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, OCTOBER 25, 2017 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.) **Robert Pulte** - Requests two side setback variances, each side setback variance request being three tenths of one foot (0.3 feet) for two new parcels in a Commercial Development (D-CM) zoning district. The parent parcel of this proposed land division is located at 7695 North Straits Highway, Inverness Township, Section 26, parcel #091-026-200-007-00. A 10 foot side setback is required in this zoning district.

2.) **David and Betsy Gahn** - Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3624 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-034-003-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 23, 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, Paul McGillivray, Cal Gouine, Karen Johnson, Mary S. Morell, Christy O'Meara, Walter B. Dyer, Carl Muscott, Russell Crawford, Cheryl Crawford, John Kafer, Dave Peters

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 July 26, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS
Paul McGillivray - Requests an 8 ft. side setback variance and a 27 ft. rear setback variance to construct an accessory storage building to a dwelling (24ft x 40ft.). The property is located at 11669 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-004-04 and is zoned Lake and Stream Protection (P-LS and Agriculture and Forestry Management (M-AF). A 10 ft. side setback and a 30 ft. rear setback are required in the M-AF zoning district, where this building is located.

Mr. McNeil stated that the applicant is seeking an 8ft. side setback and 27ft. rear setback variance to construct a storage building measuring 24ft. wide and 40 ft. deep in the Agriculture and Forestry Management Zoning District. Mr. McNeil stated that a 10ft. side setback and a 30ft. rear setback are required. Mr. McNeil stated that there are two frontages on this parcel. Mr. McNeil stated that there is a frontage toward the rear of the property that is considered the rear setback. Mr. McNeil stated that a 30ft. setback is required. Mr. McNeil stated that the applicant is requesting to place the building 2ft. from the side lot line and 3ft. from the easement.

Mr. McGillivray stated that he picked this location for the storage building as he would only have to remove two trees. Mr. McGillivray noted that there is a ditch to the right. Mr. Freese asked if Mr. McGillivray owns the lot to the northwest as well. Mr. McGillivray stated yes. Mr. Freese asked if there is any reason that the two lots are separate lots. Mr. McGillivray stated that he just purchased the north lot. Mr. Freese stated that there would be no reason to request a side setback variance if these two lots are combined. Mr. Freese asked if Mr. McGillivray has any objections to the Zoning Board of Appeals making this a condition of approval. Mr. McGillivray stated he planned to leave it a separate lot and for it to remain vacant. Mr. McGillivray stated he did not plan to build on the north lot. Mr. Moore suggested that the property line be redrawn. Mr. Moore stated a small piece can be split off and added to the main parcel. Mr. Moore stated that it could be kept as two separate parcels.

Mr. Freese asked for public comments. Mr. Muscott stated that the parcel in this request and the parcel in the next request are located in two zoning districts. Mr. Muscott stated that this should come down to an interpretation whether there are two different zoning districts. Mr. Muscott stated that it would simplify things if there was only one zoning for the parcel.

Public comment closed.

The Zoning Board of Appeals added "The applicant agrees to combine the two parcels or split off a portion of the northern parcel and add it to the southern parcel to adjust the lot line, therefore eliminating the need for a side setback variance." as General Finding 4. 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.

DRAFT

Walter Dyer - Requests a 15 ft. front setback variance to construct an accessory storage building to a dwelling (11ft x 15ft.). The property is located at 9759 Manitou Lane, Munro Township, Section 21, parcel #080-021-100-005-00 and is zoned Lake and Stream Protection (P-LS) and Agriculture Forestry Management (M-AF). A 40 ft. water front setback is required in the P-LS zoning district, where this building is located.

Mr. McNeil stated that Mr. Dyer is requesting a 15ft. front setback variance for a 15ft. x 11ft. storage building. Mr. McNeil stated that the proposed storage building is located within 25ft. of the front setback which is the high water mark. Mr. McNeil stated that the original permit that was issued was for a 14ft. x 10ft. storage building which is under 150sf and the ordinance allows for setback requirements to not be met as long as it is accessory to a dwelling. Mr. McNeil stated that later it was found that the building is 15ft. x 11ft. Mr. McNeil stated that a 40ft. setback is required as opposed to the 25ft. setback.

Mr. Dyer stated that he called in March and was told that anything under 200sf and not on a permanent foundation would not need a building permit. Mr. Dyer stated that he built the shed and he matched the width of the patio. Mr. Dyer stated that the building is bigger than 150sf but still under 200sf. Mr. McNeil explained that it is a common cause of confusion that a permit isn't required if under 200sf under the building code and that any structure requires a permit under zoning. Mr. Freese asked if 150sf is noted on the zoning permit. Mr. McNeil noted that the zoning permit states 140sf. Discussion was held regarding the zoning permit application. Mr. Freese stated that the zoning permit was for a building that would have been legal. Mr. Freese stated that this request is in excess of what was approved for the zoning permit. Mr. Dyer explained that he put down the length and width of what he expected the size of the building to be but it ended up being a few inches more.

Mr. Freese asked for public comments. Mr. Kafer stated that he lives two doors to the east of Mr. Dyer and he is opposed to this variance request. Mr. Kafer stated that seeking forgiveness instead of permission disrespects the zoning process. Mr. Kafer stated that all citizens benefit from zoning that is well administered. Mr. Kafer stated that he served 6 years on the Tip of the Mitt Watershed Council's board. Mr. Kafer stated that the 40ft. setback was put in place decades ago for good reasons such as soil erosion, chemical runoff, and sewage drainage. Mr. Kafer stated that the best practice today is to use the 40ft. setback as a natural vegetation strip as the ordinance encourages. Mr. Kafer stated that zoning protects property values. Mr. Kafer asked if a soil permit was obtained for the additional excavation. Mr. Freese stated yes. Mr. Kafer asked why the structure couldn't be built somewhere else on this parcel. Mr. Freese stated that the regulation allows a storage building that is 150sf or less and it does not have to meet the 40ft. setback from the water. Mr. Freese stated that there are areas on the property where a larger storage building could have been put and still meet setback requirements. Mr. Freese stated that we are faced with a storage building that doesn't meet the 150sf limit and is located within 40ft. of the water.

Mr. Peters stated that he owns the property to the east. Mr. Peters explained that the property line on the plot plan is incorrect. Mr. Peters stated that every time Mr. Dyer uses his driveway, he is using a triangle of Mr. Peters property. Mr. Peters questioned why there is a hearing when Mr. Dyer was already issued a zoning permit. Mr. Freese stated that Mr. Dyer was granted a zoning permit for a storage building that is 150sf or less. Mr. Freese stated that what Mr. Dyer built is in excess of that. Mr. Peters stated that the cart is before the horse. Mr. Freese stated that an enforcement action is generating the variance request. Mr. Freese stated that what is decided by the Zoning Board of Appeals will determine what will become of the storage building. Mr. Peters asked if Mr. Dyer should submit an accurate site plan. Mr. Freese stated that the location of the shed would not be influenced by that property line. Mr. Peters stated that he is an architect and when he submits a drawing it must be correct. Mr. Freese stated that if the property line would influence this shed he would agree with Mr. Peters. Mr. Freese stated that sealed drawings are not required for a variance application. Mr. Dyer stated that a couple of years ago overhead power lines were buried and this is when it came to light that everyone's property is at an angle and not straight back. Mr. Peters stated that in terms of being neighborly, he is disappointed that Mr. Dyer didn't talk to the neighbors and inform them of what he was planning. Mr. Peters stated the neighbors could have advised him that a building permit is required. Discussion was held.

Public comment closed.

The Zoning Board of Appeals added "The drawing for the original shed was for a 14.5ft. x 10ft. storage building." as General Finding #5. 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 deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Indian River Hotel Real Estate LLC - Requests a 45 ft. height for a freestanding sign in a Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a freestanding sign is 25 feet in this zoning district.

Mr. McNeil referred to the picture of the proposed sign and noted that the property is located in a Light Industrial Development zoning district where freestanding signs are limited to 25ft. Mr. McNeil stated that the applicant is seeking approval for a sign that is 70ft. at the top which would require a 45ft. height variance.

Ms. O'Meara stated that they would like to put up a LED sign below the existing sign. Ms. O'Meara stated that they want to bring more attention to the current logo. Ms. O'Meara stated that this sign is visible from the north bound and south bound lanes of I-75 and M-68. Ms. O'Meara stated that the trees have grown since the original sign was erected 20 years ago. Ms. O'Meara presented pictures showing tree growth over the past 20 years. Mr. Freese stated that during the previous request a year ago, the Zoning Board of Appeals recommended combining the two signs on the top. Mr. Freese stated that you want to have visibility up as high as possible. Mr. McNeil stated that there is a section of the ordinance that allows non-conforming signs to be replaced. Mr. McNeil stated that one of the options available is to replace the sign and include a LED sign in the new sign. Ms. O'Meara stated that this property is different from the other hotels and restaurants as people can't see where they are located. Ms. O'Meara stated that this is the reason that they want to add to the existing sign. Discussion was held. Mr. Moore asked what is the size of the proposed sign. Ms. O'Meara stated 5ft. x 10ft. Mr. Moore asked if it will be a single line or multi line sign. Ms. O'Meara stated there will be two lines with a picture. Mr. Moore stated that you could easily add to the top sign with a single line of text which could scroll. Mr. Freese stated the existing sign is hard to see in adverse weather due to the lighting. Mr. Freese stated if this was an LED sign it would stand out regardless of whether or not it is foggy outside. Ms. O'Meara agreed but stated that keeping the same sign and adding to it with brightness or flashing will bring attention to it. Ms. O'Meara stated that they do not want people to think that the business has changed. Discussion was held.

Mr. Freese asked for public comments. Mr. Muscott stated that he understands Ms. O'Meara's argument that there is a branding that people have become used to over the years. Mr. Muscott stated that the sign doesn't show well in inclement weather. Mr. Muscott stated that he doesn't see where the proposed sign will have a detrimental impact on neighboring property values. Mr. Muscott stated that during the last request there was a discussion regarding the square footage of freestanding signs allowed on the property. Mr. Muscott stated that there was also a discussion regarding minimizing or removing a sign in front of the building. Mr. Moore stated it was the number of signs that was discussed. Mr. Freese stated that there would have been four signs and they are only allowed three signs.

Ms. O'Meara stated that she feels that this property is different from others in the area because of the trees. Ms. O'Meara stated that they receive comments from people when they get off of I-75 that they couldn't see this hotel. Ms. O'Meara stated that they have billboards and Michigan logo signs for directions when exiting I-75. Mr. Freese suggested combining the two signs and making it one LED sign.

Mr. Thompson stated that he worked for Marriott for 23 years and this is his background. Mr. Thompson stated that this is a bad sign as you can't see the word "hometown". Mr. Thompson stated that the only word you can see is "inn". Mr. Thompson stated that a LED sign with "hotel" and "vacancy/no vacancy" will change everything and will be visible from I-75. Mr. Thompson explained that the existing sign is poorly lit at night time. Mr. Thompson stated that the sign should not be lowered. Mr. Freese stated that if the sign is lowered even a few feet it would only be visible from the exit ramp.

Ms. O'Meara stated it is a good thing to see the word "inn" and customers have told her they were very thankful to see that sign in a blizzard. Ms. O'Meara stated that something bright nearby would enhance the existing sign. Mr. Freese stated that this is a dull, drab sign. Mr. Freese stated that there are 5 tall signs in the county. Mr. Freese stated two signs are located in Mackinaw, one sign is at the southern end of the county and two are located in Indian River. Mr. Freese stated that all of them stand out better than this sign. Mr. Freese stated that when you are coming from the south you can't see the sign until you are next to it. Discussion was held.

Ms. Sherwood asked if the corporation requires this exact sign with the logo and wording. Ms. O'Meara stated no.

Public comment closed.

The Zoning Board of Appeals deleted General Findings #5 and added "Visibility from the south on I-75 is limited." as General Finding #6. 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 deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

The zoning administrator requests an interpretation as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

DRAFT

Mr. McNeil presented a zoning map and noted that there is an overlap of Lake and Stream Protection and Natural Rivers Protection for the land located north of the East Mullet Lake Road Bridge. Mr. McNeil stated asked for a determination of the Zoning Board of Appeals whether the Natural Rivers Protection District includes the land located north of the East Mullett Lake Road Bridge. Mr. McNeil stated that Mr. Schnell came across this issue while researching activity on the north side and thought it would be a good idea to bring this to the Zoning Board of Appeals for clarification.

Mr. Freese stated that according to the definition it states that it is from the entrance into Cheboygan County to the East Mullett Lake Road Bridge. Mr. Freese stated that we do not propose that it extends 500ft. from the boundary of Otsego and Cheboygan County into Otsego County, therefore, we shouldn't be interpreting it 500ft. on the other side of the East Mullet Lake Road Bridge. Mr. Freese stated it should be interpreted as 500ft. from the stream edge along a line from the center of the bridge, northeast and southwest. Mr. Moore asked if it should be parallel to the bridge line or perpendicular to the river. Mr. Freese stated that it should be parallel to the bridge line. Mr. Moore stated that he agrees with Mr. Freese. Mr. Moore stated the river itself is the protection concern. Mr. Moore and Mr. Freese agreed that the river ceases to be a river once exits the culvert under the bridge. Mr. McNeil stated that this is how he has administered zoning for this area as there have been a couple of properties to review in the last 8 years.

Motion by Mr. Freese, seconded by Mr. Hemmer, that it should be interpreted as 500ft. from the stream edge along a line from the center of the bridge, northeast and southwest. Motion carried unanimously.

UNFINISHED BUSINESS
No comments.

NEW BUSINESS
No comments.

ZBA COMMENTS
No comments.

PUBLIC COMMENTS
Mr. Muscott stated that this sign issue is like Meijer's request as they are looking for a variance for bigger signage because they are set so far back from the road. Mr. Muscott stated that by following the strict interpretation of the zoning ordinance you have to deny the request. Mr. Muscott stated that he respects this but there should be some variables in there that would allow variances on signage. Mr. Muscott stated that the request was to place a sign lower on a pole that is already a legal nonconforming sign. Mr. Muscott stated this sign would be added to a pole that has existed for years and would create more visibility. Mr. Muscott stated that he feels strongly about business growth and he hates to see things like this denied because of a strict interpretation of the law. Mr. Muscott stated that he talked with Mr. Schnell and Mr. McNeil about allowing a variance that would not negatively affect anything and that doesn't hurt anyone.

Mr. Muscott stated that the bridge used to be called Coxy's Road Bridge and also Hackelburg Road Bridge. Mr. Freese stated that the regulation was changed to correct it to the East Mullet Lake Road Bridge. Mr. Muscott stated that if you are fishing on the lake side you are fishing in the lake and if you are fishing on the other side you are fishing in the river. Mr. Muscott that he believes the DNR would make the same decision.

ADJOURN
Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 8:05pm.

_____
John Thompson, Secretary

DRAFT

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
MONDAY, OCTOBER 16, 2017 AT 10:00AM
ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, Nini Sherwood

Members Absent: John Moore, John Thompson

Others Present: Scott McNeil, Russell Crawford, David Nash

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. Hemmer, seconded Ms. Sherwood, to accept the agenda as presented. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

PUBLIC HEARING & ACTION ON REQUESTS
Mark and Kathy Schmitt and David Nash - Requests a 6 ft. front setback variance and a 17.5 ft. front setback variance to replace a portion of a dwelling measuring 8 ft. x 18 ft. and construct two (2) dwelling additions measuring 2 ft. x 8 ft. and 4 ft. x 8 ft. The property is located at 6343 Arthur Street, Tuscarora Township, Section 24, parcel #161-024-200-013-00 and is zoned Lake and Stream Protection (P-LS). A 40 ft. front setback is required in this zoning district.

Mr. Freese stated that only three members are present for the meeting which is a quorum for this board. Mr. Freese stated that any decision that the Zoning Board of Appeals makes requires a consensus of the quorum and since there are only three present the decision must be unanimous. Mr. Freese stated that the applicants can ask for their request to be tabled until he next Zoning Board of Appeals meeting. Mr. Nash stated that he would like to have the request reviewed today.

Mr. McNeil stated that the applicant is requesting 2 waterfront setback variances. Mr. McNeil stated that one request is for 6ft. off of the westerly side of the property facing Indian River. Mr. McNeil stated that the applicant is also requesting a 17.5ft. variance off of the canal to the south side of the property. Mr. McNeil stated that the subject parcel contains waterfront on three (3) sides.

Mr. Nash stated that these additions will not encroach on the neighbors. Mr. Nash explained that he is also repairing what already exists.

Mr. Freese asked if the building will be raised and if the existing foundations will be repaired and replaced. Mr. Nash stated that the foundation will be repaired and replaced as needed. Mr. Freese asked if there will be new foundations for the two additions that require a variance. Mr. Nash stated yes. Discussion was held regarding the porch roof being replaced. Mr. McNeil noted that a zoning permit was approved for the porch.

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

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

6. The applicant proposes to raise the entire building and raise, rebuild and repair the existing foundations within the existing footprint except for extending the foundation footprint by 4ft. along the Indian River and along the canal side by 2ft. to allow the "T" shaped living room to be enlarged to a rectangular shape.
7. The applicant proposes to repair and replace the existing building on the raised foundations within the existing footprint except for the additions in the north west and south west corners of the living room requested in the variance application.
8. The parcel is located in an area where virtually all parcels are non-conforming due to small lot sizes along the Indian River and side canals.
9. The area has historically had structures built with zero setbacks from the high water mark both for dwellings and enclosed boat houses.
10. This parcel already has a boat house with a zero setback.

DRAFT

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. Freese, seconded Ms. Sherwood, to approve the two front setback variances in conjunction with the raising of the existing structure and rebuilding of the foundations and repair and rebuilding of the existing structure on the rebuilt foundations within the existing footprint with the extensions proposed by the variances and in accordance with the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 3 Ayes (Freese, Hemmer, Sherwood), 0 Nays, 2 Absent (Moore, Thompson)

ZBA COMMENTS
No comments.

PUBLIC COMMENTS
No comments.

ADJOURN
Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 10:15am.

_____
John Thompson, Secretary

DRAFT

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

Robert Pulte

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, OCTOBER 25, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

1.) **Robert Pulte -** Requests two side setback variances, each side setback variance request being three tenths of one foot (0.3 feet) for two new parcels in a Commercial Development (D-CM) zoning district. The parent parcel of this proposed land division is located at 7695 North Straits Highway, Inverness Township, Section 26, parcel #091-026-200-007-00. A 10 foot side setback is required in this zoning district.

2.) **David and Betsy Gahn -** Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3624 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-034-003-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

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. Comments, questions, and correspondence may be sent to 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 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

DIMENSIONAL VARIANCE APPLICATION

$110.00 APPLICATION FEE

RECEIPT #:	5926
CASH/CHECK:	CHECK # 16499
ACTION /DATE:	10/25/17

Received 9/29/17 SLW

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
7695 N. STRAIGHTS HWY.	CHEBOYGAN	INV. 26	
Property Tax I.D. (Parcel) Number: 091-026-200-007-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name	Telephone	Fax	
ROBERT J. PULTE	248-866-5180		
Address	**City & State**	**Zip Code**	**E-Mail**
1117 MULLETT LAKE RD.	MULLETT LAKE, MI	49761	robertjpulte@gmail.com

OWNER (If different from applicant)

Name	Telephone	Fax
Address	**City & State**	**Zip Code**

Detailed directions to site, including nearest crossroad:
PROPERTY IS ON N. STRAITS HWY BETWEEN POLISH LINE AND SAND RD. PROPERTY IS 1/4 MILE WEST OF INVERNESS SCHOOL ON THE NORTH SIDE OF HWY.

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: POLE BARNS FOR PERSONAL USE ONLY.

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.

I CURRENTLY HAVE TWO POLE BARNS ON THE PROPERTY. I'D LIKE TO SPLIT THE PROPERTY WITH ONE BARN ON EACH HALF AND SELL ONE HALF TO MY BROTHER.

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 PIE SHAPED LOT MAKES ANY FUTURE BUILDING ON THE SITE VERY LIMITED.

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

   BARNS WERE BUILT 15 YEARS AGO NEVER WITH INTENTION TO SELL ONE OFF. ONLY IN DOING SO DID WE REVEAL BARNS WERE NOT 20' APART AS REQUESTED.

   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

   A VARIENCE WOULD ONLY CHANGE THE SIDE YARD SET BACK A TOTAL OF 6" OR 3" PER BUILDING. THE USE OF THE PROPERTY WOULD NOT CHANGE AT ALL!

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

   THE REQUESTED VARIENCE IS THE MINIMUM VARIENCE NECESSARY. THE BUILDINGS ARE EXHISTING.

   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 VARIENCE WOULD HAVE NO ADVERSE IMPACT ON ANY SURROUNDING PROPERTIES.

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

Owner's Signature [signature] Date 9-28-17

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 [signature] Date 9-28-17

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

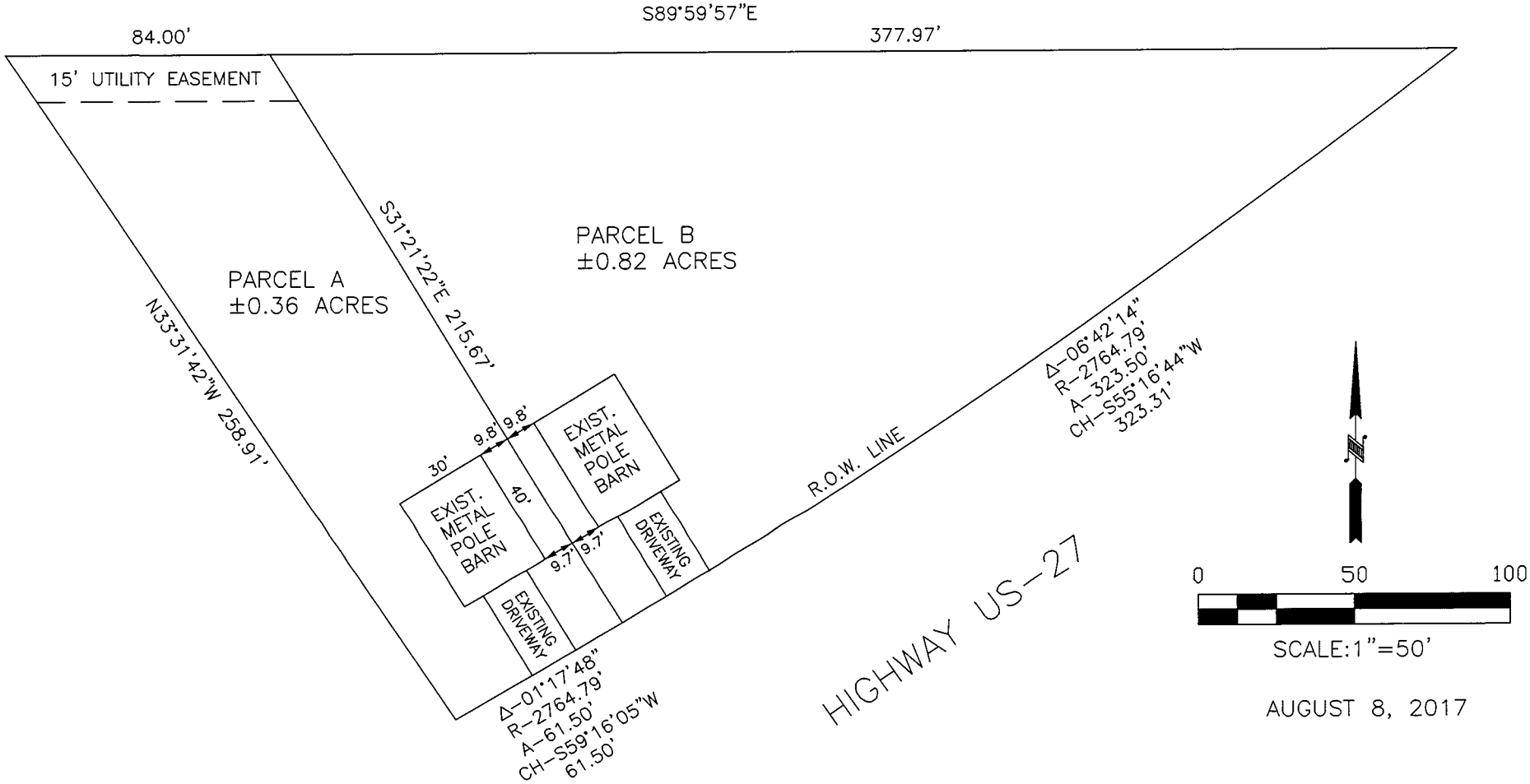
1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.
6. Parcels under separate ownership 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:	**Zoning District:**	**North:**
Front: _____ Rear: _____ Side: _____ Side: _____		

PLEASE SEE ATTACHED
SITE PLAN DRAWING.

THANK YOU.

PART OF THE SW1/4 OF THE NE1/4, SECTION 26, T37N, R2W, INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



AUGUST 8, 2017

091-026-200-006-01
STAMMER, RON LEE & CAROL H/W
7831 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-200-006-00
HUDAK, DALE & LEZLEY H/W
2951 POLISH LINE RD
CHEBOYGAN, MI 49721

091-026-200-008-00
BEDELL, DOUGLAS
7677 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-200-009-00
SMITH, GARRISON H & KIMBERLY H/W
931 BALI RD
COCOA BEACH, FL 32932

091-026-200-007-00
PULTE, ROBERT J & MARY CLARE H/W
3466 BLOOMFIELD CLUB DR
BLOOMFIELD HILLS, MI 48301

091-026-200-011-01
KILPATRICK, MICHAEL B
7690 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-200-012-00
HANCOCK, LEROY & MARJEAN TRUSTEES
7730 N STRAITS HWY
CHEBOYGAN, MI 49721-9017

091-026-200-011-02
JARVIS, THORN & JUDITH H/W
7686 N STRAITS HWY
CHEBOYGAN, MI 49721

092-M16-000-015-00
SUITOR, WILLIAM F
7835 GOLFVIEW LN
CHEBOYGAN, MI 49721

091-026-200-013-01
BUDZINSKI, DENNIS ET UX
3357 TOPINABEE MAIL ROUTE RD
CHEBOYGAN, MI 49721

091-026-200-006-01
OCCUPANT
7831 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-006-00
OCCUPANT
7829 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-008-00
OCCUPANT
7677 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-009-00
OCCUPANT
7683 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-007-00
OCCUPANT
7695 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-011-01
OCCUPANT
7690 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-012-00
OCCUPANT
7730 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-200-011-02
OCCUPANT
7686 N STRAITS HWY
CHEBOYGAN, MI 49749

092-M16-000-015-00
OCCUPANT
7835 GOLFVIEW LN
CHEBOYGAN, MI 49749

091-026-200-013-01
OCCUPANT
7800 N STRAITS HWY
CHEBOYGAN, 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: Two (2) .3 ft. side setback variance requests to allow a land division to establish two (2) 9.7ft. side setbacks in a Commercial Development zoning district.	**Prepared by:** Scott McNeil
Date: October 18, 2017	**Expected Meeting Date:** October 25, 2017

GENERAL INFORMATION

Applicant: Robert Pulte

Property Owner: Robert Pulte

Contact person: Robert Pulte

Phone: 248-866-5180

Requested Action: Approve two (2) .3 ft. side setback variances to allow a land division to establish two (2) 9.7ft. side setbacks in a Commercial Development zoning district.

BACKGROUND INFORMATION

.

The applicant is seeking two side setback variances in order to complete a division of land between two existing structures. By review of the survey submitted with the variance application you will note two (2) existing storage buildings on a single lot which are located within 19.4 feet of each other at the closest point. The applicant has indicated a proposed on the survey a division of land that will separate the two (2) storage buildings with two (2) different lots. The proposed land division will create a side setback from each storage building of 9.7 feet at the closest point. The lot is located in a Commercial Development (D-CM) Zoning District. A 10 foot side setback is required in this zoning district.

The site is located at 7695 N. Straits Hwy. A map indication the location is included at the end of this report.

Surrounding Zoning:

North: D-CM, Commercial Development District.
West: Same
South: Same
East: Same

Surrounding Land Uses:

Residential land uses surround the subject property.

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

The site does not contain any known sensitive areas.

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 in this zoning district per Section 17.1.
3. The applicant is proposing to establish two (2) 9.7 foot side setbacks for two (2) existing storage buildings via a land division.
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.

Relative to the westerly proposed land division:

There are existing structures with the same use on a single lot which are located within 19.4 feet of each other, which is a unique circumstance.

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

Relative to the easterly proposed land division:

There are existing structures with the same use on a single lot which are located within 19.4 feet of each other, which is a unique circumstance.

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).

Relative to the westerly proposed land division:

The need for the variance is the location of existing structures on the same lot which are unique condition**s** and is not the result of actions of the property owner or previous property owners.

OR, the need to divide the existing lot is the result of actions of the current property owners and the need for the requested variance is self-created.

Relative to the easterly proposed land division:

The need for the variance is the location of existing structures on the same lot which are unique condition**s** and is not the result of actions of the property owner or previous property owners.

OR, the need to divide the existing lot is the result of actions of the current property owners 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.

Relative to the westerly proposed land division:

Due to the location of the existing structures, strict compliance with setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will allow for structures in other locations and conforming to setback regulations will not be unnecessarily burdensome.

Relative to the easterly proposed land division:

Due to the location of the existing structures, strict compliance with setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will allow for structures in other locations and conforming to 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.

Relative to the westerly proposed land division:

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

OR, The variance request does not represent the minimum necessary to grant reasonable relief and/or granting the variance will not do substantial to other property owners in the district.

Relative to the easterly proposed land division:

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

OR, The variance request does not represent the minimum necessary to grant reasonable relief 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.

Relative to the westerly proposed land division:

Granting a .3 ft. side setback variance to allow a 9.7 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 .3 ft. rear setback variance to allow a 9.7 ft. rear setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

Relative to the easterly proposed land division:

Granting a .3 ft. side setback variance to allow a 9.7 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 .3 ft. rear setback variance to allow a 9.7 ft. rear setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

Subject lot location

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

David & Betsy Gahn – Revised 10/18/17

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (4 Pages)
5. Mailing List (2 Pages)

The following items were added to the exhibit list on 10/18/17:

6. Letter dated 10/04/17 from Michael Cherveny, Tuscarora Township Planning Commission Chair (1 Page)
7.
8.
9.
10.
11.
12.

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

NOTICE

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

1.) **Robert Pulte -** Requests two side setback variances, each side setback variance request being three tenths of one foot (0.3 feet) for two new parcels in a Commercial Development (D-CM) zoning district. The parent parcel of this proposed land division is located at 7695 North Straits Highway, Inverness Township, Section 26, parcel #091-026-200-007-00. A 10 foot side setback is required in this zoning district.

2.) **David and Betsy Gahn -** Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3624 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-034-003-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

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. Comments, questions, and correspondence may be sent to 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

$110.00

RECEIPT #:	5939
CASH/CHECK:	CC
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
3624 S. Straits Hwy	Indian River/Tusc.	1	VC-IR
Property Tax I.D. (Parcel) Number: 161-N55-034-003-00	Subdivision or Condo. Name / Plat or Lot No.: FE Martin 2nd Addition		

APPLICANT

Name	Telephone	Fax	
Address	City & State	Zip Code	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax
"Mark" David + Betsy Gahn	231-290-2156	
Address: 7511 McDonald Rd.	City & State: Cheboygan, MI	Zip Code: 49721

Detailed directions to site, including nearest crossroad:
100' South of Floyd St. on the west side, Next to newspaper building and across the street from the old Awakon bank.

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 FE Martin 2nd Addition

C. Present use of the property is: VACANT

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.

   Pet groomer use

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.

      Use is NOT presently allowed under present zoning.

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

      Certain dog groomer business exist already.

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

      Yes

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

      No, Township has given a letter of recommendation

   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.

      See response to item "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 Mark Hahn **Date** 10-05-07

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:**

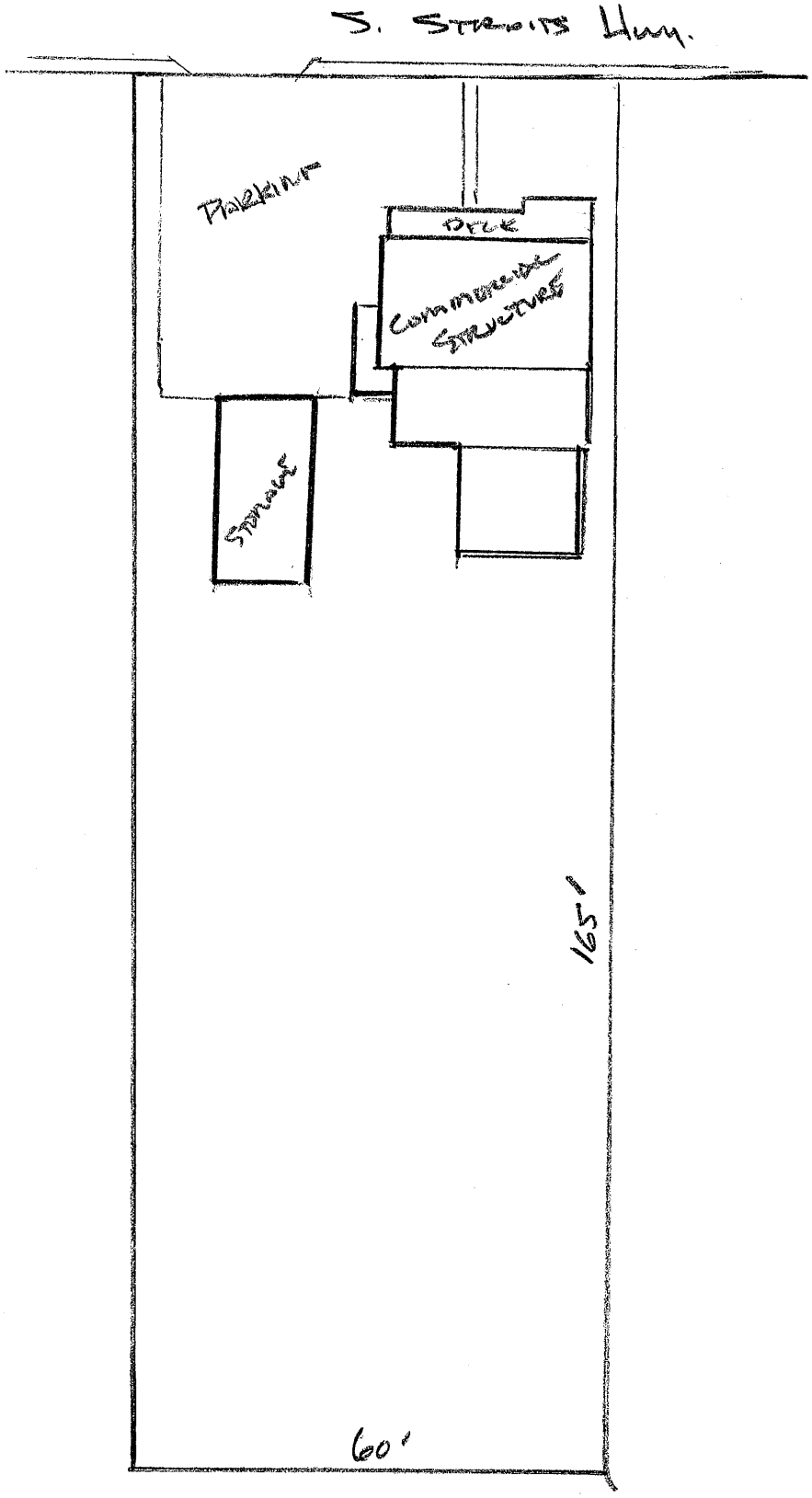
1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.
6. Parcels under separate ownership 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:

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

Zoning District: VCIR

North:



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

161-024-200-001-03
TUSCARORA, TOWNSHIP OF
PO BOX 220
INDIAN RIVER, MI 49749

161-024-400-020-00
TOMCZAK, BURT & PATRICIA H/W
5395 MIDLAND RD
FREELAND, MI 48623

161-024-400-036-01
LEYRER, MICHAEL
707 ELMWOOD
HAMILTON, OH 45013

161-024-400-064-00
SCHAAF, JAMES & JUDITH H/W
16436 E TWP RD 44
ATTICA, OH 44807

161-024-400-089-00
COON, LEROY G & KIMBERLY H/W
8468 RONDALE DR
GRAND BLANC, MI 48439

161-M55-021-013-00
LOWE, MICHAEL & DONNA H/W
PO BOX 2428
PENSACOLA, FL 32513

161-M55-021-014-00
WILKERSON, BILLIE J NKA:
25 COURTYARD CIR
CONROE, TX 77304

161-M55-021-015-00
INDIAN RIVER AREA LIBRARY
PO BOX 160
INDIAN RIVER, MI 49749

161-M55-021-016-00
TUSCARORA TOWNSHIP POLICE
3556 S. STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-001-00
INDIAN RIVER CARWASH, LLC
PO BOX 250
INDIAN RIVER, MI 49749

161-M55-033-002-00
VANCE, RONALD & BONNIE H/W L/EWPTS;
609 N COURT ST
GAYLORD, MI 49735

161-M55-033-006-00
ONAWAY COMMUNITY FEDERAL CR UNION
20855 WASHINGTON AVE, PO BOX 420
ONAWAY, MI 49765

161-M55-033-008-00
BURKHART, LUCINDA K
7031 CEDAR RD
ALANSON, MI 49706

161-M55-033-009-00
ASHFORD, KELLY
PO BOX 403
INDIAN RIVER, MI 49749

161-M55-034-001-00
DURSTON, LYNNE M
PO BOX 405
INDIAN RIVER, MI 49749

161-M55-034-001-01
ROTTER, BARBARA L
PO BOX 38
INDIAN RIVER, MI 49749

161-M55-034-002-00
HURST, JERRY & LORI H/W
PO BOX 2158
INDIAN RIVER, MI 49749

161-M55-034-003-00
GAHN, DAVID & BETSY H/W
7511 MCDONALD RD
CHEBOYGAN, MI 49721

161-M55-034-004-01
SWANSON, LARRY & KATHY H/W
3691 CLUB RD
INDIAN RIVER, MI 49749

161-M55-034-007-03
SCHAAF, JAMES & JUDITH H/W
16436 E TWP RD 44
ATTICA, OH 44807

161-M55-034-007-04
SLIVA, JOHN E
5872 DIANE LN
INDIAN RIVER, MI 49749-9720

161-M55-034-009-02
WILTSE, ALICE M
6133 FLOYD ST
INDIAN RIVER, MI 49749

161-M55-034-010-01
BOWEN, DONALD A
6109 INDEPENDENCE AVE
INDIAN RIVER, MI 49749

161-M55-034-010-02
PITTSBURGH LANDING PROPERTIES, LLC
9711 LANCASTER RD SE
HEBRON, OH 43025

161-M55-034-010-03
SNYDER, THOMAS
P.O. BOX 847
INDIAN RIVER, MI 49749

161-M55-035-001-00
PEARSON, GORDON
PO BOX 67
INDIAN RIVER, MI 49749

161-M55-037-001-00
DROSTS CHOCOLATES, LLC
PO BOX 1107
INDIAN RIVER, MI 49749

161-M55-037-002-00
ST ONGE, MICHELLE R
9567 MUNGER RD
AFTON, MI 49705

161-M55-038-006-00
VIGNEAU, MICHAEL & SHERRI H/W
PO BOX 416
CONWAY, MI 49722

161-M55-038-008-00
SANGSTER, RICH
PO BOX 176
CHEBOYGAN, MI 49721

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

161-024-200-001-03
OCCUPANT
5985 MARTHA ST
INDIAN RIVER, MI 49749

161-024-400-020-00
OCCUPANT
6154 THE PIKE
INDIAN RIVER, MI 49749

161-024-400-064-00
OCCUPANT
6252 OAKLEY AVE
INDIAN RIVER, MI 49749

161-024-400-089-00
OCCUPANT
6307 OAKLEY AVE
INDIAN RIVER, MI 49749

161-M55-021-013-00
OCCUPANT
3563 JUNO ST
INDIAN RIVER, MI 49749

161-M55-021-014-00
OCCUPANT
6114 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-021-015-00
OCCUPANT
3572 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-021-016-00
OCCUPANT
3556 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-001-00
OCCUPANT
3527 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-002-00
OCCUPANT
3589 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-006-00
OCCUPANT
3615 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-008-00
OCCUPANT
3639 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-009-00
OCCUPANT
6016 MARTHA ST
INDIAN RIVER, MI 49749

161-M55-034-001-00
OCCUPANT
3596 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-034-001-01
OCCUPANT
6101 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-034-002-00
OCCUPANT
3614 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-034-003-00
OCCUPANT
3624 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-034-004-01
OCCUPANT
3636 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-034-007-04
OCCUPANT
3627 JUNO ST
INDIAN RIVER, MI 49749

161-M55-034-009-02
OCCUPANT
6133 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-034-010-01
OCCUPANT
6125 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-034-010-02
OCCUPANT
6117 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-034-010-03
OCCUPANT
6111 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-035-001-00
OCCUPANT
6145 FLOYD E ST
INDIAN RIVER, MI 49749

161-M55-037-001-00
OCCUPANT
3676 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-037-002-00
OCCUPANT
3690 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-038-006-00
OCCUPANT
3695 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-038-008-00
OCCUPANT
3675 S STRAITS HWY
INDIAN RIVER, MI 49749

161-M55-033-001-00
OCCUPANT
3567 S STRAITS HWY
INDIAN RIVER, MI 49749

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

TUSCARORA
TOWNSHIP

October 4, 2017

Mr. Scott McNeil
870 South Main Street
P.O. Box 70
Cheboygan, MI 49721

Dear Scott:

The Tuscarora Township Planning Commission held a special meeting on Wednesday, October 4, 2017, to review a request by Leslie Taylor for a dog grooming business in the Village Center Zoning district.

The Commission unanimously recommends to the Cheboygan County Planning and Zoning Board that a dog grooming business, with no overnight boarding, be allowed in the Village Center Zoning district.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Michael Cherveny, Chair
Tuscarora Township Planning Commission

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/

USE VARIANCE
STAFF REPORT

Item:	**Prepared by:**
Use Variance Request to allow A dog grooming use in the Village Center Indian River Zoning District (VC-IR) zoning district	Scott McNeil
Date: October 18, 2017	**Expected Meeting Date:** October 25, 2017

GENERAL INFORMATION

Applicant: Mark Gahn

Property Owner: Mark Gahn

Contact person: Mark Gahn

Phone: 231-290-2156

-Requested Action: Approve a use variance to allow a dog grooming use in the Village Center Zoning District (VC-IR) zoning district.

BACKGROUND INFORMATION

The subject property has been most recently used for retail.

You will note a letter from Township Supervisor Mike Ridley regarding the township's review of this issue is included as exhibit 6.

There is no use listing in the zoning ordinance for dog grooming. Pet shop is a use which requires a special use permit in a Commercial Development District (D-CM) pursuant to section 6.3.5.

Current Zoning: VC-IR, Village Center Indian River

Surrounding Zoning:

West: VC-IR, Village Center Indian River
East: Same
South: Same
North: Same

Surrounding Land Uses:

Commercial use surround the subject site.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) None known

Other Public Comments:

1: None as of the date of this report.

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 the Village Center Indian River Zoning District (VC-IR) zoning district).
2. The applicant is seeking a use variance to allow a dog grooming use.
3. The subject property is improved with a structure which was previously used for a retail use.
4.

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.

There is no use listing in the Cheboygan County Zoning Ordinance #200 for dog grooming.

Or; The existing commercial uses were granted under zoning ordinance provisions. The structure can be used for uses allowed in the VC-IR zoning district under current zoning ordinance provisions.

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

There is no use listing in the Cheboygan County Zoning Ordinance #200 for dog grooming

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

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 exhibit 3 and the existing structure located on the same 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 subject property is located in Tuscarora Township. Tuscarora Township has their own Planning Commission and Master Plan. The Cheboygan County Master Plan states as follows regard to planning at the township level:

Township Level Land Use Planning
In Michigan, Townships have the authority to conduct planning and zoning activities. In Cheboygan County, Burt Township has enacted its own Township-level master plan and zoning ordinance. Because Burt Township has acted, their zoning will take priority and the County has no zoning jurisdiction there. The situation in Tuscarora Township is somewhat different. While Tuscarora Township has formed a Township Planning Commission and adopted a township-level master plan, Tuscarora has not adopted its own zoning ordinance. County zoning is, therefore, still in effect for Tuscarora Township. According to Michigan statute, zoning must be based on a plan in order to be legally valid. Because Tuscarora Township has undertaken its own master plan, it is recommended that the Tuscarora Township master plan be utilized by Cheboygan County for developing land use and zoning recommendations for that community. The most recently adopted Township future land use map should take the place of more general recommendations developed for the County as a whole. As additional Townships become active in land use and zoning matters, the County should continue to incorporate Township-level land use recommendations into the County planning process.

The subject property and the surrounding area is listed in the Village Mixed-Use land use category on the Tuscarora Township Master Plan Future Land Use Map. The Tuscarora Township Master Plan describes the Village Mixed-Use future land use category as follows:

Village Mixed-Use:
This plan identifies two distinctly different areas for future commercial development: “Village Mixed Use” and “General Commercial”. The Village Mixed Use area encompasses the downtown portions of Indian River, generally extending along Straits Highway from the Indian River to South Avenue. As used in this Plan, the term “Village Mixed Use” is not intended to refer to Village as a governmental entity, but rather to communicate the idea of a small-scale Village-like setting for commercial and community activity. The Village Mixed Use concept anticipates a synergistic mix of commercial, civic, residential and recreational uses in close proximity, rather than exclusive commercial use.

Granting the use variance will not affect the purposes or objectives of the zoning plan for the county.

Or: A use variance for dog grooming is not constant with future land uses of the Master Plan as the subject property is in an area projected for _uses and granting of the use variance will adversely affect the purposes or objectives of the 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 use variance 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 due to other similar commercial uses currently taking place in the vicinity.

Or, The granting of a variance will be detrimental to the other property or improvements in the district in which the property is located.

Location of subject lot.