



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

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

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, APRIL 25, 2018 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.) **Charles Griffith and Brandon Griffith** – Requests a 4 ft. front setback variance for construction of an addition (13.6 ft. x 15 ft.) to an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Lane, Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, MARCH 28, 2018 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: Jeff Lawson, John F. Brown, Terry Knaffle, Tom Chastain, Carl Muscott, Janice Heilman, Cal Gouine, Marcia Rocheleau, Bruce Socha, Mary Rocheleau, Joel Martinechek, Audrey Martinchek, Micaleen Susyan

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 by Mr. Moore to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the Wednesday, January 24, 2018 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore seconded by Ms. Sherwood to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Terry Knaffle – Requests a variance from section 17.27.3 which states that Indoor Storage Facilities shall be located on a county primary road or state trunkline. The property is located at 12106 Inverness Trail, Beaugrand Township, Section 35, parcels 041-035-300-008-02 and 041-035-300-008-06 and is zoned Agriculture and Forestry Management (M-AF). Indoor Storage Facilities is a use which requires a special use permit (section 9.3.24) in the Agriculture and Forestry Management Zoning District (M-AF).

Mr. Lawson stated that this is a variance application for Mr. Knaffle who would like to construct three additional indoor storage facilities on property that is not located on a county primary road or a state trunkline. Mr. Lawson stated that the property is located at 12106 Inverness Trail in Beaugrand Township. Mr. Lawson stated that the property is zoned Agriculture Forestry Management and indoor storage facilities are permitted in the district by special use permit. Mr. Lawson stated that the applicant is seeking a variance from Section 17.27.3 that requires indoor storage facilities to be constructed on a county primary road or a state trunkline. Mr. Lawson stated that the surrounding zoning is Agriculture and Forestry Management and the surrounding land use is primarily residential. Mr. Lawson stated that there are no additional environmental sensitivity areas. Mr. Lawson stated that public comments were received and all commissioners should have received copies.

Mr. Knaffle stated that he received a call that this property was for sale and he decided to buy it as his units are full. Mr. Knaffle stated that he has noticed garbage trucks, dump trucks, fire department trucks using Inverness Trail Road. Mr. Knaffle stated that storage units are not a place that people go to visit on a daily basis. Mr. Knaffle stated a renter will store their goods and they might not visit the site for another 6-8 months. Mr. Knaffle stated the customers pays him monthly or yearly. Mr. Knaffle stated that they may store a car, a boat, 4 wheeler or household goods. Mr. Knaffle stated that there are people that are moving to Cheboygan and there are no storage units available. Mr. Knaffle stated that he looked at the locations of the storage units around the county and all of them have houses that are across the road, alongside the road or behind the buildings.

Mr. Freese asked how much of Mr. Knaffle’s clientele are local. Mr. Knaffle stated that he had one customer who owned a house 3-4 houses down the road and needed a storage unit for 3-4 years. Mr. Knaffle stated that other neighbors have rented storage units from him. Mr. Knaffle stated he has people from Mackinaw City rent units from him. Mr. Knaffle stated that the traffic for storage units is infrequent. Mr. Knaffle stated that once the goods are stored, they have no reason to come back unless they are picking up goods or moving to a new location.

Mr. Freese asked for public comment.

Mr. Muscott stated that he is pro-business and anti-government. Mr. Muscott stated that it appears that Mr. Knaffle’s

property started as conforming and was treated as non-conforming through an amendment to Zoning Ordinance #200. Mr. Muscott stated that he agrees with Mr. Knaffle's argument. Mr. Muscott stated that the creation of a primary road in the county is an arbitrary decision by the Road Commission and not based on use. Mr. Muscott stated that he supports Mr. Knaffle's variance request and he would like to see an amendment to the ordinance to remove the requirement which states that Indoor Storage Facilities be located on a county primary road or state trunkline.

Mr. Socha stated that he is a resident of Woiderski Road and he is currently staying at a residence on Inverness Trail. Mr. Socha stated that he agrees with some of Mr. Knaffle's statements. Mr. Socha stated that there is a need for storage and he has contacted a few people who are excited about expanding their facilities on a major trunkline or a county primary road. Mr. Socha stated he is concerned that Mr. Knaffle's proposed storage facility will impact the other 16 storage facilities that may have future plans of additional storage. Mr. Socha stated that he believes that Mr. Knaffle does not meet four of the five standards for granting the variance. Mr. Socha stated that he is concerned that sooner or later business property switches hands. Mr. Socha stated that Mr. Knaffle does very well at keeping his place clean and neat, but that should be expected. Mr. Socha stated that the original parcel of land that Mr. Knaffle owns started out being a small mom and pop ceramic and wreath shop owned by people that had zoning approval through Beaugrand Township. Mr. Socha stated that now it has become a medium sized storage building with 136 units. Mr. Socha stated that Mr. Knaffle has accomplished his goal of maximizing his business but it has added an inequality to the neighborhood. Mr. Socha stated that this recent purchase, which has increased Mr. Knaffle's land mass 275% resulted in the proposed storage units no longer fitting in this old neighborhood. Mr. Socha stated they have tolerated the site of the storage buildings, lights in the windows, theft, drinking, traffic, noisy vehicles, water problems and excessive litter in the ditches of Inverness Trail and Woiderski Road. Mr. Socha stated that adding more units will likely amplify these issues and most likely added security (additional lighting and fencing) will be necessary. Mr. Socha stated that it will also displace storage units that are on major trunk lines. Mr. Socha stated that it may be true that storage units are hard to find in the Cheboygan area and when business is good everyone wants some of it. Mr. Socha stated that adding a storage building to an area that wasn't intended will eventually become a problem for those operating storage buildings on the county or major trunkline and for the residents of Inverness Trail and Woiderski Road. Mr. Socha stated that any expansion should be done in the area zoned for it and let them make the investments so the business can remain in the area designated. Mr. Socha stated that the property that Mr. Knaffle purchased is in close proximity to many residences and this proposed expansion will affect all of these residences. Mr. Socha stated that Mr. Knaffle should not be granted a variance because he does not show justification. Mr. Socha stated that increasing the property from 2 acres to the newly purchased property of 3.5 acres last fall and combining the parcels and asking for a variance for the whole parcel looks to be self-created. Mr. Socha stated that Mr. Knaffle is currently grandfathered and is under the older zoning. Mr. Socha stated that no one is stopping Mr. Knaffle from using his property for his permitted purpose and he operates under a grandfather clause under the old zoning. Mr. Socha stated that Mr. Knaffle has maxed his property and does not need to expand as there will be an adverse impact on surrounding properties and property values. Mr. Socha stated that this variance will not do justice to the residents and landowners and the beneficiary is Mr. Knaffle. Mr. Socha stated that doubling the size of the storage facility will have an adverse impact on surrounding property values and the use and enjoyment of the property in the neighborhood. Mr. Socha stated that a variance is not necessary and right now Mr. Knaffle can operate as he always has and enjoy the fruits of his labor. Mr. Socha stated that as for the residents of Woiderski Road and Inverness Trail, that is all that they can tolerate. Mr. Socha stated that Mr. Knaffle is asking for a variance to greatly increase his business as he states in his answers B C D and E.

Mr. Freese asked Mr. Socha to explain the type of existing water problems. Mr. Socha stated that water flows from west to east in this area and there is a culvert that was put in about 50 years ago. Mr. Socha stated that the culvert crossed from the west side of Inverness Trail to the east side across from Mr. Knaffle's storage. Mr. Socha stated that the culvert relieved the water problem as it was backing up on the west side of Inverness trail. Mr. Socha stated that since then it's been filled in and it has created flooding. Mr. Socha explained that the water issue has been a long ongoing issue. Mr. Socha stated that if Mr. Knaffle fills his property, it will be dammed up water and will make the impact on the west side of the road even greater. Mr. Freese stated that his maps show flow from west to east crossing Inverness Trail north of Mr. Knaffle's property and that this drainage problem is caused by the road bed elevation of Inverness Trail Road at that point and would not be influenced by anything occurring on Mr. Knaffle's parcel. Discussion was held. Mr. Socha stated that the county has tried to dig the ditch on the west side of Inverness Trail to get the water to flow south which there was some success. Mr. Socha stated it has since filled in and the water continues to move east.

Mr. Freese asked Mr. Socha to comment on the problems with the police. Mr. Socha stated that he has noticed the police at the storage facility several times. Mr. Freese asked if the police are called as a result of noise or parties. Mr. Socha stated that no one really complained and they just tolerated. Mr. Freese asked if Mr. Socha's comments are because the police have been in the area. Mr. Socha stated yes. Mr. Socha stated that there has been drinking at this storage facility. Mr. Socha stated that there has been an increase in the garbage due to the storage facility.

Ms. Mary Rocheleau stated she lives on Inverness Trail across from the storage facility. Ms. Rocheleau stated that she likes Mr. Knaffle and he runs a good business. Ms. Mary Rocheleau stated that Mr. Knaffle also plows snow for her in the winter. Ms. Rocheleau stated that she is opposed to the expansion of the storage facility as she does not want more traffic going in and out at night. Ms. Mary Rocheleau stated that there are vehicles that should not be at the storage facility and when they leave the car lights on, they shine directly into her living room window. Ms. Mary Rocheleau stated the proposed storage buildings are too much for the residential neighborhood. Ms. Rocheleau believes there will be more traffic. Ms. Mary Rocheleau stated that this is not the place for this large of a storage facility.

Ms. Heilman stated that she lives on the south of Mr. Knaffle's storage units. Ms. Heilman stated that Mr. Knaffle purchased the property from her originally. Ms. Heilman stated Mr. Knaffle provides a contract to his clients that requires there to be no one in or out after dusk. Ms. Heilman stated that there are lights going in and out of the storage facility quite a bit and she has called Mr. Knaffle numerous times. Ms. Heilman stated that Mr. Knaffle gives approval to some clients to be there after dark. Ms. Heilman stated that the water is terrible and that Mr. Knaffle is supposed to maintain the fence. Ms. Heilman stated that her fence is falling apart. Ms. Heilman stated that her son found meth lab products in the woods before Mr. Knaffle put up the fence. Ms. Heilman stated that between the storage units there are lights that are coming and going all the time. Ms. Heilman explained that she believes that there are drug deals that are going on in between these units. Ms. Heilman stated that there are cars coming in all hours of the night and she told Mr. Knaffle about it and he doesn't care. Ms. Heilman stated that she told Mr. Knaffle to put a fence up to keep the people out after dark. Ms. Heilman stated that she can call and complain and by the time Mr. Knaffle gets there the people have left. Ms. Heilman asked if she should be calling Mr. Knaffle to complain or if she should be calling 911 to complain.

Ms. Marcia Rocheleau stated that in Mr. Knaffle's defense, water was an existing issue before he put in his storage facility. Ms. Marcia Rocheleau stated that this is the first time as a township supervisor that I have heard any of these concerns.

Mr. Socha noted that Mr. Knaffle can continue to operate his existing storage facility as he has in the past without getting a variance. Mr. Freese stated that is correct. Mr. Socha stated that the only reason Mr. Knaffle wanted to request a variance is to expand and more than double the size of his storage facility. Mr. Socha stated that he does not see a hardship and he only sees a personal gain. Mr. Socha questioned if Mr. Knaffle can live with what is existing for the storage facility and not expand any further. Mr. Socha stated he does not feel that Mr. Knaffle needs to increase the business. Mr. Socha suggested using the additional parcel as a greenbelt.

Mr. Knaffle stated that he is surprised by the comments regarding the fence. Mr. Knaffle stated that he knows that the fence is in poor condition but he has never been approached about repairing the fence. Mr. Knaffle stated that he paid for the fence. Mr. Knaffle stated that he plans to replace the fence this year. Mr. Knaffle stated that regarding garbage on Inverness Trail, there is the same problem on Levering Road. Mr. Knaffle stated that it doesn't matter where you go, there will be garbage. Mr. Knaffle stated that his business hours are different than daylight hours. Mr. Knaffle stated that he is trying to be courteous to the neighbors by saying that the hours of operation are daylight hours only. Mr. Knaffle provided a copy of his contract showing the note regarding access to all units is during daylight hours only. Mr. Knaffle stated that regarding traffic, there are days that there are only one or two cars at the storage facility.

Mr. Freese asked if there have been any complaints from the police. Mr. Knaffle stated that if there was a problem that the police would call him first. Mr. Knaffle explained that the police park in different locations in the county. Mr. Knaffle stated that he believes his storage facility was one of the locations for the police to park. Mr. Knaffle stated that another issue is that he gave the previous owners of this new property verbal approval for access through the storage units. Mr. Knaffle stated that was the only way they could access the property. Mr. Knaffle stated that the property owner had a fire pit and the light that the neighbors are referring to was probably coming from the previous owners.

Mr. Socha asked if the proposed expansion could be located on Mr. Knaffle's property on Levering Road, which is a class A county road. Mr. Knaffle stated that he owns 2 acres on Levering Road. Mr. Freese stated that is not material to this case that is being reviewed by the Zoning Board of Appeals.

Mr. Socha stated that Mr. Knaffle does not live by the storage facility and the information about the lights is not true.

Public comment closed.

Board held discussion. Mr. Moore stated that Mr. Knaffle can stay with what is existing. Mr. Moore stated that perhaps there is an error in the amendment, which lists only state trunklines and primary roads. Mr. Moore stated that there are many primary roads in the county that are dirt roads and the use of those roads is all residential and forestry/agriculture which is the same as these roads. Mr. Moore questioned the genesis of that amendment and stated that this is certainly a better road than a number of primary roads in the county. Mr. Moore stated that having storage nearby residences is

good and in the past he has rented a unit from a storage facility that was a mile from his house.

Mr. Freese stated that obviously one of the advantages of having facilities of that type is convenience. Mr. Freese stated that private storage is authorized in this district for each and every occupant. Mr. Freese stated indoor storage facilities are a commercial operation and are only allowed on a state trunkline or primary road and anywhere else is prohibited. Mr. Freese stated that any one of the private residences can put up a storage building in this district. Mr. Freese stated that any other business can put up an accessory storage building, but this particular usage is defined as indoor storage for a fee and Amendment #116 has forced it to be on a state trunkline or a county primary road. Mr. Freese stated that the regulation is designed to accommodate particular businesses and usages in the Agriculture and Forestry Management Zoning District and it recognizes the need for indoor storage. Mr. Freese stated the limitation to state trunklines or county primary roads could be to ensure better access or to try and force businesses of this type to locate in particular areas.

The Zoning Board of Appeals reviewed Findings of Fact and the Specific Findings of Fact under Section 23.5.3. The Zoning Board of Appeals agreed that 23.5.3.1, 23.5.3.3, 23.5.3.4 and 23.5.3.5 had been met but 23.5.3.2 had not been met. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.3. Motion carried unanimously.

Thomas Chastain - Requests a 30ft. front setback variance to construct a garage (14ft. x 20ft.) in a Lake and Stream Protection (P-LS) Zoning District. The property is located at 1351 Michigami Drive, Beaugrand Township, Section 23, parcel #041-023-100-013-00 and #041-B02-100-047-01. A 40ft. front setback and is required in the Lake and Stream Protection (P-LS) Zoning District

Mr. Lawson stated that Mr. Chastain is requesting a variance to allow a 30 ft. front setback variance to construct a garage in the Lake and Stream Protection Zoning District. Mr. Lawson stated that the property is located 1351 Michigami Drive in Beaugrand Township. Mr. Lawson stated that the subject parcel is a triangle shaped nonconforming lot of record which contains approximately .2 acres. Mr. Lawson stated that the lot is dissected by a creek with 91.6ft. on Michigami Drive. Mr. Lawson stated that a dimensional variance was previously granted by the ZBA to remove a mobile home which was in disrepair and to construct a 768 square foot single family home. Mr. Lawson stated that the applicant is seeking to construct a 280sf garage on the lot. Mr. Lawson stated that the applicant is requesting a variance to allow a garage within 10ft. of the front lot line where a 40ft. front setback is required from the creek. Mr. Lawson stated that aerial photos were provided showing the surrounding zoning is Lake and Stream Protection. Mr. Lawson stated noted that there were no public comments submitted regarding this request.

Mr. Chastain stated that this is a unique problem as Dynamite Creek flows through the right hand side and around the back of a property. Mr. Chastain stated that he came before the Zoning Board of Appeals in 2015 for a variance to construct a home. Mr. Chastain stated that the project has been completed and he has a gentleman who is interested in purchasing this parcel and one of the conditions was he'd like to put up a 14ft. x 20ft. garage. Mr. Chastain stated that he does believe that he qualifies for a hardship.

Mr. Freese asked for public comments. Ms. Susanger stated that she is the vice president of the Beaugrand Estates property homeowners association and she has a home across the road from Mr. Chastain's home and she believes it would be advantageous for the garage to be built as it would look nice as well as increase property values. Public comment closed.

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

6. A garage is considered an accessory use, permitted by right, for a private dwelling of this type.
7. The Department of Building Safety requires that 10ft. between the septic field and any permanent structure.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4.

Mr. Freese stated that a lesser variance would be needed if the garage maintains the minimum setback of 10ft. from the road right of way and 10ft. from the septic field. Mr. Freese stated that this should be included in the approval, but also it should not be any more than the variance requested. Mr. Moore stated that more room may be necessary so as not to drive over the drain field. Mr. Moore stated that as the garage is moved closer to the road, it limits the access to a second vehicle. Mr. Moore stated the applicant's proposed location allows parking between the garage and the road. Mr. Moore stated this would allow an emergency vehicle to park on the parcel instead of on the road. Mr. Moore stated that this is a narrow road. Mr. Moore stated his concerns regarding giving adequate space from the edge of a traveled road to a building regardless of the location of the right of way. Mr. Moore stated that he agrees that it would be simple enough to move the building a little more toward the road, but believes that there needs to be adequate space for safety purposes.

Board held discussion. Mr. Moore asked Mr. Chastain if he would accept a lesser variance. Mr. Chastain stated yes and noted that the road does widen and it is

on a curve. Mr. Chastain stated that additional parking would not be a problem. Mr. Freese stated that there is enough room for parking. Discussion was held regarding the location of the right of way. Mr. Lawson stated that this is a platted subdivision and the circle marker on the drawing should indicate the right way unless there were provisions in the deed or in the subdivision documents stating that it overlapped. Mr. Freese asked Mr. Chastain if he has any objections to a lesser variance. Mr. Chastain stated no. Mr. Freese stated that Mr. Chastain agrees in a location that meets the offset from the drain field of 10ft. and locate the garage as close to the road as possible and still meet the side setback requirement. Mr. Freese stated that whatever dimension the variance calls for at that point, it's going to be less than what is advertised. Mr. Freese stated that by moving the garage closer to the road the distance to Dynamite Creek is increased thereby decreasing the front setback variance requested.

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 Ms. Sherwood, to approve the variance request with the condition that the garage be in a location that meets the offset from the drain field of 10ft. and locate the garage as close to the road as possible and still meet the side setback requirement which results in a variance that will be less than the front setback variance requested, based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Mr. Moore stated that he would be more comfortable with the front setback being called a waterfront setback. Mr. Moore stated that he would be more comfortable with the back setback being called a road setback. Discussion was held.

Mr. Freese stated that regarding the indoor storage problem created by the change to the regulation, this is not the first time we've had a problem of this type. Mr. Freese stated that it has been circumvented by several means in the past. Mr. Freese stated that a previous indoor storage facility (Inverness Dairy) did not meet the road requirements and the applicant applied for a conditional rezoning to Commercial which eliminated the road requirement and also eliminated the requirement that is inherent in the use of indoor storage facilities in the Agriculture and Forestry Management Zoning District. Mr. Freese stated that this storage facility is basically an open indoor storage facility, but it is in a Commercial Development Zoning District now. Mr. Freese stated that there is a large parcel on a county road just north of Wing Road but also borders Straits Highway. Mr. Freese stated that the problem of the location on a state highway was solved by changing the address from Wing Road to Straits Highway. Mr. Freese stated that the change in the regulation has caused problems for two cases in the last year that resulted from the change in the regulation requiring location on specific highways and the cases had to be resolved in another manner. Mr. Freese stated that this raises the question whether the amendment to the regulation is really necessary. Mr. Freese stated that he plans on bringing this issue up to the Planning Commission to see if the reason for the change in the regulation was to ensure that a storage facility of this type was on an all weather hard surface road. Mr. Freese noted that if this is the reasoning, then it is too restrictive as there are hard surfaced all-weather roads that are not county primary roads or state trunk lines. Mr. Freese stated that if the objective is really to force this type of activity into certain areas in a district then it should be stated that way. Mr. Freese stated he will discuss this issue with the Planning Commission at the next meeting. Mr. Freese stated that Mr. Knaffle also has the right to come back in and request a conditional rezoning to Commercial Development and the restrictions would not apply.

PUBLIC COMMENTS

Ms. Rocheleau asked which standards were not met in regards to Mr. Knaffle's request. Mr. Moore reviewed which standards were not met. Ms. Rocheleau stated that the other suggestion is spot zoning. Mr. Lawson stated that it is not considered spot zoning because the conditions are specific to the request and not all rights or uses from that zoning district are permitted. Discussion was held. Mr. Muscott asked if a conditional rezoning would be reviewed by the Board of Commissioners. Mr. Muscott asked if public comments would be received by the Board of Commissioners for a conditional rezoning request. Mr. Freese stated that the conditional rezoning application would be reviewed by the Planning Commission and the Planning Commission's recommendation is reviewed by the Board of Commissioners and either accepted or deleted. Mr. Freese stated that the neighbors will be able to make comments to the Planning Commission and the Board of Commissioners. Discussion was held.

Mr. Muscott stated that the first week in April the Emmet County Planning Commission will be reviewing 2 PUD applications. Mr. Muscott stated that legal counsel suggests that the Board of Commissioners should not be involved in the PUD review. Mr. Muscott stated that Emmet County Board of Commissioners are involved in the PUD approval process. Mr. Muscott explained the types of PUD application that will be reviewed by the Emmet County Planning Commission. Discussion was held.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 8:31pm.

John Thompson, Secretary

DRAFT

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Charles Griffith and Brandon Griffith – Revised 04/25/18

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (3 Pages)
5. Aerial Photo (1 Page)
6. Mailing List (2 Pages)
7. 09/23/15 Zoning Board of Appeals Meeting Minutes (3 Pages)
8. 09/23/15 Findings of Fact (2 Pages)
9. Variance Application Dated 09/01/15 (3 Pages)

The following items were added to the exhibit list on 04/25/18:

10. 04/23/18 Email From Rebecca Gorde To Deborah Tomlinson (2 Pages)
11. 04/23/18 Email From Joseph Gorde To Deborah Tomlinson (1 Page)
12. Email and Letter Dated 04/24/18 From Charles Shalkhauser, Maureen Van Den Heuval Betty Steere and Kurt Shalkhauser (9 Pages)
- 13.
- 14.
- 15.
- 16.
- 17.

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

NOTICE

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING

WEDNESDAY, APRIL 25, 2018 AT 7:00 P.M.

ROOM 135 – COMMISSIONERS ROOM

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

- 1.) **Charles Griffith and Brandon Griffith** – Requests a 4 ft. front setback variance for construction of an addition (13.6 ft. x 15 ft.) to an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Lane, Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this 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

\$110.00

RECEIPT #:	6096
CASH/CHECK:	CC
ACTION/DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 11140 Pells Island View Dr.	City / Village Pellston	Township / Sec. T37N / 30	Zoning District
Property Tax I.D. (Parcel) Number 080-B04-000-034-00	Subdivision or Condo. Name / Plat or Lot No. Lot 34 of Bryant's Resort		

APPLICANT

Name Charles Griffith and Brandon Griffith	Telephone 248-425-8824	Fax	
Address 11140 Pells Island View Dr.	City & State Pellston, MI	Zip Code 49769	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

Riggsville Rd west to Bryan Rd; Turn right on Bryant Rd.; Turn right on Pells Island View Dr.

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

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.
We are requesting permission to construct a 13.6'x15' addition on the South side of the existing structure. The distance from the PROPOSED STRUCTURE to the high water mark is greater than the average setback on the adjoining developed lots. See Article 10.4.8 of Zoning Ordinance No. 200.
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 lot is only 129.6' deep (N-S on East line) and 50' wide (E-W on South line), leaving very little space for building usable living space. Due to erosion, the lot is smaller today than it was at the time it was subdivided. In addition, the septic field is located on the South side of the lot.
 - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
The requested variance is necessary due to the size of the lot, which has been reduced by erosion along the water's edge. The original plat illustrates that erosion has reduced the lake-side setback and the size of the lot during the last 60 years. We have installed a rip-rap barrier to prevent further reductions to the size of the lot.
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome
The regulation requires that the distance from the high water mark to the North side of the proposed structure be greater than the average setback on the adjoining developed lots. Building a new home that satisfies this requirement would allow us to build closer to the high water mark than what we are proposing with the addition
 - 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.
Building a new home with a setback that is greater than the average setback on the adjoining developed lots would crowd, and create parking problems for, the homes on both the East and West sides of the existing home. It should also be noted that a variance allows us to satisfy the 24' width requirement.
 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
The requested variance will have a positive impact on the surrounding property values and will not affect the use or enjoyment of property in the neighborhood, as compared to building a new, two-story home with a setback that is greater than the average setback on the adjoining developed lots

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 Charles Duffett Date 3/25/18 4/6/18

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 Charles Duffett Date 3/25/18 4/6/18

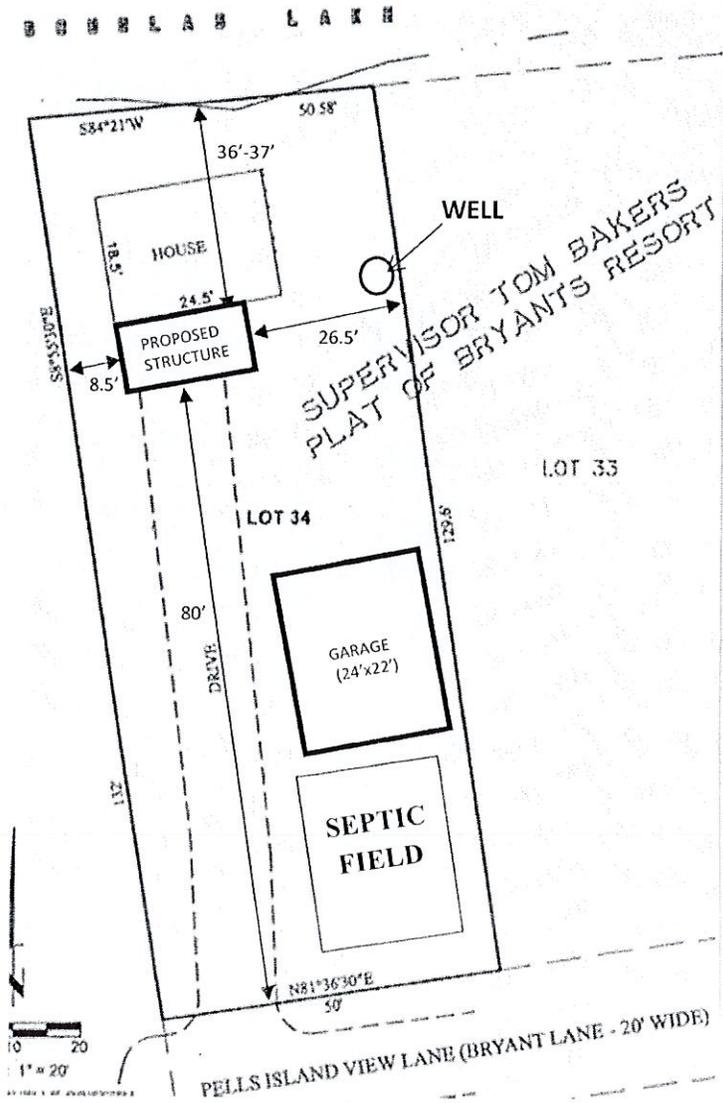
SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|---|---|
| 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: 36'-37' Rear: 80' Side: 26.5' Side: 8.5'

Zoning District:

North:





080-030-400-015-00
GORDE, PAULETTE; JOSEPH GORDE;
46776 PATRICK DR
MACOMB, MI 48042

080-030-400-016-00
COONFER, SHERRY & WILLIAM COONFER
24718 ST PAUL BLVD
HARRISON TOWNSHIP, MI 48045

080-030-400-017-00
SHALKHAUSER, CHARLES F 1/3 INT;
177 DEPOT ST
BEREA, OH 44017

080-030-400-018-00
SEAGER, CRAIG M
427 SCARLET OAK DR
FINDLAY, OH 45840

080-030-400-019-00
HUNTLEY, JANET TAYLOR, TRUSTEE
31790 VERONA CIR
FRANKLIN, MI 48025

080-030-400-020-00
SCHNEIDER, MARY LOU, TTEE 1/2 INT &
339 BOUGHEY
TRAVERSE CITY, MI 49684

080-030-400-021-03
GORZENSKI, CHRISTINE; JOSEPH GORDE;
46776 PATNICK
MACOMB, MI 48042

080-B04-000-025-00
PERRY, JOHN ERICSON; KATHERINE L
1424 FOUNTAIN ST
ALAMEDA, CA 94501

080-B04-000-035-00
PERRY, JOHN ERICSON; KATHERINE L
1424 FOUNTAIN ST
ALAMEDA, CA 94501

080-B04-000-029-00
SCHNEIDER, MARY LOU, TTEE 1/2 INT &
339 BOUGHEY
TRAVERSE CITY, MI 49684

080-B04-000-030-00
HUNTLEY, JANET TAYLOR TRUSTEE
31790 VERONA CIR
FRANKLIN, MI 48025

080-B04-000-031-00
SEAGER, CRAIG M
427 SCARLET OAK DR
FINDLAY, OH 45840

080-B04-000-032-00
SHALKHAUSER, CHARLES 1/3 INT;
177 DEPOT ST
BEREA, OH 44017

080-B04-000-033-00
STEERE, BETTY J TRUSTEE
6789 SIDNEY RD
CRYSTAL, MI 48818

080-B04-000-034-00
GRIFFITH, BRANDON & MICHELLE H/W,
1354 SHERBORN CT
ROCHESTER HILLS, MI 48306

080-S17-000-001-00
MADISON, JEFFREY
100 S RIVER RD
BAY CITY, MI 48708

080-S17-000-002-00
BISHOP, JACK JR & DIANA, TRUSTEES
7570 TAMARAC TRL
HARBOR SPRINGS, MI 49740

080-S17-000-003-00
MATTEI, PAUL & JANINE H/W
55322 KINGSWAY DR
SHELBY TOWNSHIP, MI 48316

080-S17-000-004-00
MORSE, KATHLEEN J, TRUSTEE
11190 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-S17-000-005-00
MORSE, DENNIS E LOVING TRUST &
11190 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-030-400-021-01
SCHNEIDER, MARY LOU, TTEE 1/2 INT &
339 BOUGHEY
TRAVERSE CITY, MI 49684

080-030-400-021-02
HUNTLEY, JANET TAYLOR TRUST
31790 VERONA CIR
FRANKLIN, MI 48025

080-030-400-015-00
OCCUPANT
11150 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-030-400-016-00
OCCUPANT
11123 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-030-400-017-00
OCCUPANT
11117 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-030-400-018-00
OCCUPANT
11105 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-030-400-019-00
OCCUPANT
11091 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-030-400-020-00
OCCUPANT
, MI 49769

080-030-400-021-03
OCCUPANT
11153 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-025-00
OCCUPANT
11008 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-035-00
OCCUPANT
11031 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-029-00
OCCUPANT
11064 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-030-00
OCCUPANT
11092 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-031-00
OCCUPANT
11104 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-032-00
OCCUPANT
11114 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-033-00
OCCUPANT
11130 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-B04-000-034-00
OCCUPANT
11140 PELLIS ISLAND VIEW LN
PELLSTON, MI 49769

080-S17-000-001-00
OCCUPANT
11160 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-S17-000-002-00
OCCUPANT
11170 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-S17-000-003-00
OCCUPANT
11180 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-S17-000-004-00
OCCUPANT
11190 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-S17-000-005-00
OCCUPANT
11202 DOUGLAS LAKE RD
PELLSTON, MI 49769

080-030-400-021-01
OCCUPANT
, MI 49769

080-030-400-021-02
OCCUPANT
, MI 49769

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY SEPTEMBER 23, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: Mary Street

Others Present: Scott McNeil, Carl Muscott, Brandon Griffith, Mike Passino, David Dodd, Tony Matelski, Russell Crawford, Cheryl Crawford

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. 4 Ayes

APPROVAL OF MINUTES

Minutes from the August 26, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

PUBLIC HEARING & ACTION ON REQUESTS

Brandon Griffith – Requests a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Drive., Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this zoning district.

Mr. McNeil stated the applicant would like to construct a second story addition on an existing house which sets back 17.5ft. from the ordinary high water mark. Mr. McNeil stated a 22.5ft. front setback variance is required.

Mr. Griffith stated he prefers not to tear this cottage down as it is one of the older cottages on the lake however; it is too small for his family. Mr. Griffith stated the lot is smaller due to erosion over the last 50 years.

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 the dwelling is a legal non-conforming structure and there are issues with the setbacks and the square footage of the dwelling. Mr. Freese stated the addition of a second story would alleviate the non-compliance with regard to minimum square footage requirement. Discussion was held. Mr. Freese asked if the stairway will be external to the building. Mr. Griffith stated that the stairway will be internal. Mr. Moore questioned if there will be a 6ft. addition at the back of the building. Mr. Griffith stated the 6ft. addition is for an internal stairway. Mr. Freese stated this is adding to the footprint of the building. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Moore noted there is a lot of room behind the dwelling for an addition. Mr. Freese stated the only way to alleviate the variance is to move the building back or put up a new building. Mr. Thompson stated the footprint is already there and this is going straight up from what already exists. Mr. Moore questioned if this is the least amount of variance necessary. Mr. Freese stated the proposed second story addition is not increasing or decreasing the existing setback. Mr. Freese and Mr. Moore noted the 6ft. addition will be inside the setback area. Mr. Thompson asked Mr. Griffith what will happen to the plan for the second story if there is no 6ft. addition to the back of the dwelling. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Freese stated he does not have a problem with the second story addition but he does have a problem with increasing the footprint. Mr. Thompson asked if this will be a permanent residence. Mr. Griffith stated no but the house will be used throughout the year. Mr. Freese asked Mr. Griffith if he is willing to change the request to just building the second story within the existing footprint. Mr. Griffith stated yes.

The Zoning Board of Appeals reviewed the Findings of Fact and revised item 2, "The applicant is proposing to place a

second story addition to an existing dwelling which is located 17.5ft. from the high water mark." The Zoning Board of Appeals added the following to the General Findings:

4. The structure is legal non-conforming due to the setbacks and square footage.
5. The addition of a second story only would result in a building of 906.2sf thus meeting the 720sf requirement for a single family dwelling. The present building has a footprint of 453.25sf.

The Zoning Board of Appeals reviewed the Specific Findings of Fact Under Section 23.5.4 and revised 23.5.4.4, "Due to unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district. The addition of the second story will bring the structure into compliance for the required square footage and will not result in any additional incursion into the setback." The Zoning Board of Appeals approved the revised 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. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

Mike Passino - Requests a 6 ft. side setback variance to construct a lean-to addition to a dwelling and a 9 ft. front setback variance to construct a porch addition to a dwelling in a Commercial Development zoning district. The property is located on 6053 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-004-00. A 10 ft. side setback and a 25 ft. front setback are required in this zoning district.

Mr. McNeil stated the applicant is requesting a 6ft. side setback variance to build a lean-to addition on the side of the dwelling. Mr. McNeil stated the applicant is also requesting a 9ft. front setback variance for a porch addition. Mr. McNeil stated this parcel is located in a Commercial Development zoning district where a 25ft. front setback is required and a 10ft. side setback is required.

Mr. Passino stated this is his primary residence and the front entryway is very small and the steps are out of code. Mr. Passino stated the side setback is a continuation of the garage roof.

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 noted that this is a non-conforming structure that was built prior to zoning. Mr. Freese stated this structure does not meet the front or side setback requirements. Mr. Freese stated the proposed construction will be located in the front setback and side setback but does not extend beyond the existing building. Mr. Freese stated he can see the need for the roof over the front porch. Mr. Freese stated there is plenty of room to build a storage building which would serve the same purpose as the extension of the roof on the garage. Mr. Passino stated his concerns about the grade dropping down in front of the house. Mr. Passino stated the only available location would be by the river. Mr. Passino noted there is a 50ft. front setback requirement and this would move the shed into the side of the hill. Mr. Freese suggested putting the storage shed on the east side where it is not steep. Mr. Freese asked if Mr. Passino would like the Zoning Board of Appeals to look at this as two separate requests or one single request. Mr. Passino stated two separate requests.

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

4. The structure is legal non-conforming.
5. The roof extension for the porch will not extend into the setback any further than the garage which already exists.
6. Sufficient area is available on the lot to provide a site for a temporary storage building.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the variance request for the front porch roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street) **Motion** by Mr. Moore seconded by Mr. Hemmer, to deny the variance request for the extension of the garage roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

David Dodd - Requests a 5ft. front setback variance to construct a roof extension in a Commercial Development zoning district. The property is located on 575 West US-23., Beaugrand Township, Section 25, parcel #041-025-100-006-02. A 25ft. front setback is required in this zoning district.

Mr. McNeil stated that Mr. Dodd wishes to place a roof extension in front of his garage door at his existing business. Mr.

McNeil stated the variance request is actually 5ft. as a 25ft. front setback is required in the Commercial Development zoning district.

Mr. Dodd stated this is Commercial property which is on a state highway. Mr. Dodd stated this will be an extension of an existing roof. Mr. Dodd explained that snow and ice comes off of the roof in front of the door which is the only entrance into the shop. Mr. Dodd stated this roof extension will help keep the snow and ice out of entrance to the new door that was put in last year.

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 this parcel is located on a state highway and there is a 150ft. right-of-way. Mr. Freese stated these 150ft. rights-of-way in the county are excessive. Mr. Freese stated this is a problem that he has brought up to the Planning Commission but the Planning Commission has decided it does not come up frequently enough to warrant any action and they do not want to do anything about these right-of-way problems.

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

5. The right-of-way for US 23 is 150ft. which is much wider than the usual 66ft. right-of-way that is on most other highways in the county.
6. The proposed roof extension will not extend into the setback any further than the existing building.
7. The parcel is an extremely narrow triangle with severe limits on the usable building space.
8. The present roof line results in ice and snow build up in front of the vehicle entrance door resulting in water entering the building.

The Zoning Board of Appeals reviewed and approved 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. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

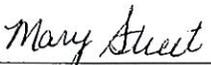
No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:32pm.



Mary Street, Secretary



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

Applicant

Brandon Griffith
11140 Pells Island View Drive
Pellstone, MI 49769

Owner

Brandon Griffith
11140 Pells Island View Drive
Pellstone, MI 49769

Parcel: 080-B04-000-034-00

General Findings

1. The property is in a Lake and Stream Protection (P-LS) zoning district. A front setback of 40 ft. from the high water mark is required.
2. The applicant is proposing to place a second story and stairway addition to an existing dwelling which is located 17.5 ft. from high water mark.
3. A 22.5 ft. front setback variance from the high water mark is required per the applicant's request.
4. The structure is legal non-conforming due to the setbacks and square footage.
5. The addition of a second story only would result in a building of 906.2sf thus meeting the 720sf requirement for a single family dwelling. The present building has a footprint of 453.25sf.

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

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

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

The subject parcel possesses unique physical conditions relative to location of the existing dwelling and is not due to the applicant's personal or economic 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 unique physical condition of the property regarding location of the existing dwelling was established before zoning regulations were in place was not the result of actions by the property owner or previous owners, and is not 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 unique condition parcel strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose.

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 unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district. The addition of the second story will bring the structure into compliance for the required square footage and will not result in any additional incursion into the setback.

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

The variance will not cause an adverse impact on surrounding property.

DECISION

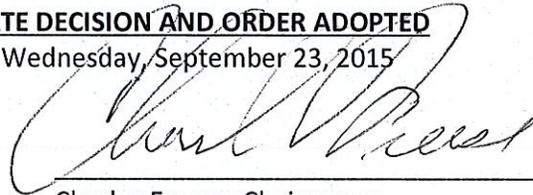
Motion by Mr. Moore seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

TIME PERIOD FOR JUDICIAL REVIEW

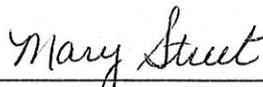
MCLA 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within thirty (30) days after the Zoning Board of Appeals certifies this Decision in writing or approves the minutes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

DATE DECISION AND ORDER ADOPTED

Wednesday, September 23, 2015



Charles Freese, Chairperson



Mary Street, Secretary

**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

RECEIPT #:	\$100.00 4687
CASH/CHECK:	CC
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 11140 Pells Island View Dr.	City / Village Pellston	Township / Sec. T37N / 30	Zoning District
Property Tax I.D. (Parcel) Number 080-B04-000-034-00	Subdivision or Condo. Name / Plat or Lot No. Lot 34 of Bryant's Resort		

APPLICANT

Name Brandon Griffith	Telephone 248-462-4458	Fax 248-566-8403
Address 11140 Pells Island View Dr.	City & State Pellston MI	E-Mail bgriffith@honieman.com

OWNER (if different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

Riggeville Rd. West to Bryant Rd; Turn right on Bryant Rd. Turn right on Pells Island View Dr. approximately 200 yards past
Douglas Lake Bar & Grill.

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

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.
We are requesting permission to build a 2nd floor addition and 6' stairway addition on the South side of the existing home, which is 17.5' from the water's edge. The existing structure was one of the first homes on the lake and has been standing in its present location for 65 yrs. The existing home is structurally solid; however, it is only 453 sf.
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 lot is only 129.6' deep (N-S on East line) and 50' wide (E-W on South line). Due to the size of the lot, there is very limited space for parking or building an addition on the South side of the existing structure. In addition, the septic field is located on the South side of the lot.
- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
The requested variance is necessary due to the small lot size, which has been worsened by continuous erosion along the water's edge. As evidenced by the original plat, erosion has reduced the lake-side setback during the last 60 yrs. We have installed a rip-rap barrier to prevent further erosion and loss of lake-side setback
- 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
Strict compliance with the 40' setback will result in us removing the existing home and utilizing the property as a vacant lot for a motorhome and/or RV for the foreseeable future.
- d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.
We are seeking the minimum variance necessary for a 2nd floor on the footprint of the existing, 60 yr old home. Building a large addition on the South side of the existing home would crowd, and create parking problems for, the homes on both the East and West sides of the existing home.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
The requested variance will have a positive impact on the surrounding property and property values. The existing 453 sf home, while structurally solid, detracts from the look and feel of the neighborhood. The requested variance will have an even greater impact on values and tax revenues than our alternative (a vacant lot).

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

9/1/15

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

9/1/15

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

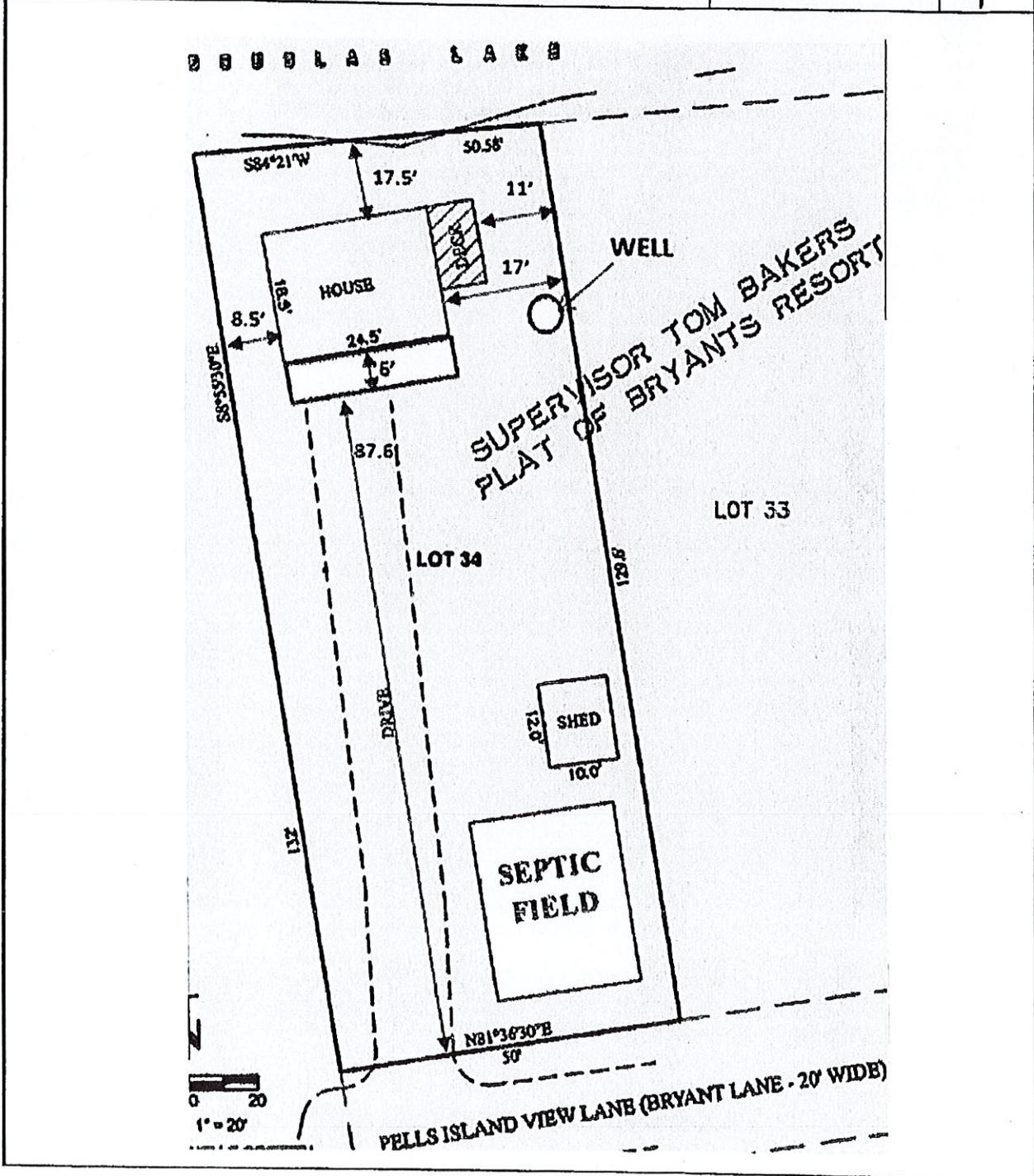
- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 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: 17.5' Rear: 87.8' Side: 17' Side: 8.5'

Zoning District:

North:



Deborah Tomlinson

From: Rebecca Gorde <rebeccagorde@gmail.com>
Sent: Monday, April 23, 2018 9:00 AM
To: Deborah Tomlinson
Subject: Griffith request for variance

Dear Cheboygan County Board of Appeals Members,

Hello, this email is in response to the request submitted by Charles Griffith and Brandon Griffith for a 4 foot front setback variance for construction of an addition at 11140 Pells Island View Drive. It is scheduled to be reviewed at the Board of Appeals meeting and Public Hearing on Wednesday, April 25, 2018 at 7:00 P.M.

I am a co-owner of two properties bordering the Griffith property in question located at 11153 (to the south west) and 11150 (to the west) Pells Island View Drive. I am attempting to be present for the scheduled hearing, but am uncertain if I will make it due to work constraints. In the event that I am not present, I have included my concerns about the proposed application.

In weighing the pros and cons of our neighbor's request, I reviewed the purpose of a Lake and Stream Protection zoning district and why Douglas Lake is included. From my understanding the intent of this ordinance is to minimize adverse impacts from development on the natural feature and help ensure the long-term health of the lake. Unfortunately, many of the dwellings around Douglas Lake (including the base structure of the one owned by the applicant) were constructed prior to our understanding of the impact our actions have on the lake's sensitive ecosystem. These zones were developed with restrictions put in place because experts identified that changes and disturbances to vegetation, root systems and other parts of the natural borders of the lakes can cause long term consequences. While I sympathize with their desire for more space in their recreational dwelling, this cottage was purchased in recent years and the ordinances and lake line erosion of the last 60 years identified in their application were both already in place at the time of purchase. No new circumstances exist that were not already obvious to the current owners.

I will now specifically address some of the incorrect or false information included in the applicants responses to the 5 standards that need to be met of the Cheboygan County Zoning Ordinance to obtain a variance:

2a In this section the Griffiths assert that the size of the lot is limited "leaving very little space for building usable living space" and "due to erosion, the lot is smaller today than it was at the time it was subdivided." Their points don't really explain how the need for the requested variance is due to unique circumstances or physical conditions that are **not** due to the applicants' personal or economic difficulty. They purchased this property with a much smaller dwelling in place which they have already doubled in size by expanding upwards and they have added an additional second building with some accommodations to the rear of the property. Both erosion and the size of the lot are no different than from the time of purchase and the ordinances about protecting the lake were very clear to the applicants. If this lot has "very little space for building usable living space" I am not sure why they choose to purchase it knowing they wanted additional living space that would go against requirements in this zoning district.

2b My point here is much the same as 2a, the erosion happened before the property was even owned by the applicants. Original plat size is irrelevant. The lake and stream protection zoning's more recent existence is exactly because development disturbances contributed to erosion and other problems for the lake.

2c I am not sure how the applicant answered the question about how the regulations unreasonably prevent the owner from using the property for a permitted purpose or where the burden from conforming to the regulations are. The applicants have a single family dwelling which they use for recreational purposes and they have already been permitted to double its size and add another building when compared to what they originally purchased.

2d As a neighbor of the property in no way would building a new home setback greater than the average setback on adjoining developed lots crowd or create parking problems for my home on the west side. In fact, the applicants erected a fence along our property line so there isn't even a concern on my part that it would be crowded since the boundary is clearly marked and I have more than enough parking for several vehicles. I am not sure why the applicants see this as an issue. They already built a large building on the rear of the property, perhaps that space could have been appropriate for the new home.

2e When the applicants more than doubled the height of the original structure they already blocked some of our lake view to the east from one residence and quite a bit of our lake view to the northeast for our other residence. I don't understand how building an addition to that structure which will further block the view makes any positive impact on my property values and it does in fact lessen my enjoyment.

In closing, I appreciate your attention and time related to this matter and ask that the Board members deny the request for a front setback variance, and continue to enforce the ordinances in our Lake and Stream protection zoning district. Thank you for the opportunity to voice my concerns.

Sincerely,

Rebecca Gorde

Deborah Tomlinson

From: Joseph Gorde <joegorde@umich.edu>
Sent: Friday, April 20, 2018 4:31 PM
To: Deborah Tomlinson
Cc: Donald Gorde; rebeccagorde@gmail.com; mark gorde
Subject: Charles Griffith and Brandon Griffith Request for Dimensional Variance

Dear Cheboygan County Board of Appeals Members,

I am writing to you regarding the request by Charles Griffith and Brandon Griffith for a 4 ft. front setback variance for construction of an addition at 11140 Pells Island View Dr., to be considered at the Board of Appeals meeting and Public Hearing on Wednesday, April 25, 2018 at 7:00 P.M.

I am one of the owners of the property at 11150 Pells Island View Dr., which adjoins the Griffith property to the West. I have reviewed the submitted Dimensional Variance Application that is available at your web site. Regrettably, I will be unable to attend the April 25 hearing, and so I am writing on behalf of myself and my family to present our concerns regarding this application.

I disagree with several assertions presented in the application. I believe that the applicants have provided misleading or false information in several instances in order to influence the Board. Specifically,

II. 2. b. The need for the requested variance is, in fact, the result of actions of the property owner or previous property owners. If the existing structure had not been built so close to the water's edge, which was much closer than the required front setback of 40 feet (even prior to erosion), there would be no need for this variance.

II. 2. d. The statement in the application is false. Building a new home with a setback greater than the average setback on the adjoining developed lots would not crowd our home any more than does the existing structure and proposed addition, and existing privacy fence, nor would it create any parking problems for us. I believe this to be true as well for the adjoining property to the East.

II. 2. e. The statement in the application is false. The existing structure currently obstructs our view of the lake to the East, and the proposed addition will further obstruct sight lines from the eastern side of our home, which will have a negative impact on our property value and will negatively affect the enjoyment of our property. Building a new, two story home that conforms to front setback zoning norms would provide relief to this problem, improving our view of the lake, our enjoyment of the property, and, accordingly, our property value. I believe this to be true for the adjoining property to the East as well.

For these reasons, I implore the Board members to deny the request for a front setback variance. I trust that the board will take seriously these concerns and will consider them carefully when rendering a decision. Thank you for your kind attention.

Sincerely,
Joseph J. Gorde

Deborah Tomlinson

From: Shalkhauser, Kurt A. (GRC-LCA0) <kurt.a.shalkhauser@nasa.gov>
Sent: Tuesday, April 24, 2018 1:13 PM
To: Deborah Tomlinson
Subject: URGENT - Public input material for 4-5-18 ZBA meeting
Attachments: 2018 Zoning variance application.pdf; Public input for meeting on Douglas Lake zoning variance .pdf

Good morning Debbie,

Attached are two documents we wish to have forwarded to members of the Cheboygan County Zoning Board of Appeals, prior to tomorrow's scheduled meeting. The information relates to the dimensional variance application by Griffith, et. al., for proposed property changes on parcel #080-B04-000-034-00 at Douglas Lake.

We would normally like to present this material in person, but the closest of us is nearly 7 hours driving time away from your offices. Electronic mail was our only viable option at the time. We apologize for the late submission. Please let us know if it is essential to appear in person to present this material, and we will try to make those arrangements.

We understand that you can help us distribute this document to the ZBA members prior to the meeting. Thank you for doing that. The material in the letter is a collaboration of several property owners, whose names are listed on the document. Formal signatures are taking some time to collect on paper, and those are forthcoming to your office. If you have any questions on the document, or need to contact any of the signers, please feel free to contact me. (A copy of the variance application is attached for completeness and referenced in the public input letter. You will not have to re-distribute that.)

Thank you for all your help,

Regards,

Kurt Shalkhauser
1039 N. Quarry Road,
Amherst, Ohio 44001
Mobile telephone: (216) 509-2883
E-Mail: shalkhauser@gmail.com

April 24, 2018

TO: Chairman and Members of the
Cheboygan County Zoning Board of Appeals

Planning and Zoning Department
870 S Main Street, Room 103
Cheboygan, Michigan 49721

c/o: Debbie Tomlinson, debbiet@cheboygancounty.net

RE: Zoning variance application for property located at 11140 Pells Island View Drive, Munro township, Section 30, parcel #080-B04-000-034-00; Brandon Griffith

Board Members,

This letter is submitted to provide information, clarification, corrections, and comments relating to the zoning variance application recently presented to your office for the property located at 11140 Pells Island View Drive [included as Attachment 1]. As current and long-term owners of properties adjacent to the subject parcel, we wish to express that we collectively and unanimously oppose the dimensional variance for that parcel for the reasons stated in this document. We respectfully request that the members of the Zoning Board of Appeals (ZBA) consider this information and vote to deny the subject dimensional variance application.

The contents of this letter may be viewed as public comments on the matter at hand. However, as we are residents with properties neighboring parcel #080-B04-000-034-00, we are directly impacted by the placement of structures on that lot. We are requesting that our concerns be given due priority and consideration. Please recognize that we are advocating that all zoning laws be followed.

It is our understanding that this variance application is for a 13.6'x15' structure to be appended to the existing "house" structure that is placed close to the waterline on the lot. The applicant does not state whether this is a one or two-story addition, or its intended purpose. It is unstated whether this addition is related to, or a repeat of, the variance application denied by the ZBA on September 23, 2015.

It is our understanding that all five (5) of the following Cheboygan County Zoning Ordinance Standards must be met in order to qualify for a dimensional variance:

Standard 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.*

Response:

The applicant claims that the variance is required due to small lot size, which leaves him little area for constructing usable living space. The ZBA should note that this is not a unique situation. That is, many lots are of similar physical dimensions, topography, and shape, yet those owners have been able to construct compliant structures with comfortable living space. No unique hardship has been placed on the owner by the lot size.

The applicant claims that the lot size has been reduced by erosion. This claim is not proven, but it should be noted that none of the adjoining property owners have made any claims of erosion issues or its negative impact. Interestingly, the claimed erosion issues did not impede the applicant from installing a raised patio at the lakeside and within the very area of the erosion concern.

Further, the applicant claims that there remains little area on the lot for living space. We contend that this issue was self-created, as a 24'x22' structure was recently added to the property which includes second-floor living space. With the recent construction of a two-story dwelling, plus the two-story secondary structure and lean-to, the total built-up area of the lot greatly exceeds the norm and exceeds neighboring properties in the district. No additional construction should be permitted. This lot is already overbuilt.

Finally, the applicant states that the septic field is located on the south side of the lot. This is also a self-created issue, is not a unique condition, and is not justification for a variance. It is relevant and should be noted by the ZBA and other County organizations that the septic field may not be of sufficient elevation and capacity (size) for the substantial increases in occupancy and living space on this parcel. Any additional construction will further limit the septic system areas and cause future zoning compliance issues.

Standard 2: *That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).*

Response:

Much like the claims made in Standard 1, the applicant claims that shoreline erosion has reduced the size of the lot over the last 60 years. This is simply not the case. Many of the adjacent parcels have been continuously owned and occupied for at least 50 years, and shoreline erosion has not been an issue.

The applicant states that they have installed a rip-rap barrier to prevent erosion. Hopefully the barrier was installed in compliance with State of Michigan rules for structures within a Lake and Stream Protection (P-LS) zone. It should also be noted that the shoreline structures (raised patio, dock, and rip-rap) currently impede foot traffic at the shoreline, preventing local residents from walking at the water's edge.

This variance request is indeed the result of a self-created problem, caused by excessive construction on the lot.

Standard 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.*

Response:

Neighboring parcels are currently occupied and built with structures of reasonable size, proportion, and placement. All of these owners have been able to comply with zoning requirements and successfully use the property for its intended purpose, and without issue.

There is a finite amount of buildable space on a given parcel of land. If an owner wants to build a small structure, he can buy a small lot. If an owner wants to build a large structure, he needs to buy a large lot. It's very simple: If the owners of parcel #080-B04-000-034-00 want a large amount of living space and storage buildings and parking areas, they need to purchase a larger lot. Parcel #080-B04-000-034-00 was never intended for this. Thankfully, zoning laws are in place to control these parameters.

The applicant for this dimensional variance claims that the proposed setback distance of the new structure, relative to the high water mark, is greater than the average setback on adjoining lots. This statement distracts the reader from the fact that the primary dwelling already extends 18.5' further forward from his proposed addition, as serves as the single most blatant visual obstruction on the shoreline and in the region. When visually inspecting this lot, it is obvious that setback, height, bulk, and density factors have all been readily exploited by the property owners. Zoning regulations have not been unnecessarily burdensome to neighboring property owners. Construction activity on the Griffith site has been extensive.

Standard 4: *That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as do substantial justice to the other property owners in the district.*

Response:

It is the opinion of neighboring property owners that the applicant has already been granted significant, and even generous relief in the development of this parcel. That relief has been exploited with the result of a parcel that is congested, poorly-planned, and obtrusive. The best justice to other property owners in the district would be to deny this variance application and prohibit all future construction on this property that consumes additional surface area or adds structure height.

Parking issues are already a problem in this area. Bringing the septic system into compliance with modern requirements will certainly complicate the vehicle ingress-egress and parking problems. Adding the proposed addition to the main dwelling will not improve this situation.

Standard 5: *That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district.*

Response:

The applicant claims that “the requested variance will have a positive impact on surrounding property values and will not affect use or enjoyment of property in the neighborhood.” These claims are false and the opposite is true: The over-construction on the Griffith parcel has created high vehicle traffic levels and parking issues for this and surrounding properties. The parcel appears cluttered, which is not illegal, but results in devaluation of neighboring properties. Moreover, the “primary” residential structure on the parcel is clearly, substantially, and uniquely impinging on standard setback requirements. This structure significantly impedes sightlines and obstructs the view from neighboring properties. Now constructed with a second story, the problem is even worse.

Supplemental Information

For many years the owners of neighboring parcels have worked as a community to maintain a standard setback distance from the shoreline to permit everyone to have pleasant views of the lake shoreline and the natural setting. The structure on parcel #080-B04-000-034-00 violates this practice. The approval of any additional construction on any portion of the Griffith lot will exacerbate the density and overuse of the plot, thereby reducing the neighboring property values and enjoyment of the area.

The Zoning Board will recall that a similar dimensional variance application for this property was requested and denied at the meeting on September 23, 2015. We encourage the ZBA to review records from that meeting to observe that the April 2018 application is possibly a repeat request. Nothing has changed on the lot to justify the new request. In fact, the opposite is true: In addition to building a two-story structure near the waterline, a new patio area has been constructed that intrudes forward into the lakeside setback area, and a large new garage/bedroom structure has been constructed.

We contend that the square footage area of the lot is being overbuilt; the number and size of structures are too large for the lot to accommodate. This is not a fault of the parcel, or of erosion to the parcel. The lot was never intended to be used for such substantial activity and residential density. Identical parcels are utilized in full compliance with zoning laws and without problems.

Not specifically discussed in the standards is the issue of reduced safety due to crowding of structures. We contend that the extreme close proximity of the existing Griffith structure to the westerly neighbor establishes a high likelihood of fire spread from structure to structure, and that the proposed addition makes the likelihood even greater. Relatedly, the congestion of structures on the lot has already caused a problem of vehicle incursions on the westerly neighbor.

In this letter we have provided evidence to rebut the claims made in the variance application, and offer additional information to support the denial of the application. It is our goal to work with the Planning and Zoning Department to ensure that we make decisions consistent with the Cheboygan County Master Plan, meet the needs of our residents, protect our natural resources, and ensure public health safety and welfare.

Respectfully submitted,

 4/24/18

Kurt Shalkhauser
11114 Pells Island View Drive
Contact # (440) 988-8889
Parcel #080-B04-000-032-00

The contents and opinions expressed in this document are corroborated by the following individuals.
ZBA is encouraged to contact each individual for confirmation, as needed.

Charles Shalkhauser
11114 Pells Island View Drive
Contact # (440) 243-8056
Parcel #080-B04-000-032-00

Maureen van den Heuval
11114 Pells Island View Drive
Contact # (847) 854-8237
Parcel #080-B04-000-032-00

Betty Steere
11130 Pells Island View Drive
Contact # (989) 235-6625
Parcel #080-B04-000-033-00

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

\$110.00

RECEIPT #:	6096
CASH/CHECK:	CC
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 11140 Pells Island View Dr.	City / Village Pellston	Township / Sec. T37N , 30	Zoning District
Property Tax I.D. (Parcel) Number 080-B04-000-034-00	Subdivision or Condo. Name / Plat or Lot No. Lot 34 of Bryant's Resort		

APPLICANT

Name Charles Griffith and Brandon Griffith	Telephone 248-425-8824	Fax	
Address 11140 Pells Island View Dr.	City & State Pellston, MI	Zip Code 49769	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

Riggsville Rd west to Bryan Rd; Turn right on Bryant Rd.; Turn right on Pells Island View Dr.

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

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.
We are requesting permission to construct a 13.6'x15' addition on the South side of the existing structure. The distance from the PROPOSED STRUCTURE to the high water mark is greater than the average setback on the adjoining developed lots. See Article 10.4.8 of Zoning Ordinance No. 200.

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 lot is only 129.6' deep (N-S on East line) and 50' wide (E-W on South line), leaving very little space for building usable living space. Due to erosion, the lot is smaller today than it was at the time it was subdivided. In addition, the septic field is located on the South side of the lot.

 - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
The requested variance is necessary due to the size of the lot, which has been reduced by erosion along the water's edge. The original plat illustrates that erosion has reduced the lake-side setback and the size of the lot during the last 60 years. We have installed a rip-rap barrier to prevent further reductions to the size of the lot.

 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome
The regulation requires that the distance from the high water mark to the North side of the proposed structure be greater than the average setback on the adjoining developed lots. Building a new home that satisfies this requirement would allow us to build closer to the high water mark than what we are proposing with the addition

 - 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.
Building a new home with a setback that is greater than the average setback on the adjoining developed lots would crowd, and create parking problems for, the homes on both the East and West sides of the existing home. It should also be noted that a variance allows us to satisfy the 24' width requirement.

 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
The requested variance will have a positive impact on the surrounding property values and will not affect the use or enjoyment of property in the neighborhood, as compared to building a new, two-story home with a setback that is greater than the average setback on the adjoining developed lots

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 Charles Duffell Date 3/25/18 4/6/18

AFFIDAVIT

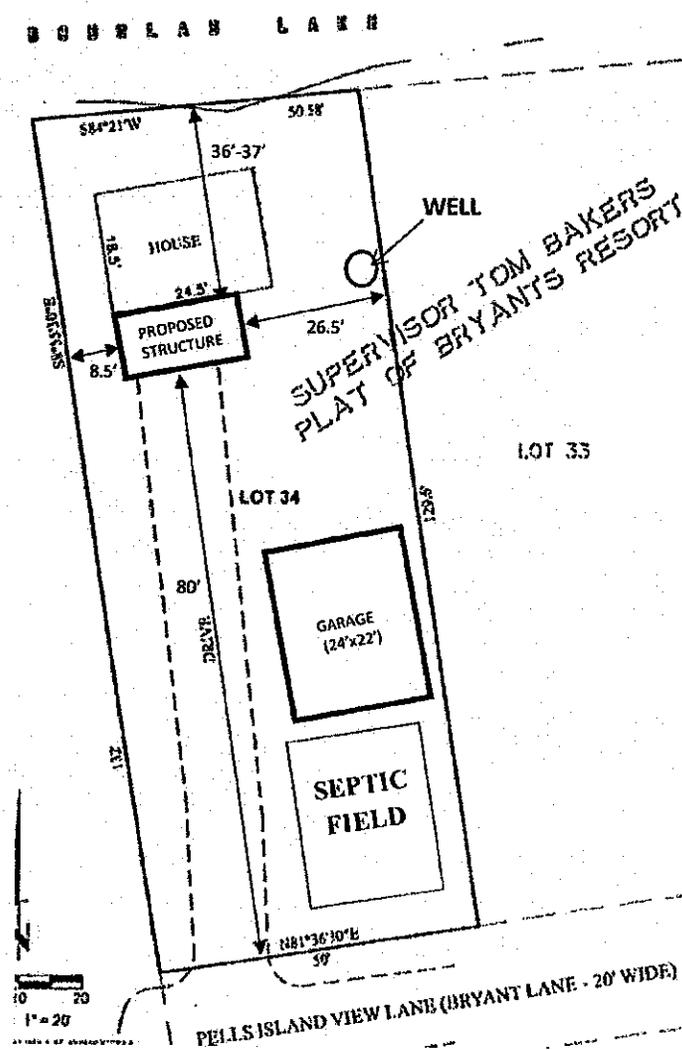
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature Charles Duffell Date 3/25/18 4/6/18

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: <u>36'-37'</u> Rear: <u>80'</u> Side: <u>26.5'</u> Side: <u>8.5'</u>	Zoning District:	North: ↑
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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: Requests a 4 ft. front setback variance for construction of an addition (13.6' x 15') on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district.	Prepared by: Jeffery Lawson
Date: April 25, 2018	Expected Meeting Date: April 25, 2018

GENERAL INFORMATION

Applicant: Brandon Griffith

Property Owner: Same

Contact person: Brandon Griffith

Phone: 284-462-4458

Requested Action: Allow a 4 ft. front setback variance for construction of a 13.6' x 15' addition to an existing non-conforming setback dwelling in a Lake and Stream Protection (P-LS) zoning district.

BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. The subject property is a water front lot measuring approximately 130 ft. deep with 50.58 ft. along the front. The subject lot contains water frontage on the Douglas Lake.

The applicant is seeking to build a 13.6' x 15' addition within the front setback to an existing dwelling which measures 24.5 ft. wide and 18.5 ft. deep. The existing dwelling is located 17.5 ft. from the high water mark and front lot line. A 40 ft. front setback is required in this zoning district.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection

East: P-LS, Lake and Stream Protection

South: P-LS, Lake and Stream Protection

North: P-LS, Lake and Stream Protection

Surrounding Land Uses:

Residential land uses surround the subject site,

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

The subject site fronts on the Douglas Lake.

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 property is in a Lake and Stream Protection (P-LS) zoning district. A front setback of 40 ft. from the high water mark is required.
2. The applicant is proposing to place a 13.6' x 15' addition to an existing dwelling which is located 17.5 ft. from high water mark.
3. A 4 ft. front setback variance from the high water mark is required per the applicant's request.
- 4.
- 5.

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

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

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

The subject parcel possesses unique physical conditions relative to location of the existing dwelling and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions of the lot or location of the existing dwelling

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

The unique physical condition of the property regarding location of the existing dwelling was established before zoning regulations were in place was not the result of actions by the property owner or previous owners, and is not self-created.

OR, the physical condition relative to the location of the existing dwelling is the result of actions of previous property owners

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

Due to the unique condition of the parcel, strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose.

Or, strict compliance with the requirements would not prevent the owner from reasonable use of the property or placing and addition to the existing dwelling which is a permitted use.

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

Do to unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district.

OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief.

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

The variance will not cause an adverse impact on surrounding property.

OR, the variance will cause an adverse impact on surrounding property.

