



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 24, 2015 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.) **Debra Willey**- Requests a 10 ft. side setback variance for construction of a 14 ft. x 32 ft. private storage building which is accessory to a dwelling in a Commercial Development (D-CM) zoning district. The property is located at 6035 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-005-00. A 10ft side setback is required in this zoning district.
- 2.) **Daniel Sachs** - Requests a 25 ft. front setback variance for construction of garage in an Agriculture and Forestry Management (D-RS) zoning district. The property is located at 6311 M33/68, Forest Township, Section 6, parcel #251-006-300-013-00. A 50ft front setback is required in this zoning district

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Debra Willey

Exhibit List

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

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

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

DIMENSIONAL VARIANCE APPLICATION

Pd \$100.00

\$100.00 APPLICATION FEE

RECEIPT #:	4512
CASH/CHECK:	1178
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <u>6053 Prospect</u>	City / Village <u>Indian River</u>	Township / Sec. <u>1</u>	Zoning District
Property Tax I.D. (Parcel) Number <u>161-131-006-005-00</u>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <u>Debra Willey</u>	Telephone <u>231-218-8234</u>	Fax <u>None</u>
Address <u>6053 Prospect</u>	City & State <u>Indian River MI</u>	Zip Code <u>49749</u>
		E-Mail <u>debbie.willey@ymail.com</u>

OWNER (If different from applicant)

Name <u>Same as Above</u>	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

M-27 turn east on Prospect 1st place on 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: None
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Residence / Resort
- D. A previous appeal 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 3/22/13, nature of action requested Change from Single and the decision unsuccessful.
- 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.

Place Private Storage Building
Topography slope of property and location of existing buildings will not allow meeting required setbacks

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.

Due to slope of property and existing buildings

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

no as in A

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

yes as in A

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.

proposed location is the best not effect other property owners

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.

no as stated in D

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

Debra Willey

Date

6/4/15

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

Debra Willey

Date

6/4/15

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

16-161-024-200-001-02
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-161-131-005-007-00
L L STONE PROPERTIES, LLC
818 CROOKED TREE DR
PETOSKEY MI 49770

16-161-131-007-003-00
SMITH, FRED J SR, TTEE
PO BOX 293
INDIAN RIVER MI 49749

16-161-024-200-003-01
WERNET, CHARLES H
PELLSTON REGIONAL AIRPORT
PELLSTON MI 49769

16-161-131-005-008-00
L L STONE PROPERTIES, LLC
PO BOX 396
PETOSKEY MI 49770

16-161-131-007-004-00
DISBROW, JOANNE L/E & ARTHUR
465 LINCOLNSHIRE DR
TROY OH 45373

16-161-024-200-004-01
TUSCARORA TOWNSHIP
3546 S STRAITS HWY
INDIAN RIVER MI 49749

16-161-131-005-009-00
DIETRICH, ANDREW & KELLIE H/W
5640 HUMMER LAKE RD
OXFORD MI 48371

16-161-131-010-001-00
TUSCARORA, TOWNSHIP OF
INDIAN RIVER MI 49749

16-161-024-200-015-00
COOK, BRIGETTE; STEPHEN COOK
PO BOX 1149
INDIAN RIVER MI 49749

16-161-131-005-011-00
WALDRON, JULIE & CRAIG TTEES
3878 MCMICHAEL RD, PO BOX 4206
BURT LAKE MI 49717

16-161-131-010-002-00
JACOBS, BARBARA
PO BOX 55
INDIAN RIVER MI 49749

16-161-131-004-001-00
SWADLING, SYLVIA, DAGWELL, R
PO BOX 2008
INDIAN RIVER MI 49749

16-161-131-006-001-00
GYORKOS, CHARLES & CHRISTINE
366 PLEASANT VALLEY
MILFORD MI 48380

16-161-131-010-003-00
COOK, BRIGETTE; STEPHEN COOK
PO BOX 1149
INDIAN RIVER MI 49749

16-161-131-004-003-00
SWADLING, KENNETH ET UX
PO BOX 2008
INDIAN RIVER MI 49749

16-161-131-006-001-01
HANLON, TIMOTHY J TRUST
PO BOX 684
INDIAN RIVER MI 49749

16-161-131-010-007-00
JACOBS, ROGER W
PO BOX 296
INDIAN RIVER MI 49749

16-161-131-005-001-00
PURTILL, JAMES & MARILYN SPOE
3247 N CLUB RD
INDIAN RIVER MI 49749

16-161-131-006-003-00
RADEBACH, LEROY & ELEANOR C
PO BOX 3011
INDIAN RIVER MI 49749

16-161-131-010-008-00
GUST, STEPHEN & CHARLENE, TTE
4288 LONG POINT DR
CHEBOYGAN MI 49721

16-161-131-005-005-00
PURTILL, JAMES & MARILYN SPOE
3247 N CLUB RD
INDIAN RIVER MI 49749

16-161-131-006-004-00
PASSINO, MICHAEL & BRENDA H/
PO BOX 2184
INDIAN RIVER MI 49749

16-161-131-011-002-00
DOTY, ARTHUR & CAROL H/W
PO BOX 846
INDIAN RIVER MI 49749

16-161-131-005-006-00
DESJARDINS, RICHARD
3365 W. VALLEY VIEW DR
SAINT JOSEPH MI 49085

16-161-131-006-005-00
PINES COTTAGE OF INDIAN RIVER
6053 PROSPECT, PO BOX 1249
INDIAN RIVER MI 49749

16-161-131-011-003-00
CASUCCI, CASS T, TRUSTEE
6000 RIVER ST., PO BOX 250
INDIAN RIVER MI 49749

16-161-131-005-006-01
MESACK, RENEE & GERRI MESACK
PO BOX 2152
INDIAN RIVER MI 49749

16-161-131-007-001-00
LACOURSIER, ALLAN & ELIZABET
PO BOX 193
INDIAN RIVER MI 49749

16-161-131-011-005-00
MOORE, EDWIN & LINDA H/W
PO BOX 929
INDIAN RIVER MI 49749

16-161-I31-011-006-00

PFISTER, DARRYL & KATHLEEN H/

PO BOX 334

INDIAN RIVER MI 49749

16-161-024-200-001-02
OCCUPANT
6045 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-006-001-00
OCCUPANT
5997 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-007-00
OCCUPANT
6072 RIVER ST
INDIAN RIVER, MI 49749

16-161-024-200-004-01
OCCUPANT
3425 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-006-001-01
OCCUPANT
6005 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-008-00
OCCUPANT
6084 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-001-00
OCCUPANT
6117 HEMLOCK ST
INDIAN RIVER, MI 49749

16-161-I31-006-003-00
OCCUPANT
6031 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-002-00
OCCUPANT
5980 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-003-00
OCCUPANT
3280 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-006-004-00
OCCUPANT
6053 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-003-00
OCCUPANT
6000 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-005-00
OCCUPANT
3247 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-007-001-00
OCCUPANT
3324 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-011-005-00
OCCUPANT
6012 RIVER ST
,

16-161-I31-005-006-00
OCCUPANT
3267 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-007-003-00
OCCUPANT
6111 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-011-006-00
OCCUPANT
6032 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-006-01
OCCUPANT
3287 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-007-004-00
OCCUPANT
6121 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-024-200-001-02
OCCUPANT
6090 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-005-007-00
OCCUPANT
6052 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-001-00
OCCUPANT
6054 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-008-00
OCCUPANT
6038 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-002-00
OCCUPANT
6060 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-009-00
OCCUPANT
6024 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-003-00
OCCUPANT
6064 RIVER ST
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/

DIMENSIONAL VARIANCE STAFF REPORT

Item: A 10 ft. side setback variance request to allow a 14 ft. x 32 ft. private storage building. The property is zoned Commercial Development District (D-CM)	Prepared by: Scott McNeil
Date: June 8, 2013	Expected Meeting Date: June 24, 2015

GENERAL INFORMATION

Applicant: Debi Willey

Property Owner: Same

Contact person: Same

Phone: 231-218-8234

Requested Action: Approve a 10 ft. side setback variance to allow a 14 ft. x 32 ft. private storage building to be placed at the side property line.

BACKGROUND INFORMATION

The applicant is seeking a side setback variance to place a 14 ft. wide x 32 ft. deep private storage building proposed to be placed at the side lot line which is contiguous to the North Central State Trail. The lot is located in a Commercial Development (D-CM) Zoning District. The site also contains 5 rental cabins, 2 10 x 14 private storage buildings and a single family dwelling. A 10 ft. side setback is required in this zoning district.

The applicant appeared before the board regarding a front setback variance for a garage at the subject lot on March 27, 2013 and later withdrew the variance due to problems in locating a drain field.

I have cited conditions relative to the existing dwelling structure location, topography of the lot and like conditions in the neighborhood in the proposed findings under sections 23.5.4.1 through 23.5.4.5, but have not cited the same under General Findings, pending deliberation and review by the board.

Surrounding Zoning:

North: D-CM, Commercial Development District.

West: Same

South: Same

East: Same

Surrounding Land Uses: Residential land uses to the south and east. Commercial land use to the north. North Central State Trail and S. Straits Highway to the west.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The site is located on the Indian River and does not contain any other known sensitive areas.

Public Comments: None

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. Property is located in a Commercial Development (D-CM) zoning district.
2. A side setback of 10 feet is required per Section 17.1.
3. The applicant is proposing to place a 14 ft. wide x 32 ft. deep private storage building to be located at the side lot line.
4. The applicant is requesting the Zoning Board of Appeals to allow a 0 ft. side setback variance along the side lot line which is contiguous to the North Central State Trial.
- 5.
- 6.
- 7.

23.5.4. 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 need for the variance is due to the location of existing structures and topography of the lot which are unique physical conditions.

OR, there are no unique circumstances or physical conditions and the circumstances are due to the applicant's personal difficulty.

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

The need for the variance is due to the location of the existing structures and topography of the lot, which are unique conditions and is not the result of actions of the property owner or previous property owners.

OR, the proposed placement of the proposed garage addition is the result of actions of the current property owner and the need for the requested variance is self created.

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 location of the existing structures, and topography of the lot, strict compliance with side setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will not be unnecessarily burdensome.

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

Due to location of the existing structures and topography of the lot, the requested variance is necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, The variance request for construction of a 14 ft. wide x 32 ft. private storage building with a 0 ft. side setback does not represent the minimum necessary to grant reasonable relief and other options for smaller additions to the existing structure exist and/or granting the variance will not do substantial to other property owners in the district.

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

Granting a variance to allow a 0 ft. side setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions.

OR, Granting a variance to allow a 0 ft. side setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Daniel Sachs

Exhibit List

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

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.00 APPLICATION FEE

Paid \$100.00 CHECK # 4877
 5/22/15 JGM

RECEIPT #:	4491
CASH/CHECK:	✓ \$4877
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6311 M68/33 Hwy	City / Village TOWER	Township / Sec. FOREST	Zoning District M-AF
Property Tax I.D. (Parcel) Number 231-006-300-013-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Daniel Sachs	Telephone 989-733-2400	Fax N/A
Address 6311 M68/33	City & State Dnaway MI	Zip Code 49765
		E-Mail k.sachs@att.net

OWNER (if different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

South on M33: end of 33 turn left on M68-33
 Go approximately 6 miles house on left side of road
 just pass Milligan Creek. If you get to Brady Road
 you went to far.

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

I. Property Information

- A. List all known deed restrictions: _____
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Home
- 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.

Build Breezeway and Garage to fit on
Level area of Lot

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.

TOPO drop off in back
WIDE RIGHT OF WAY

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

NO - Due to RIGHT OF WAY AND TOPO

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

DUE to TOPO and drain field width
REQUEST makes compliances Burdensome

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.

Due to RIGHT of way width, Location of drain
field I am requesting the minimum.

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.

NO

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 Donald J. Jones Date 5-22-15

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 _____ Date _____

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

- | | |
|---|---|
| <ol style="list-style-type: none"> 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. | <ol style="list-style-type: none"> 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. |
|---|---|

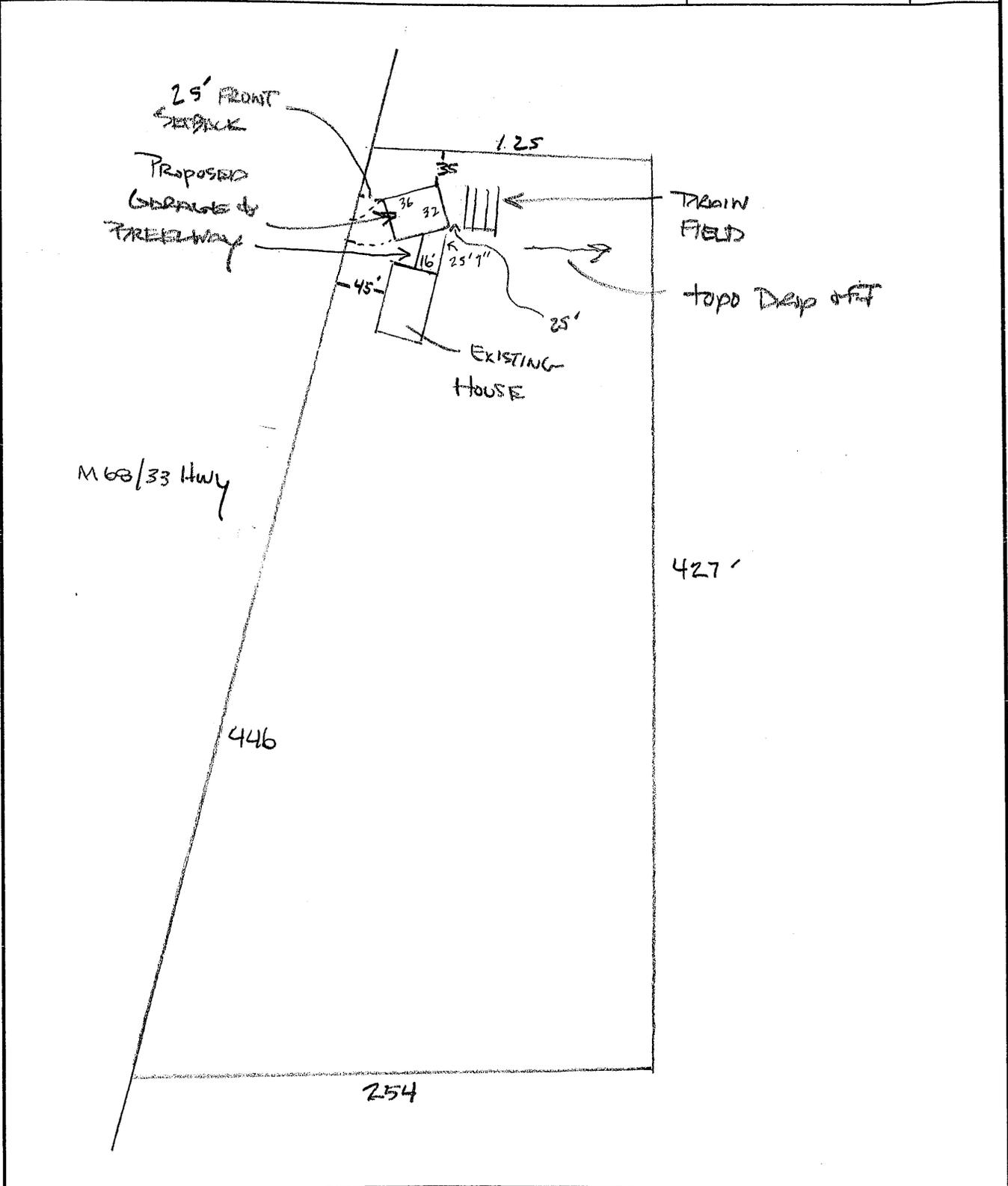
Distance from property line to proposed structure:

Front: _____ Rear: _____ Side: _____ Side: _____

Zoning District:

M-DF

North:



16-231-006-100-007-01
BANDISH, PHILIP A
6143 M-68/33 HWY
ONAWAY MI 49765

16-231-006-300-009-00
RICHARDSON, RENEE
1170 N 950 E
ANGOLA IN 46703

16-231-006-300-011-00
MCINNES, BERNARD & RUTH H/W
6281 M-68/33 HWY
ONAWAY MI 49765

16-231-006-300-012-00
MCINNES, BERNARD & RUTH KAY
6281 M-68/33 HWY
ONAWAY MI 49765-8710

16-231-006-300-013-00
SACHS, DANIEL JOHN & KAREN H/
6311 M-68/33 HWY
ONAWAY MI 49765

16-231-006-300-014-00
LANGOLF, ARTHUR DAVID III
2200 WESTWOOD DR
CHEBOYGAN MI 49721

16-231-006-400-001-00
STGERMAIN, DONALD & PHYLLIS,
6542 OLD M-68
ONAWAY MI 49765

16-231-006-400-009-00
PASSINO, CLAUDE & GAIL H/W
9839 E MUNRO LAKE DR
LEVERING MI 49755

16-231-006-100-007-01

OCCUPANT

6143 M-68/33 HWY

16-231-006-300-011-00

OCCUPANT

6259 M-68/33 HWY

ONAWAY, MI 49765

16-231-006-300-012-00

OCCUPANT

6281 M-68/33 HWY

ONAWAY, MI 49765

16-231-006-300-013-00

OCCUPANT

6311 M-68/33 HWY

TOWER, MI 49792

16-231-006-300-014-00

OCCUPANT

6471 M-68/33 HWY

ONAWAY, MI 49765



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: A 25 ft. front setback variance request for construction of a garage. The property is zoned Agriculture and Forestry Management District (M-AF)	Prepared by: Scott McNeil
Date: June 8, 2015	Expected Meeting Date: June 24 , 2015

GENERAL INFORMATION

Applicant: Daniel Sachs

Property Owner: Same

Contact person: Same

Phone: 989-733-2400

Requested Action: Approve a 25 ft. front setback variance to allow construction of a 32ft. x 36ft. garage.

BACKGROUND INFORMATION

The applicant is seeking a front setback variance for the placement of a garage measuring 32 ft wide and 36 ft. deep. The proposed new construction also includes a breezeway which will meet setback requirements. The subject parcel contains 446 feet of frontage on M-68/33 and an average depth of 189.5 feet. The proposed construction site is located in the westerly portion of the property. The lot is in the Agriculture and Forestry Management (M-AF) Zoning District. A 50 ft. front setback is required in this zoning district.

Also included is a copy of the state highway map at the subject lot indicating a 150 ft. wide right of way located 75 feet from the center line.

I have cited a sloping year yard, location of exiting drain field and M27 Highway right-of-way width (75 ft. from centerline) in the response to variance standards for your consideration, but have not listed reference to the same in the general findings pending discussion by the Board. Attached to this report are copies of the State Highway Right of Way Map.

Surrounding Zoning:

North: M-AF, Agriculture and Forestry Management District.

West: Same

South: Same

East: Same

Surrounding Land Uses:

Vacant land and Residential and land uses surround the subject property.

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

There are no known sensitive areas

Public Comments:

None

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 site is located in an Agriculture and Forestry Management (M-AF) zoning district.
2. A front setback of 50 feet is required in an M-AF zoning district per Section 17.1.
3. The applicant is proposing to construct a garage measuring 32 ft. wide and 36 ft. deep 25 feet from the front lot line.
- 4.
- 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 property contains a sloping rear yard and fronts on M-68/33 Highway with a 75 ft. right-of-way from the center line, which are unique physical conditions.

OR, there are no unique circumstances or physical conditions exist and/or the circumstances are due to the applicant's personal difficulty.

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

The need for the variance is due to a sloping rear yard and/or location of the existing drain field and/or the width of the M-68/33 highway right-of-way and is not the result of actions of the property owner or previous property owners.

OR, the placement of the proposed storage building requiring a front set back variance is the result of actions of the current property owner and other location options exist. The need for the requested variance is self created.

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.

Conformity with setback regulations is deemed unnecessarily burdensome due to, slopes and/or the location of the existing drain and/or due to the width of the width of M-68/33 highway right-of-way.

OR, conformance with setback regulations will allow construction a garage within the required setbacks in other locations on the site and conformity with setback regulations is not unnecessarily burdensome.

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.

Regarding front setback;

Due to a sloping rear yard and/or the location of the existing drain field, and/or the width of the M-66/33 Highway right-of-way the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, the 25 foot front setback variance request for construction of a 32 ft. wide and 36 ft. deep garage does not represent the minimum necessary to grant reasonable relief and other options exist. Granting the variance will not do substantial justice to other property owners in the district.

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.

Allowing a 25 foot front setback variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 25 ft. front setback will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.

SUPPLEMENTAL STAFF-SUPPLIED ATTACHMENTS

Copy of State Highway right of way map with subject site indicated