



# 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, MARCH 28, 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.) **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).
- 2.) **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.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JANUARY 24, 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:** Scott McNeil, Eric Boyd, Carl Muscott, Russell Crawford, Cheryl Crawford, Karen Johnson, Cal Gouine, A. Savenkoff, Stuart Gage, Pat Gage, Michelle Durst, Terry Jo Ayotte, Matthew Berg, Alisha Berg, Cam Cavitt, Jeanette Mateer, Mike Sova

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 Ms. Sherwood, to accept the agenda as presented. Motion carried unanimously.

**APPROVAL OF MINUTES**

Minutes from the Wednesday, November 22, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**Larry Brown** – Requests a 160 square foot minimum floor area variance for a dwelling in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 9365 Brudy Road, Ellis Township, Section 19, parcel #210-019-200-001-08. A 720 square foot minimum floor area is required for a dwelling in this zoning district.

Mr. McNeil stated that Mr. Brown is requesting a 160 square foot minimum floor area variance for a dwelling in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that the minimum floor area requirement for a dwelling is 720sf and the dwelling that Mr. Brown is proposing is 560sf thus requiring a 160sf variance.

Mr. Brown stated that this tiny home is all that he and his wife need. Mrs. Brown explained that this is what they could afford for a dwelling. Mrs. Brown explained that they did not know that there is a minimum dwelling size requirement in the Zoning Ordinance.

Mr. Freese asked for public comments. Mr. Muscott stated that he has been an advocate for smaller tiny homes for two years. Mr. Muscott stated that the Department of Building Safety will allow a smaller square footage and it will be based on room size. Mr. Muscott read from the Joint Statement Of The Department Of Housing And Urban Development And The Department Of Justice regarding State And Local Land Use Laws And Practices And The Application Of The Fair Housing Act dated November 10, 2016, “Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.” Mr. Muscott stated that we have to be aware within the county of the median home price. Mr. Muscott stated that Emmet County’s median home price was just published and it was \$238,000. Mr. Muscott stated that Otego County’s median home price last year was \$129,000. Mr. Muscott stated that excludes a lot of our houses from affordable housing. Mr. Brown stated that he believes Cheboygan County’s median home price was \$160,000.

Mr. Cavitt stated that he is a realtor and works in the housing industry. Mr. Cavitt stated that there is not enough affordable housing in Cheboygan County. Mr. Cavitt stated that it may not be at a crisis level but some people would say it is if they do not have a place to live. Mr. Cavitt stated that eliminating the 720sf requirement would be a tool to help smaller homes. Mr. Cavitt stated that Cheboygan County was approached before for a smaller home site condo and was unable to do so because of the 720sf requirement. Mr. Cavitt stated that he knows that there are apartments and homes within the City of Cheboygan that have less than 720sf.

Mr. Berg stated that he created a Facebook page for this cause and there were 138 comments and 20,000 views. Mr. Berg stated that the residents in Cheboygan County believe that the applicant should be allowed to stay in the home.

Public comment closed.

Mr. Freese stated that he is also on the Cheboygan County Planning Commission. Mr. Freese stated that this topic has been discussed at a recent Board of Commissioners and Planning Commission joint meeting. Mr. Freese stated that the Board of Commissioners requested that the Planning Commission go ahead and look at smaller homes. Mr. Freese stated that he does not know what this will result in but this subject will be discussed by the Planning Commission in the future. Mr. Freese stated that the Zoning Board of Appeals is faced with the regulation as it is currently written.

Mr. Moore stated that guest houses are allowed on properties with other dwellings and they have to be under 600sf. Mr. Moore stated that there is an understanding that under 600sf is a livable size, but the Zoning Board of Appeals is not faced with that situation.

Mr. Thompson stated he owns property in Indian River and at the back of the property there is a 480sf cabin. Mr. Thompson stated that this cabin does not connect to the rest of the lodge, but in the past, people lived in cabins that were anywhere from 300sf – 600sf. Mr. Freese noted that when M-27 was the primary north/south route to the Straits, there were a lot of cabins that were less than 720sf and rental cabin colonies. Mr. Freese believes that some of these cabins are being used for permanent housing today.

Mr. Freese asked for public comments. An audience member stated her concerns that the variance request would be denied and that the applicant would be homeless. The audience member stated that the applicant's home is cute and functional. The audience member suggested tabling the variance request until summer so that the applicant will not be homeless in the winter. Discussion was held.

An audience member stated that he is a builder from Presque Isle County and questioned what year the 720sf minimum comes from in the building code. Mr. Freese stated that it is in the Cheboygan County Zoning Ordinance #200. Discussion was held regarding the Planning Commission discussing smaller homes in the future. Public comment closed.

The Zoning Board of Appeals added the following to the General Findings #4, "A structure 11.43ft. longer or 3.43ft. wider would have satisfied the 720sf minimum requirement.". The Zoning Board of Appeals reviewed the Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Findings of Fact under Section 23.5.4. Motion carried unanimously.

**Cherry Capital Connection, LLC and Wallace and Anne Savenkoff** – Requests a use variance to place a 107 ft. tall communication tower in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5339 Twin Trail Road, Grant Township, Section 2, parcel 151-002-300-001-00. Communication towers are not permitted in this zoning district.

Mr. McNeil stated that this is a use variance request for a communication tower in a Lake and Stream Protection Zoning District. Mr. McNeil stated that communication towers are not permitted in this zoning district.

Mr. Maylone explained that he is representing Cherry Capital Connection. Mr. Maylone stated that he has two towers that were approved for the Ridge Run area which is successfully bringing high-speed internet and telephone service to an underserved area. Mr. Maylone stated that during the process they were approached by many Grant Township residents regarding high-speed internet and telephone service. Mr. Maylone stated at the last Grant Township meeting the township agreed to lease Cherry Capital Connection land at the township hall for a tower. Mr. Maylone stated that 40 reservation forms have been submitted, and they are all from residents in the Twin Lakes area which is heavily forested and difficult to access. Mr. Maylone stated that there is a large mountain in the way which makes it difficult to get to the area. Mr. Maylone stated that the tower will sit on one acre and will be triangular, 12 inches on a side. Mr. Maylone stated that the Wallace and Ann Savenkoff have offered their property which is 12.68 acres but is in a zoning district that does not allow towers. Mr. Maylone stated that this parcel is uniquely positioned at the end of the lake so it is in a good line of sight to the residents who are not currently able to get service. Mr. Maylone stated that he has not received any complaints from the neighbors. Mr. Maylone stated that they try to use land that does not require a variance but this is a unique area that is underserved and is surrounded by state land which further reduces the options. Mr. Maylone stated that many of the lots are too small to hold any type of structure. Mr. Maylone stated that there are a number of unique qualities. Mr. Maylone stated that he believes this parcel has many of the characteristics that the Zoning Board of Appeals is looking for in granting the variance. Mr. Maylone stated that the tower is 107ft. and based on the structural analysis, it

could move 40% closer to the property line if required. Mr. Maylone stated that they already have gone through FAA and MDOT. Mr. Maylone stated that there is an airport in the area so there are no barriers from the federal or state level. Mr. Maylone asked the Zoning Board of Appeals to consider granting the variance to continue their efforts to bring good high-speed internet and telephone service to Cheboygan County.

Mr. Freese asked for public comments. Ms. Mateer stated that she lives on Twin Lakes and stated that she currently has internet through Hughes Net which offers satellite internet. Ms. Mateer stated that she needed internet in 2003 for her work. Ms. Mateer stated that she survived with internet through HughesNet, but she has been working with Connect Michigan to secure better service. Ms. Mateer stated that the township surveyed the residents a couple of years ago and found that 160 of 900 homes wanted a better internet. Ms. Mateer stated that Connect Michigan has brought many vendors to the township to discuss possible options. Ms. Mateer stated that she contacted Cherry Capital Connection to discuss bringing internet to Grant Township. Ms. Mateer stated that this tower will enable the township to have better service, and she is hoping that the Zoning Board of Appeals will grant this variance request.

Mr. Gage stated that he is from Twin Lakes and is also a HughesNet user as well. Mr. Gage stated that he is not able to connect to a server down south to access the files that he needs. Mr. Gage stated that he has to drive four hours down and four hours back to get the data that he needs. Mr. Gage stated that he is a researcher and it is a huge inconvenience. Mr. Gage stated that he looking forward to better internet service.

Mr. Sova stated that he was the one who originally contacted Mr. Maylone for internet service. Mr. Sova stated that the business is solid and the internet runs great with no outages. Mr. Sova stated that this is a huge benefit for Cheboygan County.

Public comment closed.

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

5. This tower would provide the opportunity for wireless communications for all other parcels within its transmission radius.
6. State land on the south and west preclude location of the tower further from Twin Lakes.
7. Provision of wireless communications to all residents of Cheboygan County is one of the major goals stated in the Cheboygan County Master Plan.

The Zoning Board of Appeals reviewed and approved the Findings of Fact under Section 23.5.3. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Findings of Fact under Section 23.5.3. Motion carried unanimously.

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

##### **Annual Meeting**

Mr. McNeil stated that as required in the by-laws, the Zoning Board of Appeals is to have an annual meeting once a year which requires the election of officers and setting of the regular meeting schedule for the year. Mr. McNeil stated that there are no conflicts with the regular meeting schedule. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to nominate Mr. Freese as chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Freese, to nominate Mr. Moore as vice-chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Hemmer, to nominate Mr. Thompson as secretary. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to maintain the existing meeting schedule (fourth Wednesday of each month) for 2017. Motion carried unanimously.

#### **ZBA COMMENTS**

Discussion was held regarding the Planning Commission moving forward with a discussion regarding smaller homes. Mr. McNeil stated that this will be a discussion at the next Planning Commission meeting. Mr. Moore stated that the Brown's home is very attractive, and he would be happy to have it next to his house in the Lake and Stream Protection zoning district. Mr. Freese stated that the Planning Commission should also be considering towers in the Lake and Stream Protection zoning district. Discussion was held.

Mr. Freese stated that it has been a pleasure working with Mr. McNeil. Mr. McNeil stated it has been his honor to be the staff person for the Zoning Board of Appeals and is proud of the work that has been done. Discussion was held.

**PUBLIC COMMENTS**

Mr. Muscott stated he appreciates the good service that Cherry Capital Connection is providing for Cheboygan County. Mr. Muscott stated he is not aware of state land regulations that will not allow towers. Mr. Muscott asked if the county will look into this regulation. Mr. Muscott stated that he looked at the smaller home and it is an Amish built shed which is a fine looking building. Mr. Muscott stated that a 12ft. addition could be added to the smaller home.

**ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:40pm.

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John Thompson, Secretary

DRAFT

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Terry Knaffle

## 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 (6 Pages)
5. Mailing List (2 Pages)
6. Cheboygan County Road Commission Certification Map 12/31/15 For Beaugrand Township (1 Page)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

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

## NOTICE

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

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

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

**VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	4078
CASH/CHECK:	Cash
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 12106 Inverness Tr.	City / Village Cheboygan	Township / Sec. Beaumont, 35	Zoning District M-AF
Property Tax I.D. (Parcel) Number 041-035-300-008-02	Subdivision or Condo. Name / Plat or Lot No. n/a		

**APPLICANT**

to be combined w 041-035-300-008-06 @ MBOR

Name Terry Knaffle	Telephone 231-290-3449	Fax
Address 3980 Leveering Rd.	City & State Cheboygan MI	Zip Code 49721
		E-Mail +knaffle at hotmail.com

**OWNER (If different from applicant)**

Name Same as above	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

12106 Inverness Trail - Between Leveering Rd and Wolderki Rd. You have to ~~enter~~ enter property through storage unit drive because property is located behind units

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

**I. Property Information**

- A. List all known deed restrictions: none
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat \_\_\_\_\_
- C. Present use of the property is: woods - nothing on property
- 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.

Use VARIANCE for operation of additional Storage Units.

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. **Please explain how the request meets each standard.**

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

Property is surrounded by Residential, farmland and commercial properties. Property is Accessible through current storage unit property. Property is currently in wooded state and not utilized to its greatest potential.

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

The property joins storage unit property and would allow for increase in business and increased property values

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

Granting of variance will not negatively affect surrounding properties

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

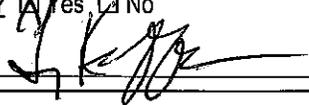
No it will not. Property is zoned agricultural/farmland. Granting use of this nature will not disrupt the uses of surrounding properties

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

No, the same restrictions would apply to new property. Business would operate in daylight hours, property would be maintained in good taste

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



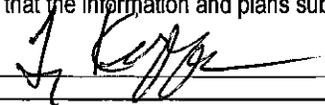
Date

3-6-2018

**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

3-6-2018

\* People always comment on how nice my units are.

\* People also comment about how the grounds are.

\* There is very little automobile traffic once the goods are stored.

\* Storage Units are very hard to get in the Cheboygan Area.

\* The Plan is for only one building at a time being built. Could be years apart depending on the demand.

\* The 2 parcel numbers are going to be combined to ~~one~~ one parcel the week of March 11-2018 by Board of Review.

041-035-300-007-07  
MCKINLEY, DANIEL D

041-035-300-007-06  
HEILMAN, MICHAEL G

N ↑

392'

245.78'

041-035-300-008-06  
SUP Approved by Planning  
Commission on 12/05/01

041-035-300-008-06

See Detail  
Drawing # 2

See Detail Drawing # 1

392'

041-035-300-008-07  
HEILMAN,  
JANICE M &

655'

655'

041-034-400-002-00  
CLARK, MARTIN &  
ROGER A CLARK

041-035-300-007-04  
MANUEL, BEVERLY &  
JESSICA MANUEL JT

WOIDERSKI RD

228.6'

041-035-300-008-08  
HOWARD, ANN

091-002-100-001-01  
ARMANTROUT, ERVIN  
& HELEN H/W

091-002-100-001-02  
ARILDSEN, TOM  
& ELAINE H/W

091-002-100-002-00  
GRAHAM, MARK  
& GAIL H/W

INVERNESS TRAIL RD

820



Detail Drawing #2

20' EASEMENT North Side

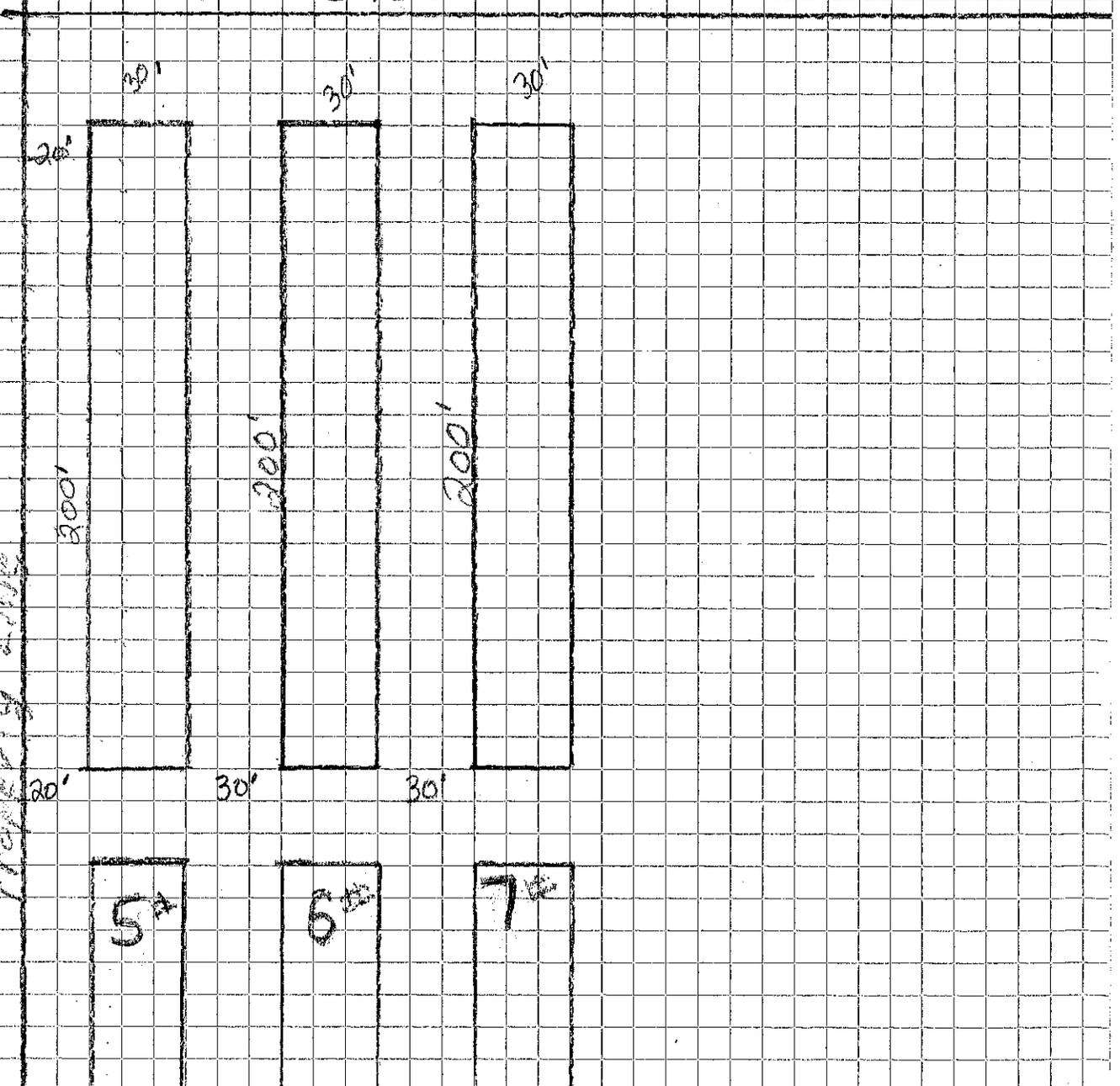
35' EASEMENT East Side

Building 5-6-7 ARE existing buildings

EAST Side

North Side

Property Line



041-035-300-008-02  
KNAFFLE, TERRY & DEBORAH H/W  
3980 LEVERING RD  
CHEBOYGAN, MI 49721

041-035-300-007-07  
MCKINLEY, DANIEL D  
12160 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-035-300-008-07  
HEILMAN, JANICE M &  
12100 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-034-400-002-00  
CLARK, MARTIN J; ROGER A CLARK &  
10295 WING RD  
CHEBOYGAN, MI 49721

041-034-400-006-00  
GRIFFIN, JOYCE & CLAIR W/H  
12181 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-034-400-007-00  
SOCHA, GLENN W & NATHALIE H/W  
12143 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-034-400-008-00  
ROCHELEAU, MARY POND  
12113 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-034-400-009-00  
VOISIN, GARY  
12067 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49721

041-035-300-007-06  
HEILMAN, MICHAEL G  
1750 WOJERSKI RD  
CHEBOYGAN, MI 49721

041-035-300-008-04  
HEILMAN, AMANDA AND  
1824 WOJERSKI RD  
CHEBOYGAN, MI 49721

041-035-300-008-03  
HOWARD, ANN  
1848 WOJERSKI RD  
CHEBOYGAN, MI 49721

041-035-300-007-04  
MANUEL, BEVERLY & JESSICA MANUEL JT  
1940 WOJERSKI RD  
CHEBOYGAN, MI 49721

041-035-300-008-06  
KNAFFLE, TERRY R & DEBORAH H/W  
3980 LEVERING RD  
CHEBOYGAN, MI 49721

091-002-100-002-00  
GRAHAM, MARK & GAIL H/W  
1905 WOJERSKI RD  
CHEBOYGAN, MI 49721

091-002-100-001-02  
ARILDSEN, TOM & ELAINE H/W  
1941 WOJERSKI RD  
CHEBOYGAN, MI 49721

091-002-100-001-01  
ARMANTROUT, ERVIN & HELEN H/W  
595 O'BRIEN DR  
CHEBOYGAN, MI 49721

091-002-100-003-00  
GUENTERBERG, KARL & MARY H/W  
1845 WOJERSKI RD  
CHEBOYGAN, MI 49721

041-035-300-007-03  
SHALL, URSULA LE & RAYMOND SKIERA  
979 OLD MACKINAW RD  
CHEBOYGAN, MI 49721

041-035-300-007-03  
OCCUPANT  
12182 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-035-300-007-07  
OCCUPANT  
12160 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-035-300-008-07  
OCCUPANT  
12100 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-034-400-002-00  
OCCUPANT  
2051 WOJERSKI RD  
CHEBOYGAN, MI 49749

041-034-400-006-00  
OCCUPANT  
12181 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-034-400-007-00  
OCCUPANT  
12143 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-034-400-008-00  
OCCUPANT  
12113 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

041-034-400-009-00  
OCCUPANT  
12067 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

091-002-100-003-00  
OCCUPANT  
1845 WOJERSKI RD  
CHEBOYGAN, MI 49749

041-035-300-008-04  
OCCUPANT  
1824 WOJERSKI RD  
CHEBOYGAN, MI 49749

041-035-300-008-03  
OCCUPANT  
1848 WOJERSKI RD  
CHEBOYGAN, MI 49749

041-035-300-007-04  
OCCUPANT  
1940 WOJERSKI RD  
CHEBOYGAN, MI 49749

041-035-300-008-06  
OCCUPANT  
12106 INVERNESS TRAIL RD  
CHEBOYGAN, MI 49749

091-002-100-002-00  
OCCUPANT  
1905 WOJERSKI RD  
CHEBOYGAN, MI 49749

091-002-100-001-02  
OCCUPANT  
1941 WOJERSKI RD  
CHEBOYGAN, MI 49749

091-002-100-001-01  
OCCUPANT  
1991 WOJERSKI RD  
CHEBOYGAN, MI 49749

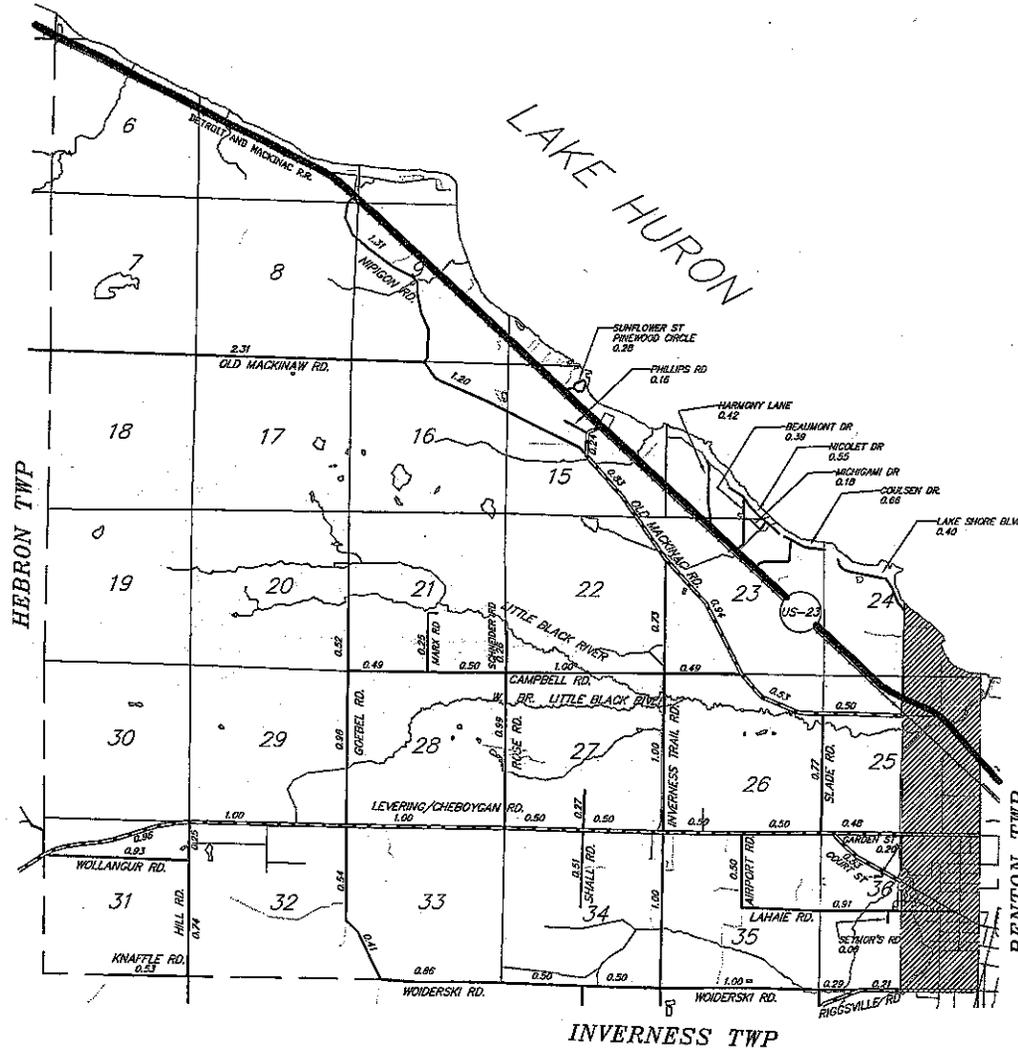
# LEGEND

22

- COUNTY LINE -----
- CORPORATE LIMITS - - - - -
- STATE TRUNKLINE **—————**
- COUNTY PRIMARY **—————**
- COUNTY LOCAL -----
- ADJACENT COUNTY **—————**
- CITY OR VILLAGE STREET -----

PRIMARY ROAD SYSTEM IS 9.22 MILES

LOCAL ROAD SYSTEM IS 25.84 MILES



BEAUGRAND TOWNSHIP  
T38N R2W 22

4



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## VARIANCE STAFF REPORT

<b>Item:</b> A request for a use variance from the requirement to be located on a County Primary or State Trunk line	<b>Prepared by:</b> Jeffery Lawson
<b>Date:</b> March 19, 2018	<b>Expected Meeting Date:</b> March 28, 2018

### GENERAL INFORMATION

**Applicant:** Terry Knaffle

**Property Owner:** Same

**Contact person:** Same

**Phone:** 231-290-3449

**Requested Action:** Allow a use variance to construct three additional indoor storage facilities on property that is not located on a County Primary or State Trunkline Road. The property is located at 12106 Inverness Trail, Beaugrand Township, Section 35, parcels 041-035-300-008-02 and 041-035-300-008-06.

### BACKGROUND INFORMATION

The property is zoned M-AF Agricultural and Forestry Management District. Indoor Storage Facilities are permitted in the district by special use permit. The applicant is seeking a variance from the standard under Section 17.27.3 that requires Indoor Storage Facilities be constructed on a County Primary or State Trunkline. Currently the property contains existing indoor storage buildings.

Section 17.27 of the Zoning Ordinance Permits Indoor Storage Facilities in the M-AF Agricultural and Forest Management District subject to the following:

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

17.27.1 A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.

17.27.2 A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.

**17.27.3 Indoor Storage Facilities shall be located on a County Primary Road or State Trunkline.**

**Surrounding Zoning:**

**West:** M-AF Agricultural and Forest Management District

**East:** Same

**South:** Same

**North:** Same

**Surrounding Land Uses:**

Residential uses surround the subject Properties to the north, south, east and west.

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

There are no environmentally sensitive areas on the subject properties.

**Public Comments:**

1. None.

**VARIANCE CONSIDERATIONS**

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

**General Findings**

1. The subject property is located in the M-AF Agricultural and Forestry Management District.
2. The applicant is seeking a use variance to construct an additional three indoor storage buildings on combined parcels. The property currently contains indoor storage facility buildings. The existing indoor storage facility buildings pre-exist the applicable zoning regulations and constitute a lawful nonconforming use.
3. Indoor Storage Facilities are permitted in the M-AF Agricultural and Forest Management District subject to a special use permit. Section 17.27.3. of the special use permit provisions reads as follows; Indoor Storage Facilities shall be located on County Primary or State Trunkline.
4. The applicant is seeking a variance from the requirement under Section 17.27.3 that requires indoor storage facilities in the M-AF Agricultural and Forest Management District to be located on a County Primary or State Trunkline.
- 5.
- 6.

**23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist: (Rev. 09/11/04, Amendment #36)**

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

**FINDING WHICH SHOWS THE STANDARD HAS NOT BEEN MET**

The Board finds that other than the fact that the property does contain lawful nonconforming storage buildings there are no extraordinary circumstances or conditions applicable to this property which would prevent it from otherwise being utilized in a manner in compliance with uses by right under section 9.2 or uses requiring a special land use permit under section 9.3 of the Cheboygan County Zoning Ordinance. The Board further finds that surrounding properties are similar with respect to land forms and are used in a manner which complies with the uses allowed in the M-AF District and with the Cheboygan County Zoning Ordinance. (See Exhibits master plan, zoning ordinance, application, aerial map showing surrounding properties).

The Board finds that this standard has not been met.

**FINDING WHICH SHOWS THE STANDARD HAS BEEN MET**

The Board finds that the historical use of the property, inclusive of the nonconforming indoor storage building use, prevents the property in general from being utilized in a manner which complies with the Cheboygan County Zoning Ordinance due to the fact that these lawful nonconforming buildings contain the following unique features which would prevent their conversion to other uses allowed within the M-AF District either by right or by special use, to wit; (list the special features, if they exist), which results in the need for this property to be utilized for indoor storage only. (See Exhibits application, building design, features).

The Board finds that this standard has been met

The subject property currently contains indoor storage buildings which provide an exceptional circumstance that does not apply generally to other properties or uses in the same district.

Or; The applicant has not adequately demonstrated that special conditions exist that do not generally apply to other properties or uses in the same district.

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

FINDING WHICH SHOWS THE STANDARD HAS NOT BEEN MET

The Board finds that both the current use of the property and the use proposed which requests the additional construction of indoor storage buildings has historically and currently has no impact on other properties in the vicinity such that the granting of this variance is not necessary to preserve any substantial property rights already possessed by other property owners in the vicinity who are utilizing their properties in a manner which complies with the Cheboygan County Zoning Ordinance. (See Exhibits zoning ordinance, master plan, application, aerial photographs of surrounding properties)

The Board finds that this standard has not been met.

FINDING WHICH SHOWS THE STANDARD HAS BEEN MET

The Board finds that one or more of the following properties within the vicinity relies upon either the existing storage facility or upon the addition of storage facilities to facilitate the neighboring property(ies) in the vicinity to preserve the following vested property rights of the property(ies) in the vicinity which is/are as follows: (insert evidence, if any exists).

The Board finds that this standard has been met.

The proposed indoor storage facilities are designed to provide storage options to others in the vicinity.

Or,

The applicant has not demonstrated that the indoor storage facilities preserves a substantial property right currently possessed by other property in the vicinity.

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

The appellant is seeking the use variance to construct an additional three storage buildings only for the properties as identified in the variance application which are under control of the property owner as provided on the application.

Or,

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

The Cheboygan County Master Plan Future Land Use Map includes that the subject property is the Forest/Agricultural future land use category. The future land use classification is described in the Master Plan as follows:

**Forest / Agricultural**

The Forest / Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use.

Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses

A use variance for indoor storage facilities is constant with the M-AF Agricultural and Forestry Management future land use category and will not adversely affect the purposes or objectives of the Zoning Plan of the County.

Or:

A use variance for indoor storage facilities is not constant with future land uses of the master plan and will adversely affect the purposes or objectives of the Master Plan.

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

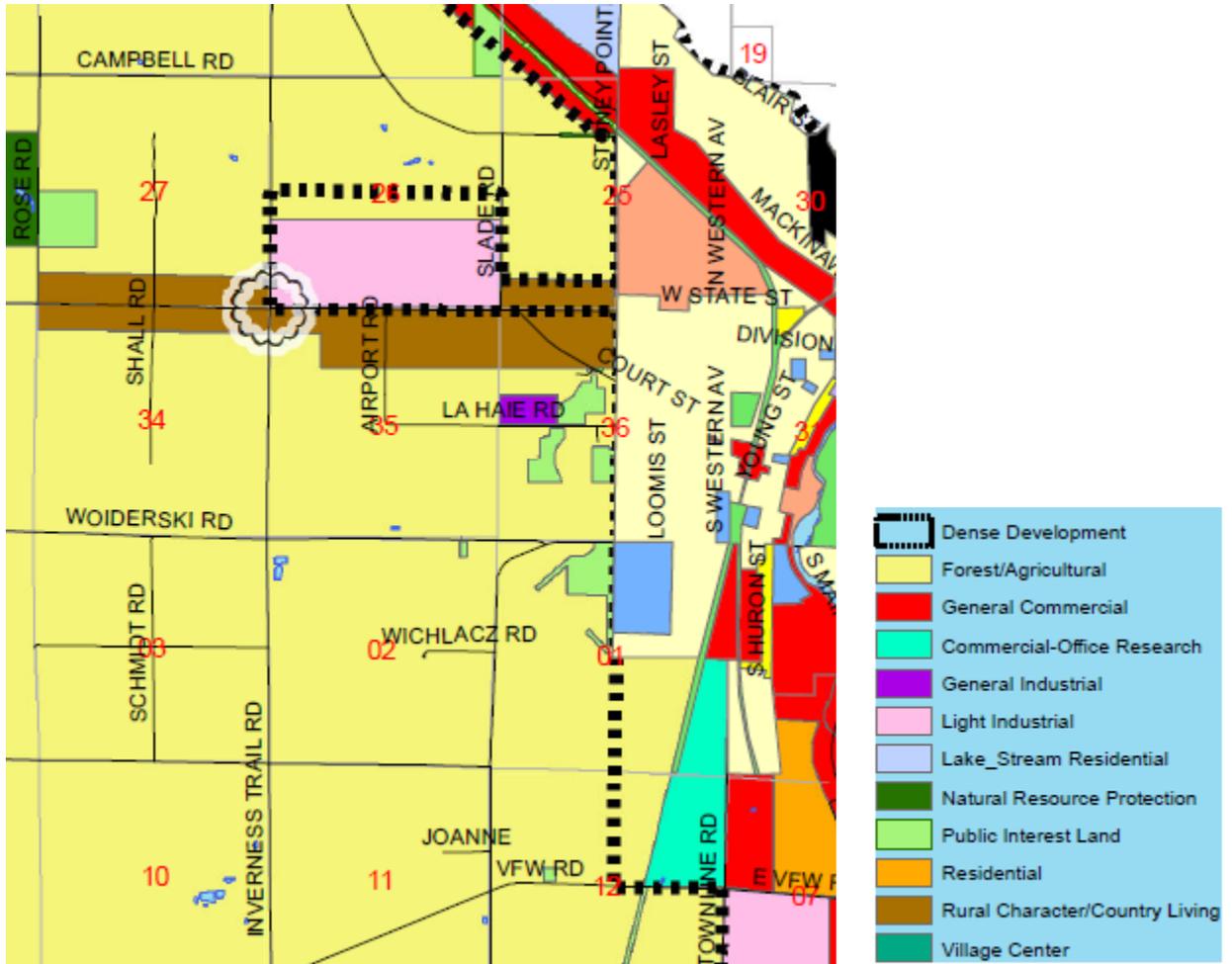
The granting of a variance to construct three additional indoor storage facility buildings as proposed in the application will not be detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

Or,

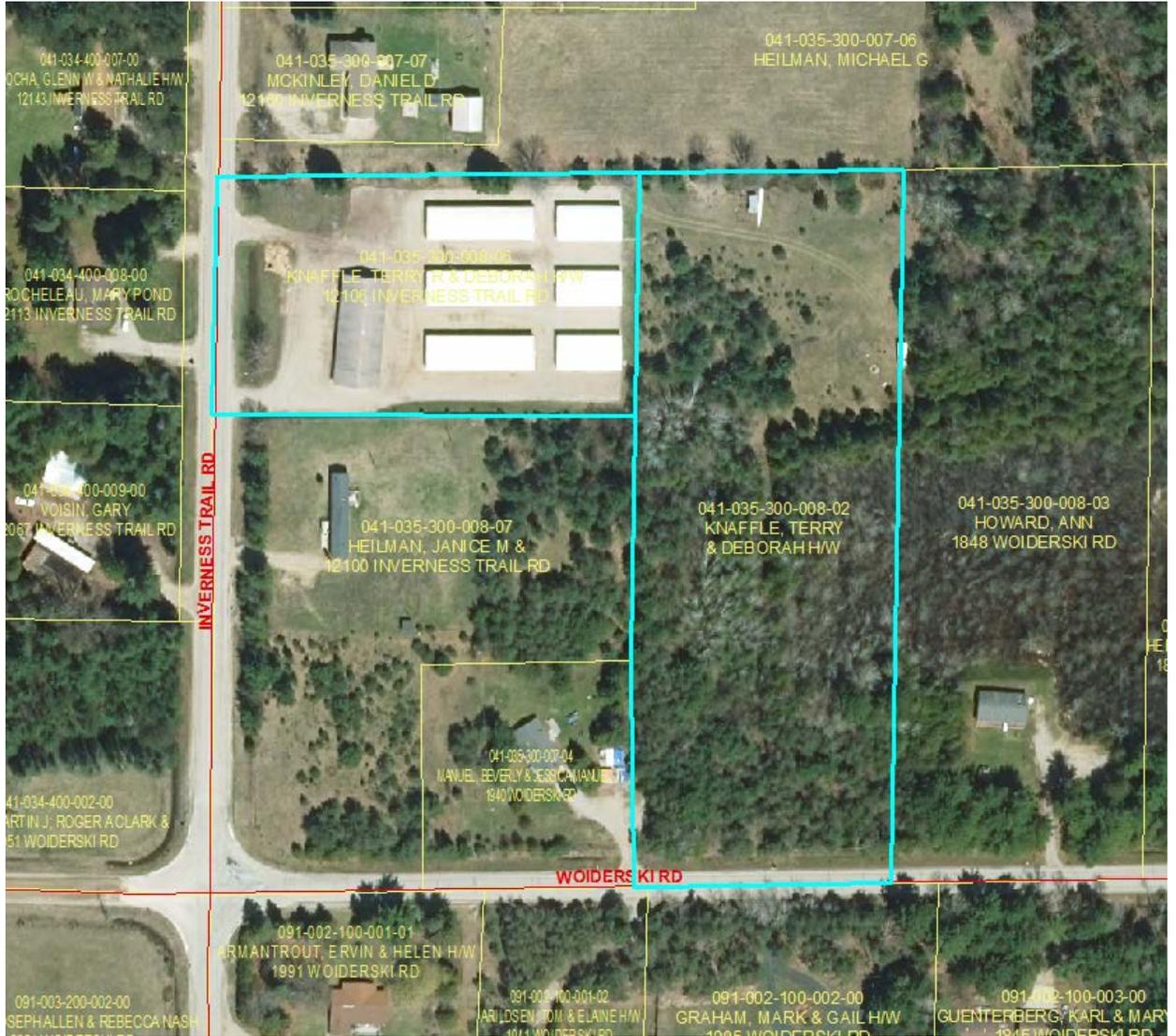
The granting of a variance to construct three indoor storage facility buildings will be detrimental to the public welfare and/or will be detrimental to the other property or improvements in the district in which the property is located due to its non-conformity.

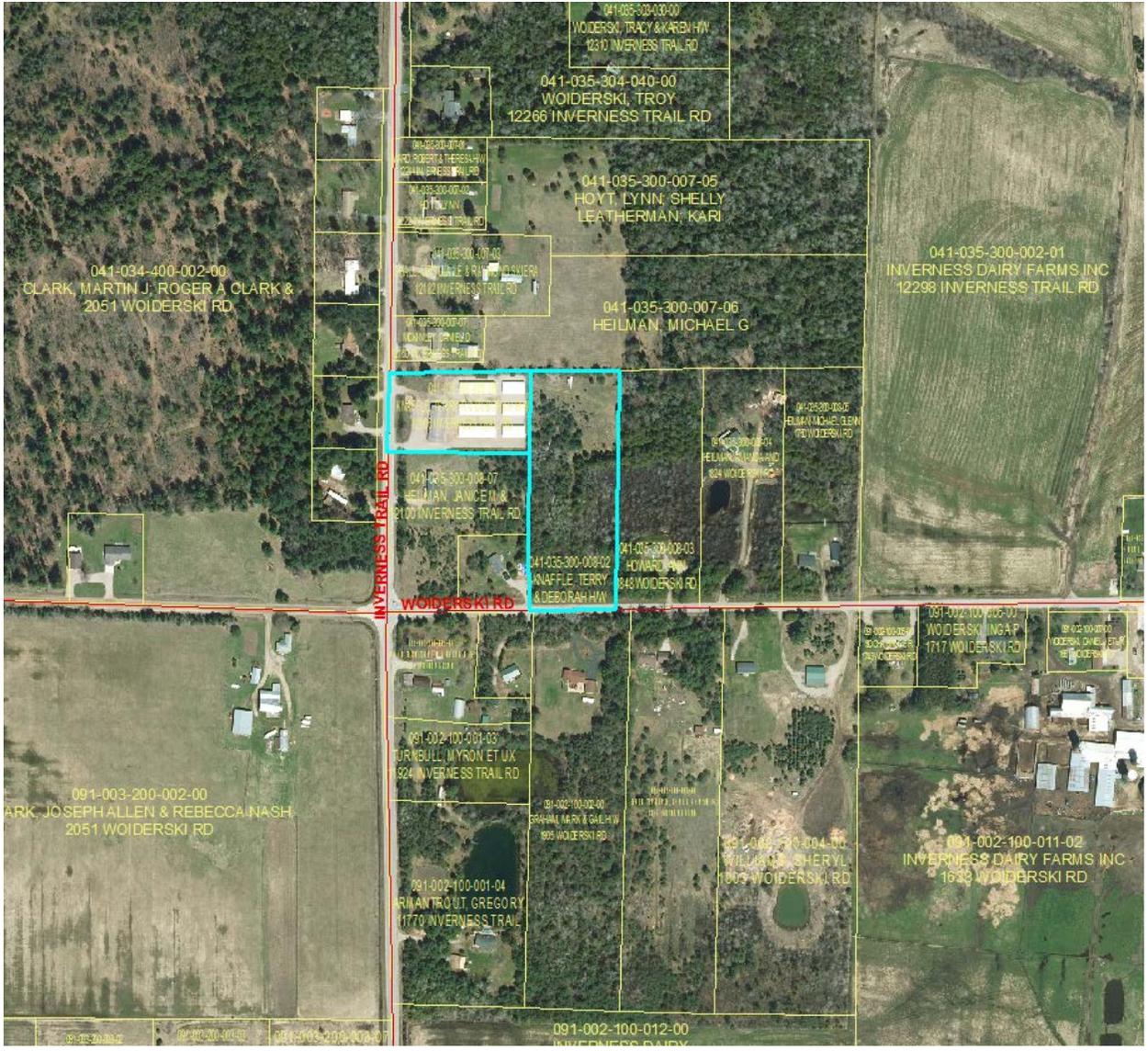
**SUPPLEMENTAL STAFF – SUPPLIED ATTACHMENTS**

**Section of the subject area from the Cheboygan County Future Land Use Map.**



**Aerial photos of the subject area**





041-034-400-002-00  
CLARK, MARTIN J, ROGER A CLARK &  
2051 WOIDERSKI RD

041-035-300-030-00  
WOIDERSKI, TRACY & KAREN HW  
1230 INVERNESS TRAIL RD

041-035-304-040-00  
WOIDERSKI, TROY  
12266 INVERNESS TRAIL RD

041-035-300-070-00  
ROBERTA THERESA HW  
12266 INVERNESS TRAIL RD

041-035-300-007-05  
HOYT, LYNN, SHELLY  
LEATHERMAN, KARI

041-035-300-007-06  
MICHAEL G HEILMAN  
1212 INVERNESS TRAIL RD

041-035-300-007-06  
HEILMAN, MICHAEL G

041-035-300-002-01  
INVERNESS DAIRY FARMS INC  
12298 INVERNESS TRAIL RD

041-035-300-007-07  
MICHAEL G HEILMAN  
1212 INVERNESS TRAIL RD

041-035-300-008-02  
HOWARD R  
843 WOIDERSKI RD

041-035-300-008-03  
HOWARD R  
843 WOIDERSKI RD

041-035-300-008-07  
HEILMAN, JANICE  
1100 INVERNESS TRAIL RD

041-035-300-008-02  
MAFFLE, TERRY  
& DEBORAH HW

091-003-200-002-00  
ARK, JOSEPH ALLEN & REBECCA NASH  
2051 WOIDERSKI RD

091-002-100-081-03  
TURNBULL, MYRON ET UX  
924 INVERNESS TRAIL RD

091-002-100-001-04  
ARMANTROUT, GREGORY  
1770 INVERNESS TRAIL RD

091-002-100-002-00  
HEILMAN, MICHAEL G  
895 WOIDERSKI RD

091-002-100-004-00  
WILLIAMS, SHERYL  
1805 WOIDERSKI RD

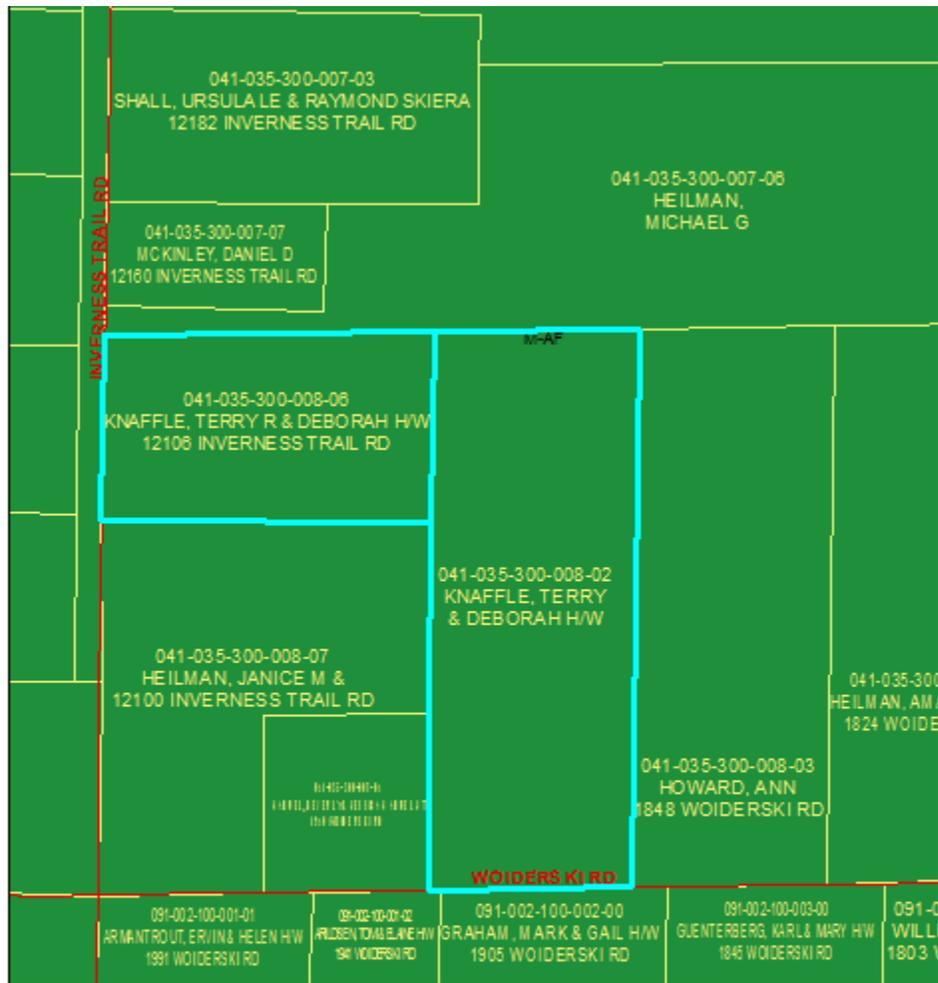
091-002-100-016-01  
WOIDERSKI, NGAP  
1717 WOIDERSKI RD

091-002-100-016-02  
WOIDERSKI, NGAP  
1717 WOIDERSKI RD

091-002-100-011-02  
INVERNESS DAIRY FARMS INC  
1633 WOIDERSKI RD

091-002-100-012-00  
INVERNESS DAIRY

### Zoning map of the subject area



**Zoning Districts**

- M-AF
- P-LS

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Thomas Chastain

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board Of Appeals Notice Of Public Hearing (1 Page)
4. Variance Application (4 Pages)
5. Mailing List (2 Pages)
6. 03/25/15 Zoning Board Of Appeals Minutes (2 Pages)
7. Findings Of Fact Dated 03/25/15 (3 Pages)
8. Dimensional Variance Application Signed 03/04/15 (5 Pages)
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

## NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, MARCH 28, 2018 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **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).
- 2.) **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.

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

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

**CHEBOYGAN COUNTY  
PLANNING & ZONING DEPT.**  
870 SOUTH MAIN ST., PO BOX 70  
CHEBOYGAN, MI 49721  
(231) 627-8489 (TELEPHONE)  
(231) 627-3646 (FAX)

**DIMENSIONAL VARIANCE APPLICATION**

**\$110.00 APPLICATION FEE**

<b>RECEIPT #:</b>	\$110.00 6080
<b>CASH/CHECK:</b>	CC
<b>ACTION / DATE:</b>	

**PLEASE PRINT**

**PROPERTY LOCATION**

<b>Address</b> 1351 Michigami Drive	<b>City / Village</b> Cheboygan	<b>Township / Sec.</b> / 23	<b>Zoning District</b> P-LS
<b>Property Tax I.D. (Parcel) Number</b> 16-041-023-100-013-00 16-041-B02-100-047-01		<b>Subdivision or Condo. Name / Plat or Lot No.</b> Beaugrand Estates	

**APPLICANT**

<b>Name</b> Thomas Chastain	<b>Telephone</b> 231-420-8294	<b>Fax</b>	
<b>Address</b> 111 E. Sinclair, PO Box 809	<b>City &amp; State</b> Mackinaw City, MI	<b>Zip Code</b> 49701	<b>E-Mail</b> talltom62@gmail.com

**OWNER (if different from applicant)**

<b>Name</b>	<b>Telephone</b>	<b>Fax</b>	
<b>Address</b>	<b>City &amp; State</b>	<b>Zip Code</b>	

Detailed directions to site, including nearest crossroad:

From Cheboygan, go north on US 23 to Beaugrand Estates. Turn right onto Beaumont Drive towards lake approx. 1000'. Turn right onto Michigami Drive to 3rd property on right (in curve). Dumpster sits in front of property.

**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: Beaugrand Estates Subdivision - no trailers allowed
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat Beaugrand Estates Subdivision
- C. Present use of the property is: Single family home - new construction.
- 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.

This newly built home is an asset to the Beaugrand Subdivision and the neighborhood. This home has been for sale for a year. The biggest objection to this home has been that it has little storage & no exterior storage. The seller has received an offer and the buyer is planning to relocate in April. The only contingency on the offer is that the buyer is able to erect a 14 X 20 detached garage on the area currently being used as the driveway. Due to the creek and location of the existing improvements this is the only area that a garage can be built on this site. The garage will not meet minimum setback from Dynamite Creek, but will be 40' off the edge of the road.

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 unique shape of this lot with Dynamite Creek as one boundary line, and the home improvements (septic system, gas lines, etc.) will not allow the placement of the garage while meeting the minimum yard setbacks of the P-LS Zoning. There is no other suitable location for a garage on this lot. Having a contained area for a vehicle and maintenance equipment (lawn mower, snowblower, etc.) will be superior to those items being left on the driveway.

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 due to the unique shape of the lot only. It is not the result of this property owner's actions. This is a very small lot in Beaugrand Estates and with Dynamite Creek its difficult to fit everything on it. The dilapidated trailer was removed and a beautiful home was built in its place.

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 unique size and shape of this lot and the creek makes compliance on the placement of the garage unachievable. Any homeowner will want to have a reasonable space to store their vehicle, lawn tractor, snowblower and items necessary to maintain and enjoy this location. All parties involved in this transaction feel that the outside storage of these normal homeowner items would detract from the beautiful home that was built, as well as, the neighborhood. All interested purchasers have wanted a garage. This is the only buyer during this past year who was willing to compromise and accept a 1 car garage. Most parties want a 24 X 24 or 2 car. Allowing a garage would eliminate potential opportunity for blight.

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.

This is a residential lot within Beaugrand Estates. The requested variance will allow the property to be completed in such a manner that enhances the neighborhood and holds the standard that Beaugrand Estates aspires to. It also gives the property owner safety and security for themselves and their belongings.

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 raise the surrounding property values. Living in northern Michigan with long winters, the addition of the garage will encourage full time, year around living and enjoyment of this property. Full time owners traditionally care for and maintain their properties with pride. The addition of a garage will not adversely impact the surrounding homeowners, in fact it will fill an empty home which is always better for the neighborhood.

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 Thomas A. Chaastain, President datloop verified 03/08/18 9:24PM EST UIH-TT18-GU7X-X2D Date 3/8/18

**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 \_\_\_\_\_ Date \_\_\_\_\_

*Detailed request & justification -*

This newly built home is an asset to the Beaugrand Subdivision and the neighborhood. This home has been for sale for a year. The biggest objection to this home has been that it has little storage and no exterior storage. The seller has received an offer and the buyer is planning to relocate for employment in April. The only contingency on the offer is that the buyer is able to erect a 14 X 20 detached garage on the area currently being used as the driveway. Due to the creek and location of the existing improvements, this is the only area that a garage can be built on this site. The garage will not meet minimum setback from Dynamite Creek, but will be 40' off the edge of the road.

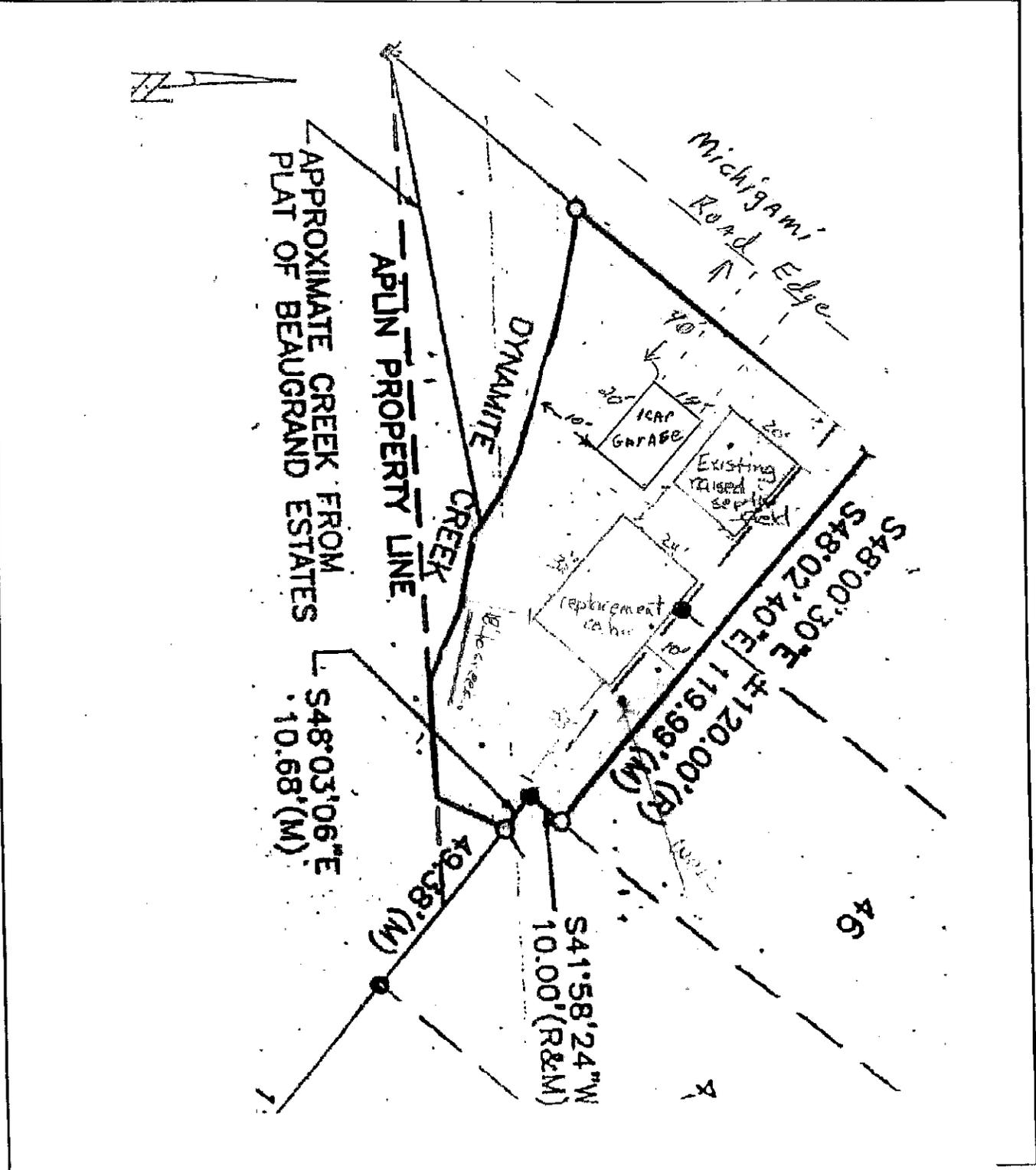
### 5 standards

- a. The unique shape of this lot with Dynamite Creek as one boundary line, and the home improvements (septic system, gas lines, etc.) will not allow the placement of the garage while meeting the minimum yard setbacks of the P-LS Zoning. There is no other suitable location for a garage on this lot. Having a contained area for a vehicle and maintenance equipment (lawn mower, snowblower, etc.) will be superior to those items being left on the driveway.
- b. The requested variance is due to the unique shape of the lot only. It is not the result of this property owner's actions. This is a very small lot in Beaugrand Estates and with Dynamite Creek, it's difficult to fit everything on it. The dilapidated trailer was removed and a beautiful home was built in its place.
- c. The unique size and shape of this lot and the creek makes compliance on the placement of the garage unachievable. Any homeowner will want to have a reasonable space to store their vehicle, lawn tractor, snowblower and items necessary to maintain and enjoy this location. All parties involved in this transaction feel that the outside storage of these normal homeowner items would detract from the beautiful home that was built, as well as, the neighborhood. All interested purchasers have wanted a garage. This is the only buyer during this past year that was willing to compromise and accept a 1-car garage. Most parties want a 24 X 24 or 2 car. Allowing a garage would eliminate potential opportunity for blight.
- d. This is a residential lot within Beaugrand Estates. The requested variance will allow the property to be completed in such a manner that enhances the neighborhood and holds the standard that Beaugrand Estates aspires to. It also gives the property owner safety and security for themselves and their belongings.
- e. The requested variance will raise the surrounding property values. Living in northern Michigan with long winters, the addition of the garage will encourage full time, year around living and enjoyment of this property. Full time owners traditionally care for and maintain their properties with pride. The addition of a garage will not adversely affect the surrounding homeowners; in fact, it will fill an empty home, which is always better for the neighborhood.

**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>24'</u> Rear: <u>75'</u> Side: <u>10'</u> <sup>Creek</sup> Side: <u>    </u>	Zoning District: <u>P-LS</u>	North: <u>N</u>
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041-B02-100-044-00  
ARNETT, ALICE  
6773 M-33 HWY  
CHEBOYGAN, MI 49721

041-023-100-015-03  
APLIN, DORRINE  
1281 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-024-00  
KOWALCZYK, THERESA  
1382 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-025-00  
JEANNOTTE, EDWARD & SANDRA H/W  
1372 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-055-00  
KELLEY, SCOTT & VICKI H/W  
1383 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-046-00  
BREWSTER, DAVID A  
1345 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-047-01  
CHASTAIN, THOMAS A, TRUSTEE  
PO BOX 809  
MACKINAW CITY, MI 49701

041-B02-100-049-00  
MELCHING, MICAEL D  
906 NORTHWESTERN AVE  
CHEBOYGAN, MI 49721

041-B02-100-048-00  
LINN, TONI R  
1359 MICHIGAMI DR  
CHEBOYGAN, MI 49721

041-B02-100-052-00  
KELLEY, JOYCE  
1383 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-057-00  
WADE, ANTHONY  
PO BOX 615  
CHEBOYGAN, MI 49721

041-B02-100-053-00  
COGSWELL, CYNTHIA L A  
1376 MICHIGAMI DR  
CHEBOYGAN, MI 49721

041-023-100-010-00  
KILEY, EZEKIEL  
1399 MICHIGAMI DR  
CHEBOYGAN, MI 49721

041-023-100-011-00  
VAN TIELEN, WILLIAM R, TRUSTEE  
1632 NICOLET DR, PO BOX 6036  
CHEBOYGAN, MI 49721

041-023-100-013-00  
CHASTAIN, THOMAS A, TRUSTEE  
PO BOX 809  
MACKINAW CITY, MI 49701

041-023-100-014-00  
KILEY, EZEKIEL  
1399 MICHIGAMI DR  
CHEBOYGAN, MI 49721

041-B02-100-026-00  
VANTIELEN, WILLEM R, TRUSTEE  
PO BOX 6036  
CHEBOYGAN, MI 49721

041-B02-100-039-00  
APLIN, DORRINE  
1281 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-028-00  
PRESTON, TIMOTHY & TARA, TTEES  
9135 CEDAR LAKE RD  
PINCKNEY, MI 48169

041-B02-100-043-00  
JOHNSON, SUSAN  
1313 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-041-00  
LAFAVE, ROBERT; BRENDA SCOTT;  
1297 NICOLET DR  
CHEBOYGAN, MI 49721

041-B02-100-031-03  
CARLOS, DUKANE & KAREN H/W  
1602 WEST BARRON RD  
HOWELL, MI 48843

041-B02-100-029-00  
GALBRAITH, GEORGE & MARJORIE H/W  
1300 NICOLET DR  
CHEBOYGAN, MI 49721

041-023-100-015-05  
SHEPARD, LANNY & WINIFRED H/W  
10554 N STRAITS HWY  
CHEBOYGAN, MI 49721

041-B02-100-031-03  
OCCUPANT  
1288 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-029-00  
OCCUPANT  
1312 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-024-00  
OCCUPANT  
1382 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-025-00  
OCCUPANT  
1372 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-055-00  
OCCUPANT  
1383 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-046-00  
OCCUPANT  
1345 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-047-01  
OCCUPANT  
MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-B02-100-049-00  
OCCUPANT  
1360 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-B02-100-048-00  
OCCUPANT  
1359 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-B02-100-052-00  
OCCUPANT  
1375 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-057-00  
OCCUPANT  
1400 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-B02-100-053-00  
OCCUPANT  
1376 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-023-100-010-00  
OCCUPANT  
1399 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-023-100-011-00  
OCCUPANT  
1363 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-023-100-013-00  
OCCUPANT  
1351 MICHIGAMI DR  
CHEBOYGAN, MI 49749

041-023-100-015-05  
OCCUPANT  
1521 W US-23 HWY  
CHEBOYGAN, MI 49749

041-B02-100-026-00  
OCCUPANT  
1362 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-039-00  
OCCUPANT  
1281 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-028-00  
OCCUPANT  
1344 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-043-00  
OCCUPANT  
1313 NICOLET DR  
CHEBOYGAN, MI 49749

041-B02-100-041-00  
OCCUPANT  
1297 NICOLET DR  
CHEBOYGAN, MI 49749

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, MARCH 25, 2015**  
**ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING**

**Members Present:** Charles Freese, John Moore, Chris Brown, Mary Street

**Members Absent:** Ralph Hemmer

**Others Present:** Scott McNeil, Tony Matelski, Bruce Gauthier, Ann Chastain, Steve Crusoe

The meeting was called to order by Chairperson Freese at 7:00pm.

**PLEDGE OF ALLEGIANCE**

Chairperson Freese led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The agenda was presented. Mr. Freese noted that the request from Burdco has been withdrawn and the request for Panagopoulos/Foster must be advertised again and will be on the next agenda. **Motion** by Mr. Moore, seconded by Mr. Brown, to accept the agenda as amended. Motion carried. 4 Ayes (Freese, Moore, Brown Street), 0 Nays, 1 Absent (Hemmer)

**APPROVAL OF MINUTES**

Minutes from the February 25, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Ms. Street, seconded by Mr. Brown, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Moore, Brown Street), 0 Nays, 1 Absent (Hemmer)

**PUBLIC HEARING & ACTION ON REQUESTS**

**Tom Chastain**

Requests a 22ft. front setback variance and a 2ft. rear setback variance to construct a dwelling (24ft. x 32ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 1351 Michigami Drive, Beaupond Township, Section 23, parcel #041-023-100-013-00 and #041-B02-100-047-01. A 40 ft. front setback and a 12 ft. rear setback are required in this zoning district.

Mr. McNeil stated the applicant is request two setback variances. Mr. McNeil stated the parcel is located in a Lake and Stream Protection zoning district. Mr. McNeil noted that a 40ft. front setback and a 12ft. rear setback are required in this zoning district. Mr. McNeil noted that the front property line is Dynamite Creek and the opposite property line is the rear property line. Mr. McNeil stated the applicant is requesting a 22ft. front setback variance and a 2ft. rear setback variance. Ms. Chastain presented a picture of the proposed cabin.

There was no correspondence to be read. Mr. Freese asked for public comments. Mr. Matelski asked if Dynamite Creek is an intermittent stream. Mr. McNeil stated this is a perennial stream. Ms. Rocheleau stated that this creek has water in it all of the time. Public comment closed.

Mr. Freese stated the applicant is proposing to construct a 768 cabin on this parcel. Mr. Freese noted that even the minimum size requirement of 720sf for a dwelling would require a variance. Mr. Freese asked what is the minimum distance requirement between a septic field and a building. Mr. McNeil stated 10ft. is the minimum.

The Zoning Board of Appeals added "The applicant is proposing a 768sf dwelling and a minimum size building of 720sf could not be constructed on the lot without a variance being granted." to the General Findings. The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Brown, to approve the variance requests based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Moore, Brown Street), 0 Nays, 1 Absent (Hemmer)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

Mr. Freese stated that Mr. Brown submitted a letter of resignation. Mr. Freese thanked Mr. Brown for his service on the

Zoning Board of Appeals and noted that Mr. Brown served on the Zoning Board of Appeals for 14 years. Mr. Brown stated this has been a great board to work with and is one of the best boards he has served on.

Mr. Freese stated there are six applicants that are being considered for the position that is open on the Zoning Board of Appeals. Mr. Freese stated Mr. Brown discussed the possibility of being an alternate Zoning Board of Appeals member since he is a Commissioner and will be attending the Zoning Board of Appeals meetings. Mr. Freese stated he has not been in favor of increasing the number of members on the board in the past but noted it would be convenient to have an alternate member that could step in when a member is absent. Mr. Freese stated Mr. Brown has the background and could be an alternate member if this can be worked out. Mr. Gauthier stated there is a pending legal opinion on whether a Commissioner can also serve on the Zoning Board of Appeals. Discussion was held.

**ZBA COMMENTS**

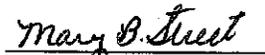
Mr. Moore stated that Dynamite Creek is not the front of the property other than by definition. Mr. Moore stated that this is something that the Planning Commission should consider as they are reviewing lake and stream issues. Mr. McNeil stated that when you look at the way waterfront property is used, Dynamite Creek should be considered the front. Discussion was held.

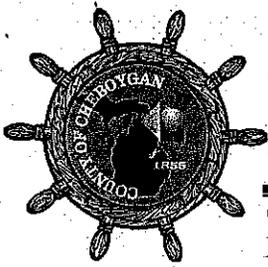
**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Moore, to adjourn. Motion carried. Meeting adjourned at 7:20pm.

  
\_\_\_\_\_  
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/](http://www.cheboygancounty.net/planning/)

## DIMENSIONAL VARIANCE

### Applicant

Thomas Chastain  
PO Box 809  
Mackinaw City, MI 49701

### Owner

Thomas Chastain  
PO Box 809  
Mackinaw City, MI 49701

**Parcel:** 041-B02-100-047-01  
1351 Michigami Drive

### **General Findings**

1. The property is located in a Lake and Stream Protection (P-LS) zoning district. A 12 setback is required from the rear lot line and a 40 foot side setback from the front lot line is required in this zoning district.
2. The applicant is seeking to construct a dwelling 24 ft. x 32 with 768 sq. ft. of floor area dwelling on the lot.
3. The applicant is seeking and 2 ft. rear lot line setback variance, a 22 foot front setback variance.
4. The subject parcel is a triangle shaped lot which contains approximately .2 acres.
5. The lot is dissected by a creek with 91.6 feet on Michigami Dr. from the creek to the rear lot line.
6. The minimum floor area for a dwelling is 720 sq. ft. with a minimum width of 24 ft. the P-LS zoning district per section 17.1.
7. The applicant is proposing a 768sf dwelling and a minimum size building of 720sf could not be constructed on the lot without a variance being granted.

### **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.**

#### ***Regarding front setback;***

The property is shaped in a triangle and is bisected by a creek, which is are unique physical conditions and are not due to the applicant's personal or economic difficulty.

***Regarding setback from rear lot line;***

The property is shaped in a triangle and is bisected by a creek, which is a unique physical condition 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).**

***Regarding front setback;***

The need for the requested variance is due to the shape of the lot and/or the lot being bisected by a creek and is not the result of actions of the property owner or previous property owners.

***Regarding setback from rear lot line;***

The need for the requested variance is due to the shape of the lot and/or the lot being bisected by a creek and is not the result of actions of the property owner or 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.**

***Regarding front setback;***

Due to the location of a creek, and the shape of the lot and a 24 ft minimum dwelling width requirement, conformity with setback regulations is deemed unnecessarily burdensome.

***Regarding setback from rear lot line;***

Due to the location of a creek, and the shape of the lot and a 24 ft minimum dwelling width requirement, conformity with setback regulations is deemed unnecessarily burdensome.

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

***Regarding front setback;***

Due to the location of a creek, and the shape of the lot and a 24 ft minimum dwelling width requirement, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

***Regarding setback from rear lot line;***

Due to the location of a creek, and the shape of the lot and a 24 ft minimum dwelling width requirement, the variance request represents the minimum

necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

***Regarding front setback;***

Granting the variance will provide an 18ft. front and will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

***Regarding setback from rear lot line;***

Granting the variance will provide and 10 ft. rear setback and will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

**DECISION**

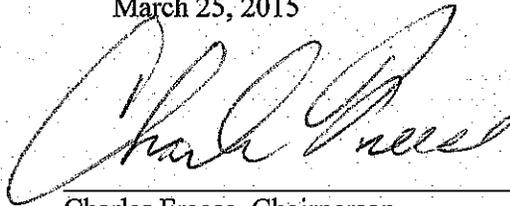
Motion by Mr. Moore, seconded by Mr. Brown, to approve the variance requests based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Moore, Brown Street), 0 Nays, 1 Absent (Hemmer)

**TIME PERIOD FOR JUDICIAL REVIEW**

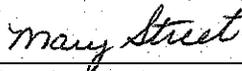
MCLA 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within thirty (30) days after the Zoning Board of Appeals certifies this Decision in writing or approves the minutes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

**DATE DECISION AND ORDER ADOPTED**

March 25, 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

\$100.00 APPLICATION FEE

RECEIPT #:	4373
CASH/CHECK:	5264
ACTION / DATE:	

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 1351 Michigami Drive	City / Village Cheboygan	Township / Sec. / 23	Zoning District P-LS
Property Tax I.D. (Parcel) Number 16-041-023-100-013-00 16-041-802-100-647-01	Subdivision or Condo. Name / Plat or Lot No. Beaugrand Estates		

**APPLICANT**

Name Thomas Chastain	Telephone 231 4208294	Fax
Address 111 E Sinclair, PO Box 809	City & State Mackinaw City	Zip Code 49701
		E-Mail talltom62@gmail.com

**OWNER (If different from applicant)**

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

From Cheboygan, go N on US 23 to Beaugrand Estates. Turn rt onto Beaumont Drive, towards lake approx 1000'. Turn rt onto Michigami Dr. to 3rd property on rt (on curve). Dumpster sits in front of property.

**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: Beaugrand Estates subdivision - no trailers allowed
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat Beaugrand Estates subdivision
- C. Present use of the property is: single family home - (trailer 12'x60')
- 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.

Replacement of dilapidated trailer with 24'x32' rustic retreat cottage will not meet minimum front yard setback from Dynamite Creek. This cottage cannot meet rear setback requirement either.

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 unique shape of this lot, with Dynamite Creek as one boundary line, will not allow for trailer replacement with cottage, meeting minimum yard setbacks of P-L5 zoning.

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 due to the unique shape of this lot only. It is not the result of this property owner's actions - This is a very small lot in Beaujean Estates -

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 unique size and shape of this lot (with previous trailer) will not allow replacement cabin to be built, and meet regulations governing minimum yard setbacks.

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.

This is a residential lot within Beaujean Estates - This requested variance will allow the lot to be re-used as a residential lot following cleanup of blighted conditions -

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 enhance surrounding properties and property values, as dilapidated trailer and blight are removed and replaced with new residential cabin -

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

Owner's Signature [Signature] Date 3-4-15

**AFFIDAVIT**

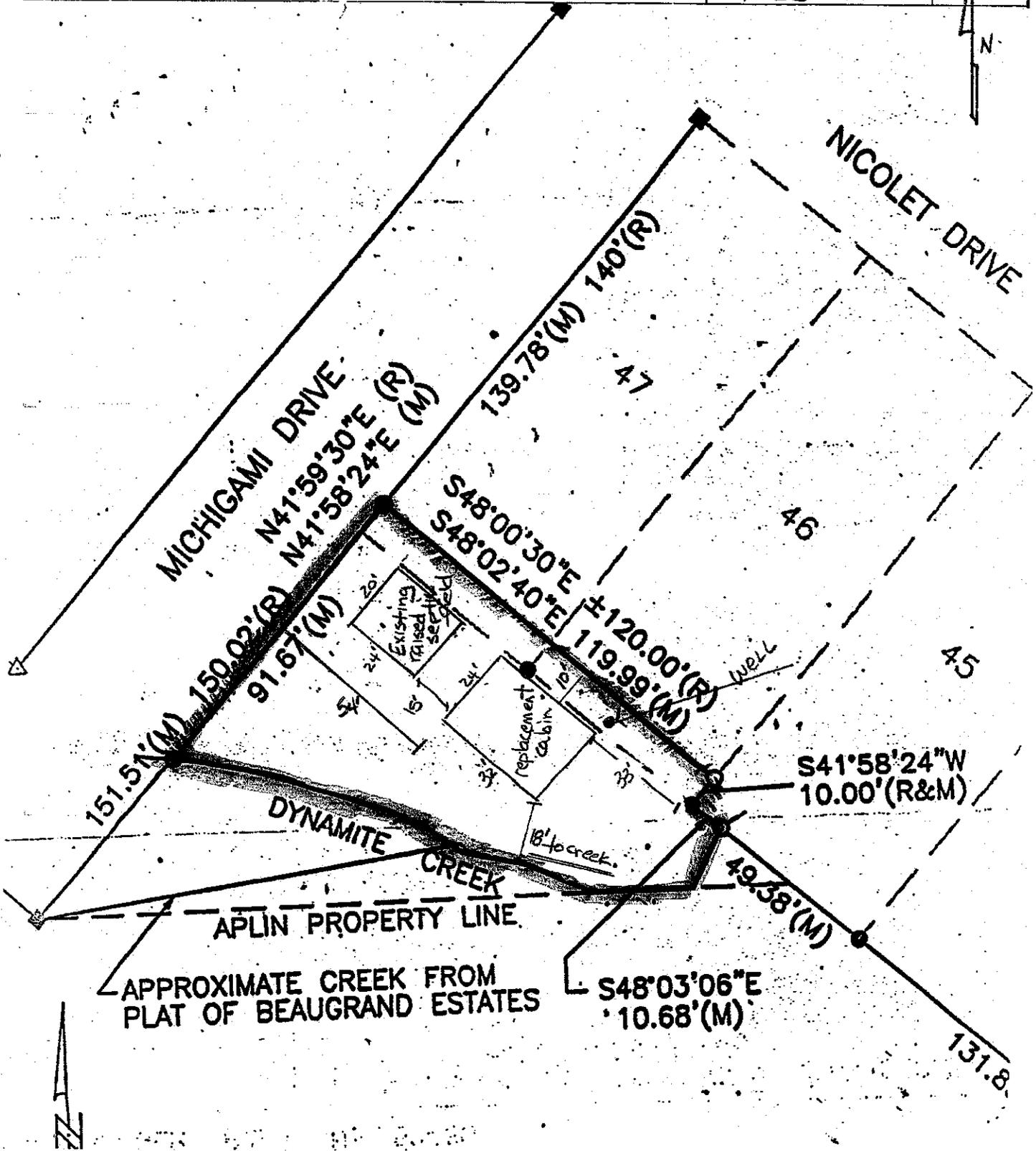
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

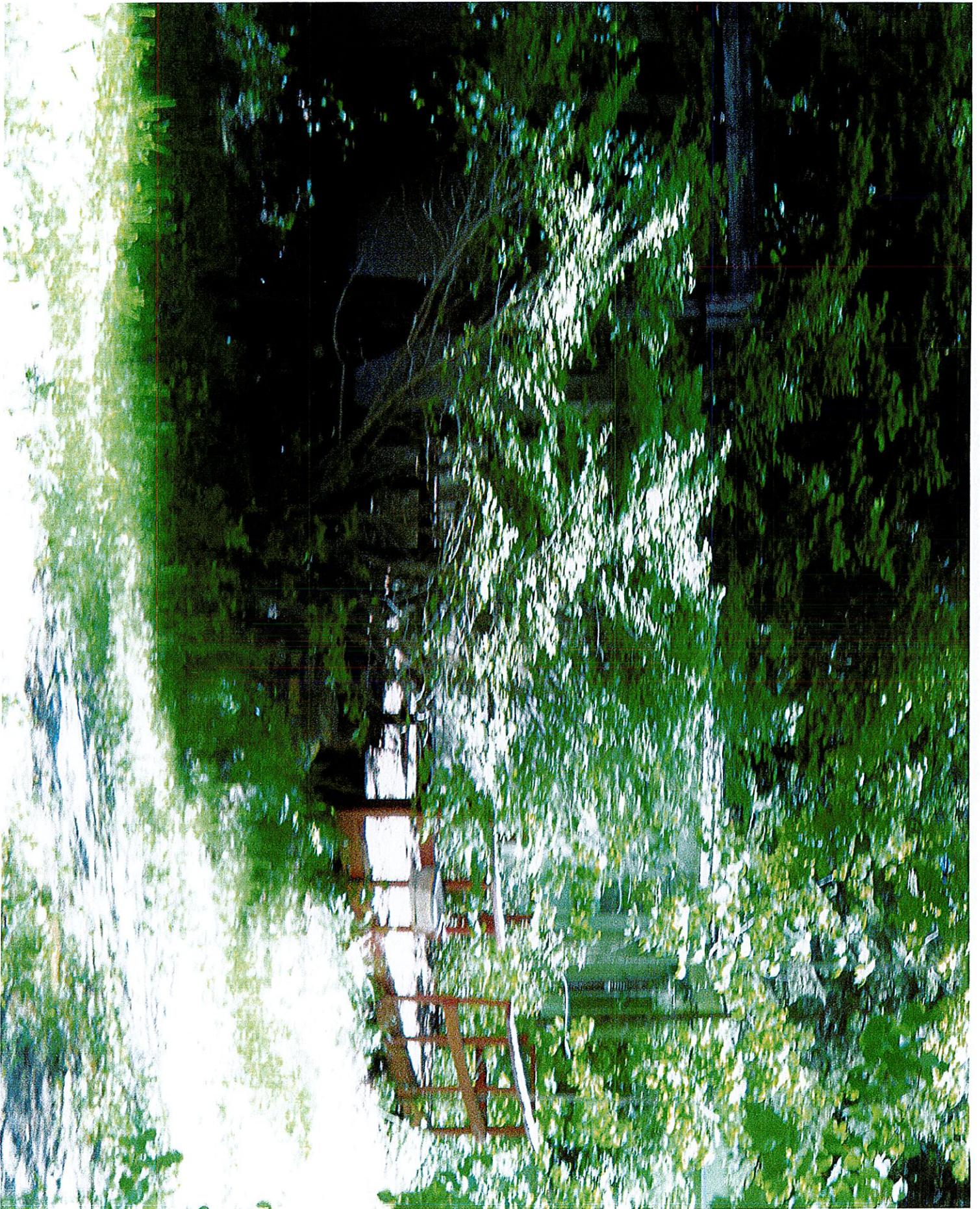
Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**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:		Zoning District:	North:
Road Front: 54'	Rear: 33'	P-LS	
Side: 18' to creek	Side: 10'		

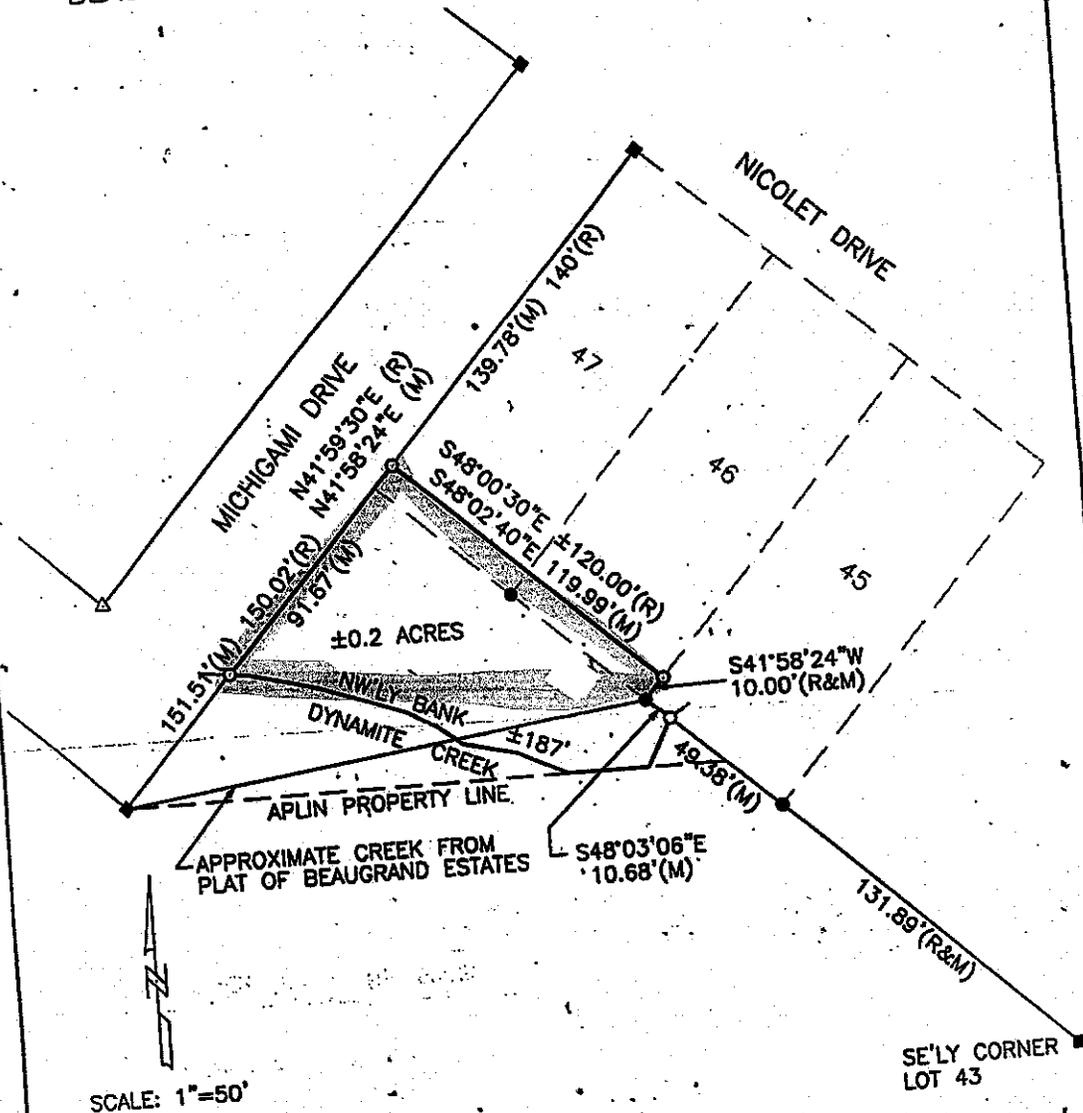




OLD TRAILER ON LOT.

# CERTIFICATE OF SURVEY

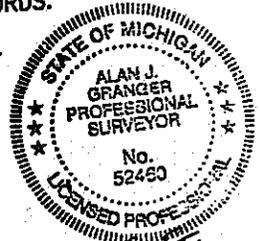
PART OF LOTS 47-46, BEAUGRAND ESTATES SUBDIVISION,  
AND PART OF GOVERNMENT LOT 2, SECTION 23, T38N, R2W,  
BEAUGRAND TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



- △ FD PK NAIL IN ASPHALT
- FD CONCRETE MONUMENT
- SET IRON W/CAP #52460
- (R) RECORDED AS
- (M) MEASURED AS

BEARINGS BASED ON SURVEY BY  
GRANGER & ASSOCIATES, INC.

LEGAL DESCRIPTION AS SURVEYED PER  
DEED RECORDED IN LIBER 655, PAGE  
804, CHEBOYGAN COUNTY RECORDS.



COPYRIGHTED GRANGER & ASSOCIATES INC. 2014

*Alan J. Granger*  
ALAN J. GRANGER P.S. No. 52460

CLIENT:  TOM CHASTAIN REV.: SEPT. 5, 2014 DATE: AUGUST 7, 2014	<p><b>Granger and Associates, Inc.</b>                  Engineers • Surveyors                  224 S. Main St., Cheboygan, MI 49721                  Email: grangerandassociates@gmail.com                  231-827-2763</p>	SEC. 23, T38N, R2W,	
		DRAWN	JSD SHEET 1 OF
		JOB NO.	C6048-10



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## **DIMENSIONAL VARIANCE STAFF REPORT**

<b>Item:</b> 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 this zoning district.	<b>Prepared by:</b> Jeff Lawson
<b>Date:</b> March 19, 2018	<b>Expected Meeting Date</b> March 28, 2018

### **GENERAL INFORMATION**

**Applicant:** Thomas Chastain

**Property Owner:** Same

**Contact person:** Same

**Phone:** 231-420-8294

**Requested Action:** Allow 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 this zoning district.

### **BACKGROUND INFORMATION**

The subject parcel is a triangle shaped non-conforming lot of record which contains approximately .2 acres. The lot is dissected by a creek with 91.6 feet on Michigami Dr. from the creek to the rear lot line. (see survey in exhibit 8). A dimensional variance was granted by the ZBA on to remove a mobile home which was in disrepair and construct a 768 sq. ft. single family home. The applicant is seeking to construct a (14 ft. x 20 ft.) 280 sq. ft. garage on the lot. The property is zoned Lake and Stream Protection (P-LS) The applicant is seeking a variance to allow placement of the garage 10' feet from the front lot line. A 40 ft. front setback from the creek is required in the P-LS zoning district.

**Surrounding Zoning:**

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

**South:** Same

**North:** Same

**East:** Same

**Surrounding Land Uses:**

Residential land uses surround the subject property.

**Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain)** The subject lot is located on a creek.

**Public Comments:**

1. 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 located in a Lake and Stream Protection (P-LS) zoning district. A 12 setback is required from the rear lot line and a 40 foot setback from (Dynamite Creek) the front lot line is required in this zoning district.
2. The applicant is seeking to construct a 14'ft. x 20' ft. garage on the lot.
3. The applicant is seeking a 30' foot front setback variance.
4. The subject parcel is a triangle shaped lot which contains approximately .2 acres.
5. The lot is dissected by a creek with 91.6 feet on Michigami Dr. from the creek to the rear lot line.
- 6.
- 7.

**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.**

***Regarding front setback;***

The property is shaped in a triangle and is bisected by a creek, which are unique physical conditions and are not due to the applicant's personal or economic difficulty.

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

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

***Regarding front setback;***

The need for the requested variance is due to the shape of the lot and/or the lot being bisected by a creek and is not the result of actions of the property owner or previous property owners.

OR, the need for the variance is due to the construction of a garage and is the result of actions of 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.**

***Regarding front setback;***

Due to the location of a creek, and the shape of the, conformity with setback regulations is deemed unnecessarily burdensome.

OR, Conformity with setback regulations is not unnecessarily burdensome.

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

*Regarding front setback;*

Due to the location of a creek, and the shape of the lot, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, the variance request does not represent the minimum necessary and/or will not do substantial justice to other property owners in the district.

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

*Regarding front setback;*

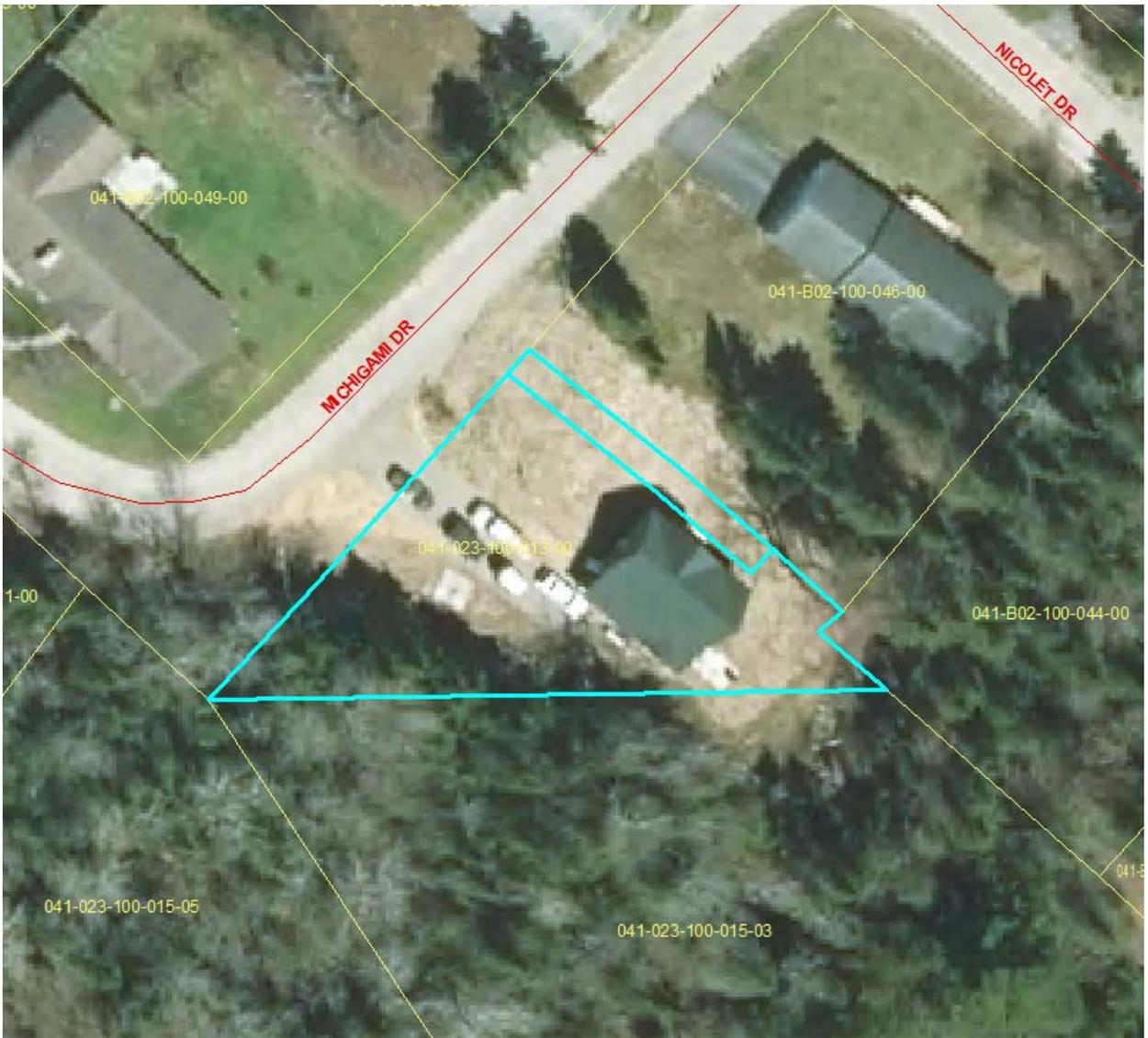
Granting the variance will provide a 10ft. front from creek and will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 10 ft. front setback from creek will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.

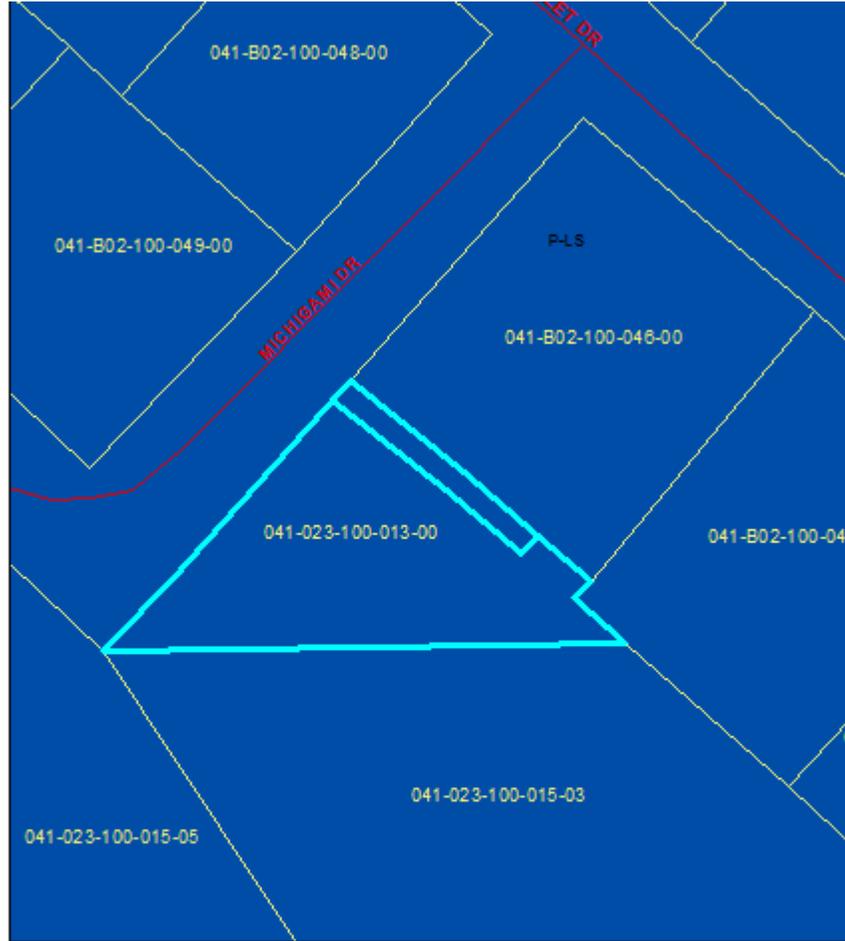
**SUPPLEMENTAL STAFF – SUPPLIED ATTACHMENTS**

**Aerial photo of the subject area**





### Zoning map of the subject area



#### Zoning Districts

P-LS 