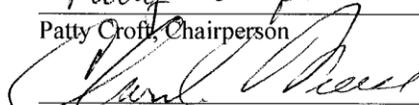
State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

**DATE DECISION AND ORDER ADOPTED**

October 2, 2013



\_\_\_\_\_  
Patty Croft, Chairperson

  
\_\_\_\_\_  
Charles Freese, Secretary