

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, JULY 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JUNE 22, 2016 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: Nini Sherwood

Others Present: Scott McNeil, Tony Matelski, Larry Sidell

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 (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Sherwood)

APPROVAL OF MINUTES

Minutes from the May 25, 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 (Sherwood)

PUBLIC HEARING & ACTION ON REQUESTS

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

Mr. McNeil stated that the applicant is requesting a temporary use for outdoor storage of empty waste dumpsters and outdoor parking of waste hauling trucks classified as solid waste transporting units. Mr. McNeil referred to Section 23.5.2.5 and stated the Zoning Board of Appeals can grant temporary uses for up to two years and there is a provision to allow a one year extension. Mr. McNeil stated that the applicant is only requesting 12 months.

Mr. Sidell stated he is looking for a temporary location as he trying to move this business into the industrial park. Mr. Sidell stated that he only plans to be at this location for a couple of months. Discussion was held.

Mr. Thompson asked if the equipment will be empty when it is parked at night. Mr. Sidell stated no. Mr. Sidell stated when the truck is full, he will take it to the landfill.

Mr. Freese asked if there will be offices on the site. Mr. Sidell stated yes. Mr. Freese asked if the dumpsters will be empty when they are stored. Mr. Sidell stated yes. Mr. Freese asked if they will ever be full. Mr. Sidell stated no. Mr. Sidell stated that the current occupants have a dumpster that will have trash in it. Mr. Freese asked how many dumpsters will there be on site. Mr. Sidell stated he did not see having any more than a dozen or so. Mr. Freese asked how many trucks will be on site. Mr. Sidell stated no more than two. Mr. Freese asked what are the proposed hours of operation. Mr. Sidell stated that office hours are Monday through Thursday from 9:00am to 5:00pm and Friday from 9:00pm to 3:00pm. Mr. Sidell stated that currently trash is being picked up on Tuesdays from 7:00am – 2:00pm but this will change as the business grows. Mr. Freese asked for details on cleaning of the dumpsters and the truck. Mr. Sidell stated he will not wash the dumpsters or truck out at this location. Mr. Sidell stated that the truck is emptied out at the landfill. Mr. Sidell stated he plans to be moving out of this location in a couple of months. Mr. Freese asked if the truck will be washed out at any other location. Mr. Sidell stated only at the landfill. Mr. Sidell stated he can take it to the local car wash. Mr. Freese asked how the dumpsters will be washed. Mr. Sidell stated he hasn't had to wash out dumpsters in the past. Mr. Freese asked which landfill Mr. Sidell uses. Mr. Sidell stated MOA (Montmorency, Oscoda, Alpena) Landfill. Discussion was held regarding why Mr. Sidell is not applying for a special use permit.

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

The Zoning Board of Appeals reviewed the General Findings and added "This business (either as a waste hauling business or contractor's yard) could have been approved with a special use permit." as item 5. The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the 12 month temporary use variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4 with the following conditions:

1. Screening of the dumpster location
2. Any leachate that results from the cleaning of the dumpsters or trucks will have to be collected and disposed of in accordance with the State of Michigan regulations District Health Department #4 regulations.
3. The 12 month temporary use variance is granted for one year (April 1, 2016 to April 1, 2017) running with the same time frame as exhibit 3.

Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Sherwood)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:24pm.

Mary Street, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Brent Mosley

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 (5 Pages)
5. Mailing List (4 Pages)
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, July 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property 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 #:	5110
CASH/CHECK:	1548
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6823 Grace Street	City / Village Indian River	Township / Sec. Tuscaray	Zoning District P-LS
Property Tax I.D. (Parcel) Number 161-S79-000-020-00 161-S79-000-021-00	Subdivision or Condo. Name / Plat or Lot No. Sturgeon Is. Shores Lots 20 & NE lot of 21		

APPLICANT

Name Brent & Lorna Mosley	Telephone 517-202-5683	Fax	
Address PO Box 17	City & State Bath, MI	Zip Code 48808	E-Mail lorna.mosley@gmail.co

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

Straits Hwy to Barbara Avenue go across bridge to Grace Street

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

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: 4 ft Rear: 12 ft Side: 38 ft Side: 26 ft

Zoning District:

North:

Blank area for site plan drawing.

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.

Tear down existing cottage and build a new home.

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.

Lot is narrow and need to work around septic mound and road and would like to keep similar to current footprint of existing structure.

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

No, it is due to narrowness of 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

Need to work around the septic area.

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.

Replacing old cottage with brand new house, will positively effect other property owners.

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

Should increase surrounding property as we are removing very old cottage.

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

Brent Mosley

Date

6-21-16

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

Brent Mosley

Date

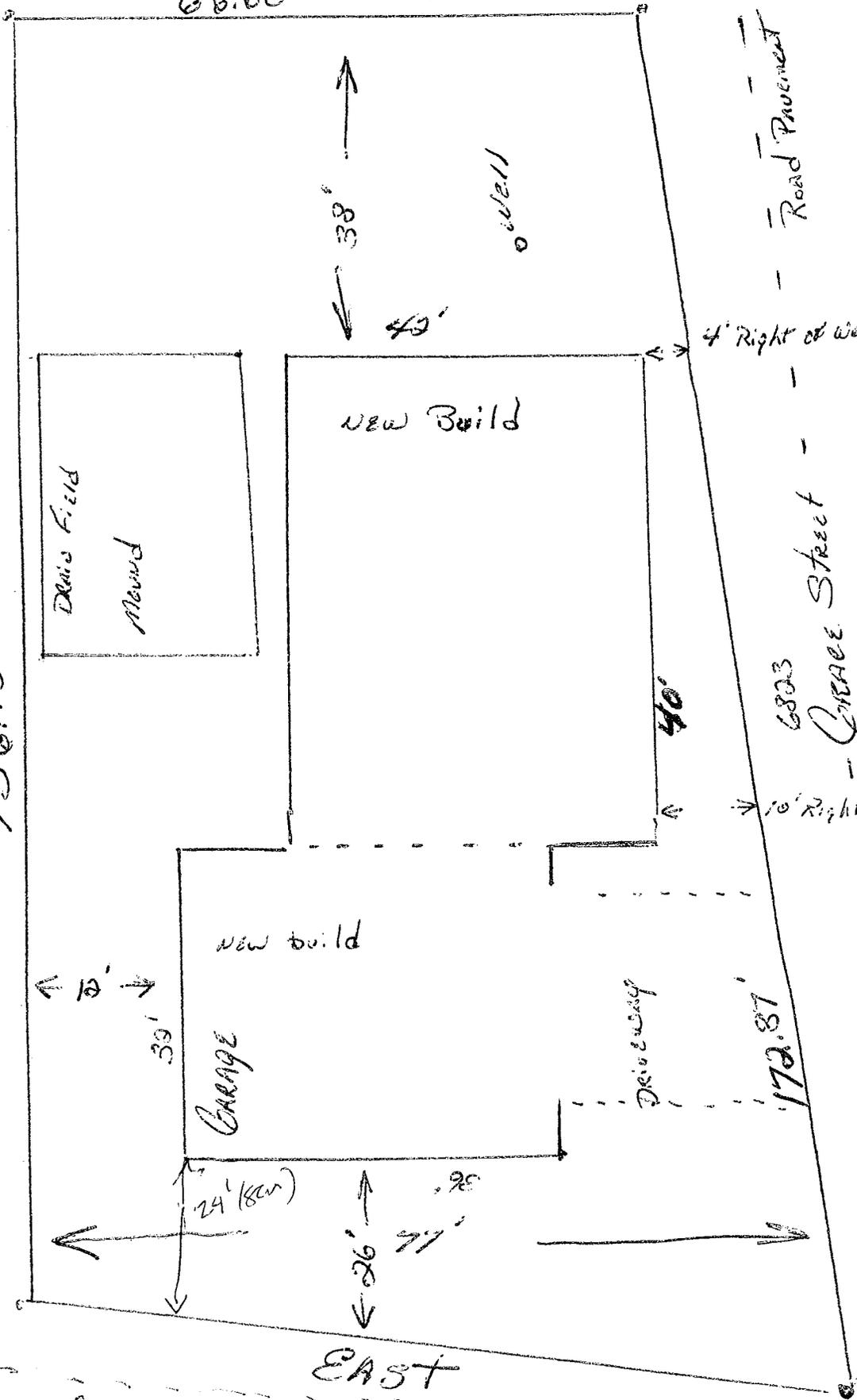
6-21-16

Wagonah AVE

66.60' west

Section 44

136.12'



Drive Field Mound

NEW BUILD

Garage

Driveway

well

38'

40'

40'

10'

39'

24' (8cm)

26'

25'

77'

172.87'

4' Right of Way

10' Right of Way

6803

Grease Street

(40' Private)

Road Pavement

Road Pavement

Proposed

Section 44

EAST

Channel

Existing Cottage

MORTGAGE REPORT

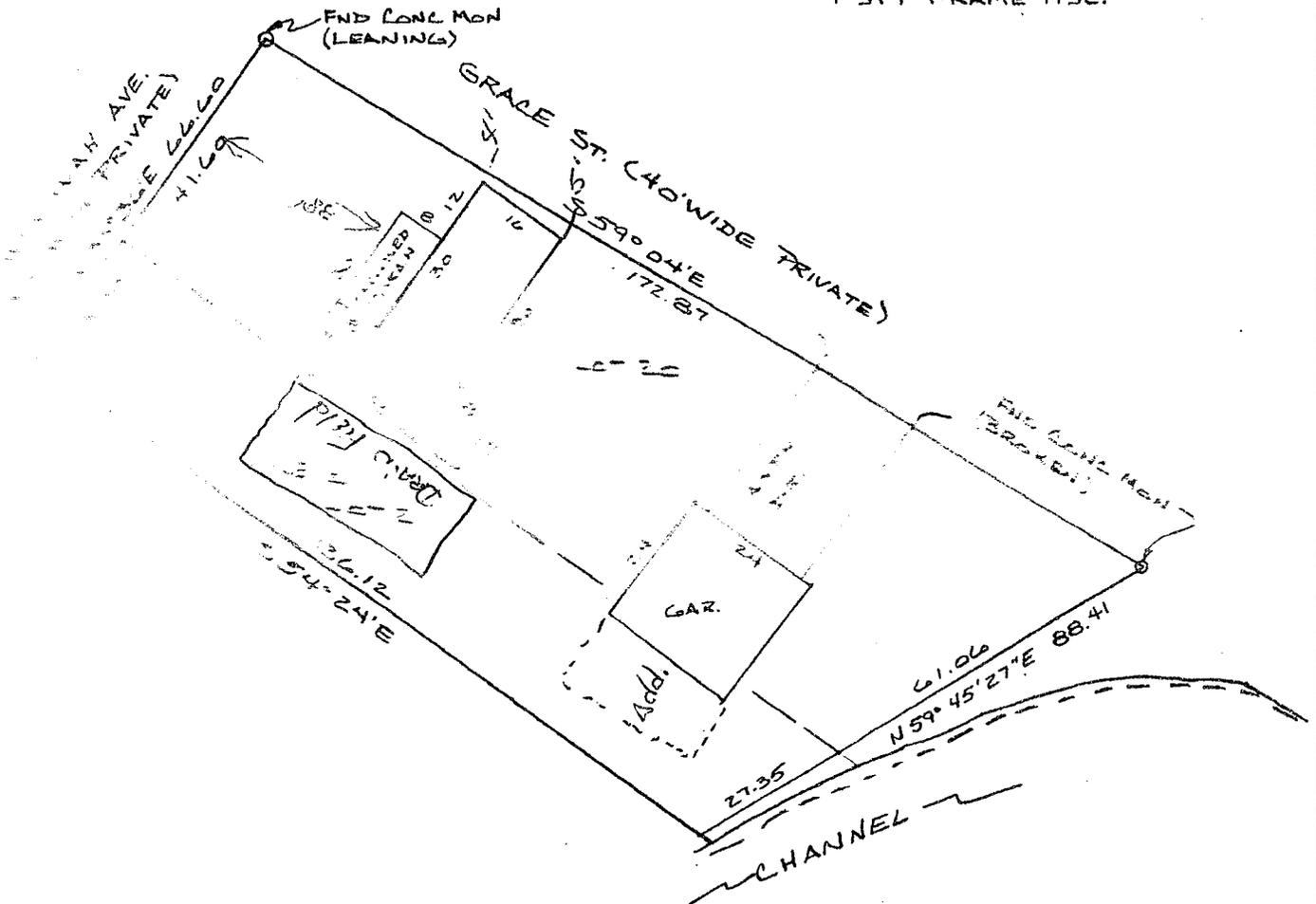
LEGAL DESCRIPTION, as furnished:

Situated in Tuscarora Township, Cheboygan County, Michigan, described as follows:

Lot 20 and the NE 1/2 of Lot 21, PLAT OF STURGEON ISLAND SHORES, according to the Plat thereof as recorded in Liber 3 of Plats, page 61, Cheboygan County Records.



SCALE: 1"=30'
#6233 GRACE ST.
1 STY FRAME HSE.



We hereby certify to OLD KENT BANK, P.O. BOX 567, PETOSKEY, MICHIGAN, 49770, and CHEBOYGAN TITLE COMPANY, CHEBOYGAN, MICHIGAN, for the purpose of a mortgage loan...

STATE OF MICHIGAN
BRIAN K.

16-161-024-300-323-00 MOTLEY, RICHARD W & JUDY H/W 620 S SILVERY LN DEARBORN MI 48124	16-161-B02-000-005-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-015-00 VANDERVEEN, EVELYN E 1866 CASCADE FARMS SE GRAND RAPIDS MI 49546
16-161-024-300-324-00 HATFIELD, WILLIAM L/EWPTS & PO BOX 419 INDIAN RIVER MI 49749	16-161-B02-000-006-00 BARRIS, JENNIFER JANE 4169 MOUNTAIN VIEW CT FREELAND MI 48623	16-161-B02-000-016-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-024-300-325-00 BURT LAKE MARINA, INC PO BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-007-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-017-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-024-300-514-00 STURGEON ISLAND SHORES 8580 W EATON HWY GRAND LEDGE MI 48837	16-161-B02-000-008-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-018-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-024-300-515-00 STOCK, ALBERT M & BARBARA A 735 E GRAND RIVER, PO BOX 575 FOWLERVILLE MI 48836	16-161-B02-000-009-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-019-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-024-300-516-00 KEMP, RONALD REVOC LIVING TR 2370 PINECREST ST HARBOR SPRINGS MI 49740	16-161-B02-000-010-00 PRAITHER, WILLIAM & DIAN H/W 5570 CRENTON DR WESTERVILLE OH 43081	16-161-B02-000-020-00 BURT LAKE MARINA, INC PO BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-001-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-011-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-021-00 SAWAYA, GEORGE JR & CYNTHIA 6338 BALMORAL CT WESTLAND MI 48185
16-161-B02-000-002-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-012-00 HAMILTON, KERRY & WAVE H/W 13808 ROCKY RIDGE HARTLAND MI 48353	16-161-B02-000-022-00 BURT LAKE MARINA, INC PO BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-003-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-013-00 ZIMMERMAN, VIRGINIA 6281 E STATE RD, 114-92 ROANOKE IN 46783	16-161-B02-000-023-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-004-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-014-00 REINECKER, WAYNE & JOYCE, CO- 4252 WALSH RD WHITMORE LAKE MI 48189-9629	16-161-B02-000-024-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749

16-161-B02-000-025-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-035-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-045-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749
16-161-B02-000-026-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-036-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-003-00 HINTZ, DAVID & JULIE H/W 2541 CASTLEWOOD DR GAYLORD MI 49735
16-161-B02-000-027-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-037-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-004-00 BAKER, STEVEN & SUSAN H/W PO BOX 329 INDIAN RIVER MI 49749
16-161-B02-000-028-00 BROWN, WILLIAM & JAYNE H/W 819 WEST OLIVER ST OWOSSO MI 48867	16-161-B02-000-038-00 CRAMTON, MICHAEL 3936 DORIS AVE INDIAN RIVER MI 49749	16-161-S79-000-004-01 SIWECKI, HENRY 2650 KUJAWA RD GAYLORD MI 49734
16-161-B02-000-029-00 STOCK, ALBERT M & BARBARA A 735 E GRAND RIVER, PO BOX 575 FOWLerville MI 48836	16-161-B02-000-039-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-005-00 SIWECKI, HENRY 2650 KUJAWA RD GAYLORD MI 49734
16-161-B02-000-030-00 KUBIAK, RONALD & MARGARET H/ 12934 BERSFORD DR STERLING HEIGHTS MI 48313	16-161-B02-000-040-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-006-00 EARLOON LLC 2540 KOALA DR EAST LANSING MI 48823
16-161-B02-000-031-00 FALQUET, LARRY & MARY H/W 5945 BERRY LN INDIAN RIVER MI 49749	16-161-B02-000-041-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-007-00 WEILER, TIMOTHY & KENDRA CLE 3558 DARCY DR BLOOMFIELD HILLS MI 48301
16-161-B02-000-032-00 PFEFFER, JOHN & KRISTIN H/W 225 E GRAND RIVER BRIGHTON MI 48116	16-161-B02-000-042-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-008-00 ALGATE, MONICA U PO BOX 814 INDIAN RIVER MI 49749
16-161-B02-000-033-00 CROWLEY, PAUL & GERTRUDE, CO 2 BUFFALO CT LE CLAIRE IA 52753	16-161-B02-000-043-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-010-00 EOLL, GREGORY, EST OF PI 471 SILVER SHANDON DR SAN MARCOS CA 92078
16-161-B02-000-034-00 BURT LAKE MARINA, INC PO BOX 550 INDIAN RIVER MI 49749	16-161-B02-000-044-00 BURT LAKE MARINA, INC BOX 550 INDIAN RIVER MI 49749	16-161-S79-000-014-00 MYERS, KIRK & ROBIN 8580 W EATON HWY GRAND LEDGE MI 48837

16-161-S79-000-015-00
SCHAEFER, JEFFREY
2479 COIT NE
GRAND RAPIDS MI 49505

16-161-S79-000-016-00
BIZON, MICHAEL REVOCABLE TRU
2214 QUEENSBERRY LN
SHELBY TOWNSHIP MI 48316-2038

16-161-S79-000-017-00
DAUST, ROXANNE
2810 GRANITE PTE
MARQUETTE MI 49855

16-161-S79-000-018-00
ZITO, RONALD & BETHANY H/W
7450 JORDAN RD
GRAND BLANC MI 48439

16-161-S79-000-020-00
MOSLEY, BRENT ET UX
BOX 17
BATH MI 48808

16-161-S79-000-021-00
MOSLEY, BRENT ET UX
BOX 17
BATH MI 48808

16-161-S79-000-022-00
BENEDEK, JOEL A & TAMI H/W
242 WINCHESTER DR
SALINE MI 48176-9264

16-161-S79-000-024-00
BAKER, STEVEN J ET UX
PO BOX 329
INDIAN RIVER MI 49749

16-161-S79-000-025-00
JOHNSON, DONNA, 1/3 INTEREST &
2588 CROFTHILL DR
AUBURN HILLS MI 48326

16-161-024-300-323-00
OCCUPANT
6889 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-007-00
OCCUPANT
6889 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-022-00
OCCUPANT
3946 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-024-300-324-00
OCCUPANT
6843 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-008-00
OCCUPANT
6901 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-024-00
OCCUPANT
3950 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-024-300-325-00
OCCUPANT
6830 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-010-00
OCCUPANT
6890 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-025-00
OCCUPANT
3954 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-024-300-514-00
OCCUPANT
6821 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-014-00
OCCUPANT
6856 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-515-00
OCCUPANT
6809 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-015-00
OCCUPANT
6844 GRACE ST
INDIAN RIVER, MI 49749

16-161-024-300-516-00
OCCUPANT
6797 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-S79-000-016-00
OCCUPANT
6832 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-003-00
OCCUPANT
3955 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-S79-000-017-00
OCCUPANT
6820 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-004-00
OCCUPANT
3945 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-S79-000-018-00
OCCUPANT
6780 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-005-00
OCCUPANT
3935 WENONAH AVE
INDIAN RIVER, MI 49749

16-161-S79-000-020-00
OCCUPANT
6823 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-006-00
OCCUPANT
6863 GRACE ST
INDIAN RIVER, MI 49749

16-161-S79-000-021-00
OCCUPANT
3928 WENONAH AVE
INDIAN RIVER, MI 49749



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: Request for a 16 ft. front setback and a 4 ft. side setback variance request to allow construction of a new dwelling and garage. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: July 7, 2016	Expected Meeting Date: July 27, 2016

GENERAL INFORMATION

Applicant: Brent and Lorna Mosley

Property Owner: same

Contact person: Brent Mosley

Phone: 517-202-5683

Requested Action: Approve a 16 ft. front setback variance and a 4 ft. side setback variance to allow construction of new dwelling and garage.

BACKGROUND INFORMATION

The subject lot is located in the plat of Sturgeon Island. The applicant is seeking a 16 ft. front setback variance from a channel connected to the Sturgeon River and a 4 ft. side setback variance from the edge of Grace Street to construct a new dwelling and garage. The existing dwelling is located within 4 feet of the side lot line and the garage is located 24 feet from the front lot line. A survey is included with the application which indicates the current side setback. The original plat document states that all lots extend to the waters edge and the legal description of the plat of Sturgeon Island. A copy of the plat with the aforementioned provisions is included at the end of this report.

The lot is located in a Lake and Stream Protection zoning district. A 40 ft. front setback and an 8 ft. side setback are required in this zoning district per Section 17.1.

A map with direction to the subject site is included within this report. Please note that you must push the button provided for the gate at the bridge. The gate will go up as you proceed.

Surrounding Zoning:

North: P-LS, Lake and Stream Protection District.

West: Same

South: Same

East: Same

Surrounding Land Uses:

Residential land uses surround subject property.

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

The subject site is located on a channel connected to the Sturgeon River. The site does not contain any other known sensitive areas.

Public Comments:

None

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Lake and Stream Protection (P-LS) zoning district.
2. The property address of the subject lot is 6823 Grace Street with property code numbers 161-S79-000-020-00 and 161-S79-000-021-00.
3. A 40 front setback and an 8 ft. side setback is required for the subject lot in the P-LS zoning district per section 17.1.
4. The applicant is seeking a 16 ft. front setback variance and a 4 ft. side setback variance to allow construction of new dwelling and garage structure.
- 5.

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

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

The existing dwelling structure and garage structures are located with the the side setback and front setback and/or the lot is narrow which is/are unique physical conditions.

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

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

The need for the variance is due to unique circumstances relative to the narrowness of the lot is not the result of action of the property owner or previous property owners.

OR, The need for the variance is due to actions of the property owner.

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

Due to the location of the existing dwelling structure, the location of the drain field and the narrowness of the lot, strict compliance with front setback regulations will be unnecessarily burdensome.

OR, conformance with setback regulations will allow continued use of the lot for a permitted purpose and conformity with setback regulations is not unnecessarily burdensome.

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

Due to the location of the narrowness of the lot and the location of the existing drain field, 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 to grant reasonable relief and other options exist and/or granting the variance will not do substantial justice to other property owners in the district

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

Granting a variance to allow a 24 ft. front setback and a 4 ft. side setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions in the neighborhood.

OR, Granting a variance to allow a 24 ft. front setback and/or a 4 ft. side setback variance will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Emerald Valley Trust

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 (4 Pages)
6. Pictures (3 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, July 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property 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

\$110.00 APPLICATION FEE

RECEIPT #:	5118
CASH/CHECK:	1052
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <i>15562 ISLAND Drive</i>	City / Village <i>Waluerine</i>	Township / Sec. <i>1</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>251-T07-006-030-00</i>	Subdivision or Condo. Name / Plat or Lot No. <i>TIMBER ISLAND LOT 30</i>		

APPLICANT

Name <i>EMERALD VALLEY TRUST</i>	Telephone <i>517-375-9945</i>	Fax	
Address <i>15562 ISLAND Drive</i>	City & State <i>Waluerine, MI</i>	Zip Code <i>49799</i>	E-Mail <i>red363@GMAIL.COM</i>

OWNER (If different from applicant)

Name <i>AS ABOVE</i>	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

take view drive to ISLAND Drive. TURN RIGHT ON ISLAND - 1/4 mile to 15562

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

I. Property Information

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

A VERY NARROW lot 50 x 70
I need STORAGE AND GARAGE SPACE,
UNIT IS PORTABLE

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.

I AM HANDICAPPED. I HAD NO ROOM TO BUILD
A GARAGE/STORAGE. TOP IS TO STEEP TO PLACE BACK
FURTHER. VERY NARROW lot. IT IS A PORTABLE
STRUCTURE

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

IT IS NOT. THIS IS A PORTABLE STRUCTURE
THAT WAS CONSTRUCTED OFF SITE.

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

VERY NARROW lot ONLY 9 FEET BETWEEN HOUSE
AND SHED. I AM HANDICAPPED. WALKING IS
SOMETIMES VERY DIFFICULT.

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.

SEE ITEM C ABOVE

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.

IT WILL CAUSE NO NEGATIVE AFFECT ON NEIGHBORS
THIS IS A REMOVABLE SHED. IT IS NOT
AFFIXED TO ANY FOUNDATION - IT IS MOVABLE

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 Paul C Ryan Trustee Date _____

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 Paul C Ryan Trustee 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:

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

Zoning District:

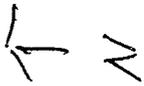
North:

SEE ATTACHED

PLOT PLAN

W. IDWOOD LAKE

70.25'



127.5'

120'

HOME

48

SHED

12

28

26

8'

9'

DRAIN FIELD

1' SIDE SETBACK

34'

DRIVEWAY

53.5'

ISLAND DRIVE

AFFIDAVIT

I agree the statements made above are true, and if found not to be true or incomplete, any zoning permit that may be issued may be void. I agree to comply with the conditions and regulations provided with any permit that may be issued. I agree the permit that may be issued is with the understanding all applicable sections of the Cheboygan County Zoning Ordinance will be complied with. I agree to notify Cheboygan County Planning & Zoning Dept. for inspection before the start of construction and when locations of proposed structure(s) are marked on the ground.

Robert L. Clayton TRUSTEE
Signature of Applicant

_____ Date

16-251-021-400-001-01 ZAREMBA, DOLORES TRUSTEE 3857 GLEN MEADOW DR GAYLORD MI 49735	16-251-T07-000-019-00 SCHMITTOU, DAVID 984 SKI PARK DR WEST BRANCH MI 48661-9119	16-251-T07-000-030-00 EMERALD VALLEY REVOC LIV TR 15562 ISLAND DR WOLVERINE MI 49799
16-251-021-400-001-02 ZAREMBA, DOLORES TRUSTEE 3857 GLEN MEADOW DR GAYLORD MI 49735	16-251-T07-000-020-00 CELSI, DEAN & SHERRY H/W 10079 CONTENENTAL DR TAYLOR MI 48180	16-251-T07-000-031-00 SPOOLSTRA, LEONARD & JOYCE H/ 15566 ISLAND DR WOLVERINE MI 49799
16-251-021-400-001-03 ZAREMBA, DOLORES TRUSTEE 3857 GLEN MEADOW DR GAYLORD MI 49735	16-251-T07-000-021-00 POTTER, GREGORY & CECELIA H/ 550 OAKDALE MILFORD MI 48380	16-251-T07-000-033-00 WALTER, MICHAEL C & ERICA LEA 15582 ISLAND DR WOLVERINE MI 49799
16-251-T07-000-010-00 DANOWSKI, ANDREW & FLORELI MCF PROJECT - LGS, XXXXXX	16-251-T07-000-022-00 SHANKLETON, ALLEN & DONNA H/ 15530 ISLAND DR WOLVERINE MI 49799	16-251-T07-000-034-00 WALTER, WARREN & DOROTHY H/ 15582 ISLAND DR WOLVERINE MI 49799
16-251-T07-000-011-00 PRUSAITIS, CHRISTINE & LISA PO 21874 WESTMERE LN FRIANT CA 93626	16-251-T07-000-024-00 SHEPLEY, RANDY & MICHELLE H/ 5775 MCINTYRE RD CLYDE MI 48049-1303	16-251-T07-000-035-00 ANDRUSIAK, JACQUELYN K 34713 SUMMERS LIVONIA MI 48154
16-251-T07-000-012-00 PRUSAITIS, CHRISTINE & LISA PO 21874 WESTMERE LN FRIANT CA 93626	16-251-T07-000-025-00 SHEPLEY, RANDY & MICHELLE H/ 5775 MCINTYRE RD CLYDE MI 48049-1303	16-251-T07-000-036-00 ANDRUSIAK, DAVID & MICHELLE 36983 DUNSTABLE CT FARMINGTON HILLS MI 48335
16-251-T07-000-014-00 SCHMIDT, THOMAS TRUSTEE PO BOX 152 WOLVERINE MI 49799	16-251-T07-000-026-00 HOOKER, LYNN & SARAH H/W 15556 ISLAND DR WOLVERINE MI 49799	16-251-T07-000-045-00 SHANKLETON, DONALD & MIRIAM 15636 ISLAND DR WOLVERINE MI 49799
16-251-T07-000-016-00 WEBSTER, JOHN & VICTORIA H/W PO BOX 5185 SAGINAW MI 48603	16-251-T07-000-027-00 HOOKER, LYNN & SARAH H/W 15556 ISLAND DR WOLVERINE MI 49799	16-251-T07-000-047-00 SCHMIDT, THOMAS CARL PO BOX 152 WOLVERINE MI 49799
16-251-T07-000-017-00 NIHLS WILDWOOD LAKE, LLC 8901 SWAN POINTE DR CHEBOYGAN MI 49721	16-251-T07-000-028-00 HOOKER, LYNN & SARAH H/W 15556 ISLAND DR WOLVERINE MI 49799	16-251-T07-000-048-00 BREEDING, LOUISE (KABAT) 10954 E-W RESORT RD, PO BOX 219 BURT LAKE MI 49717
16-251-T07-000-018-00 JEAN, RONALD & VICKI H/W L/EWP 27251 MAYFAIR ST TRENTON MI 48183	16-251-T07-000-029-00 NICHOLAS, WILLIAM & JOLENE H/ 1732 ASHLEY CT COMMERCE TWP MI 48390-2683	16-251-T07-000-049-00 BREEDING, LOUISE (KABAT) 10954 E-W RESORT RD, PO BOX 219 BURT LAKE MI 49717

16-251-T07-000-050-00
ANDRUSIAK, DAVID & MICHELLE
36983 DUNSTABLE CT
FARMINGTON MI 48335

16-251-T07-000-051-00
NICHOLAS, WILLIAM & JOLENE H/
1732 ASHLEY CT
COMMERCE TWP MI 48390

16-251-T07-000-052-00
HOOKER, LYNN & SARAH H/W
15556 ISLAND DR
WOLVERINE MI 49799

16-251-T07-000-053-00
CELSI, DEAN & SHERRY H/W
10079 CONTINENTAL DR
TAYLOR MI 48180

16-251-T07-000-054-00
HARRISON, SHAWN
PO BOX 5185
SAGINAW MI 48603

16-251-T07-000-055-00
SHERLOCK, MARVIN & CATHY H/
1541 NORTH PITT RD
SUMNER MI 48889

16-251-T07-000-056-00
SCHMIDT, THOMAS TRUSTEE
PO BOX 152
WOLVERINE MI 49799

16-251-T07-000-057-00
PRUSAITIS, CHRISTINE & LISA PO
21874 WESTMERE LN
FRIANT CA 93626

16-251-T07-000-058-00
BOURLIER, MATTHEW & JENNIFER
20506 ELIZABETH
SAINT CLAIR SHORES MI 48080

16-251-T07-000-010-00
OCCUPANT
15472 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-022-00
OCCUPANT
15530 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-034-00
OCCUPANT
15582 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-011-00
OCCUPANT
15474 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-024-00
OCCUPANT
15536 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-035-00
OCCUPANT
15586 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-012-00
OCCUPANT
15478 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-025-00
OCCUPANT
15542 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-036-00
OCCUPANT
15590 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-014-00
OCCUPANT
15488 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-026-00
OCCUPANT
15546 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-045-00
OCCUPANT
15639 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-016-00
OCCUPANT
15502 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-027-00
OCCUPANT
15550 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-047-00
OCCUPANT
15621 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-017-00
OCCUPANT
15508 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-028-00
OCCUPANT
15556 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-048-00
OCCUPANT
15607 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-018-00
OCCUPANT
15512 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-029-00
OCCUPANT
15558 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-049-00
OCCUPANT
15589 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-019-00
OCCUPANT
15518 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-030-00
OCCUPANT
15562 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-050-00
OCCUPANT
15577 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-020-00
OCCUPANT
15520 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-031-00
OCCUPANT
15566 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-051-00
OCCUPANT
15565 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-021-00
OCCUPANT
15524 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-033-00
OCCUPANT
15576 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-052-00
OCCUPANT
15549 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-053-00
OCCUPANT
15515 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-054-00
OCCUPANT
15505 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-055-00
OCCUPANT
15499 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-056-00
OCCUPANT
15487 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-057-00
OCCUPANT
15479 ISLAND DR
WOLVERINE, MI 49799

16-251-T07-000-058-00
OCCUPANT
15459 ISLAND DR
WOLVERINE, MI 49799









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: Request for a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district.	Prepared by: Scott McNeil
Date: July 7, 2016	Expected Meeting Date July 27, 2015

GENERAL INFORMATION

Applicant: Emerald Valley Trust

Property Owner: Robert Daymon

Contact person: Robert Daymon

Phone: 517-375-9949

Requested Action: Request for a 5.2 ft. side setback variance for 12 ft. wide x 28 ft deep storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district.

BACKGROUND INFORMATION

The subject property is located in the Timber Island Subdivision. This application comes to the Zoning Board of Appeals as the result of enforcement. The applicant has placed a storage building on the site and is seeking a side setback variance.

I have referenced narrowness of the lot and steep slope in the specific findings for the board's consideration.

The subject lot is located in the Lake and Stream Protection district. A 6.2 ft. side setback is required for this lot in this zoning district.

A map to the subject lot along with a copy of the subdivision with the subject lot (#30) indicated is included at the end of this report.

Surrounding Zoning:

West: Wildwood Lake

South: P-LS, Lake and Stream Protection District

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 area of the lot includes a steep slope and frontage on Wildwood Lake. No other sensitive areas were identified.

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 6.2 foot side setback is required for the subject lot in this zoning district.
2. The applicant is proposing to place a storage building measuring 12 ft. wide and 28 ft. deep within 1 foot of the side lot line.
3. The applicant is seeking a 5.2 ft. side lot line setback variance for placement of the storage building.
- 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 lot is narrow with a steep slope, which are unique physical conditions and is 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).

The need for the requested variance is due to narrowness of the lot and/or due to the steep slope of the lot 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 desire to use an existing foundation and 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 narrowness of the lot and/or due to the steep slope of the lot, the proposed storage building will require a variance and conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow a smaller storage building to be located in the subject lot and conformity with setback regulations is not unnecessarily burdensome.

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

Due to the narrowness of the lot and/or due to the steep slope 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.

Granting the variance will provide an 1 ft. side 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.

OR, the requested variance to allow a 1 ft. side setback will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Donald Maust Jr.

Exhibit List

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

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, July 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property 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.

At cc \$110⁰⁰

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

DIMENSIONAL VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	5127
CASH/CHECK:	Credit Card
ACTION / DATE:	7/27/16

PLEASE PRINT

PROPERTY LOCATION

Address <i>15444 LAKEVIEW DR</i>	City / Village <i>Wolverine</i>	Township / Sec. <i>Nunda</i>	Zoning District <i>P-LS</i>
Property Tax I.D. (Parcel) Number <i>16 - 251 - W23 - 000 - 218 - 00</i>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <i>Donald R MAUST JR</i>	Telephone <i>248 506 5335</i>	Fax	
Address <i>7856 KATIE DR</i>	City & State <i>ALMONT MI</i>	Zip Code <i>48003</i>	E-Mail <i>donmales@gmail.com</i>

OWNER (If different from applicant)

Name <i>AS ABOVE</i>	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

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: VALENT
- 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.

PLACE PRIVATE STORAGE BUILDING - DO NOT WANT TO
PLACE SURROUNDING FENCE AT SIDE LOT LINE AS REQUIRED

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.

EMULGA TREES ON LOT TO PROVIDE SCREENING -

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

NO

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

PROFAN TO LOTUS CROSS - WILL BE DIFFICULT TO
MAINTAIN.

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.

NO FENCING ON NEIGHBORING PROPERTY

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.

SUB d

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

Owner's Signature Donald R. [Signature] Date 7-1-16

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:

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

Zoning District:

North:

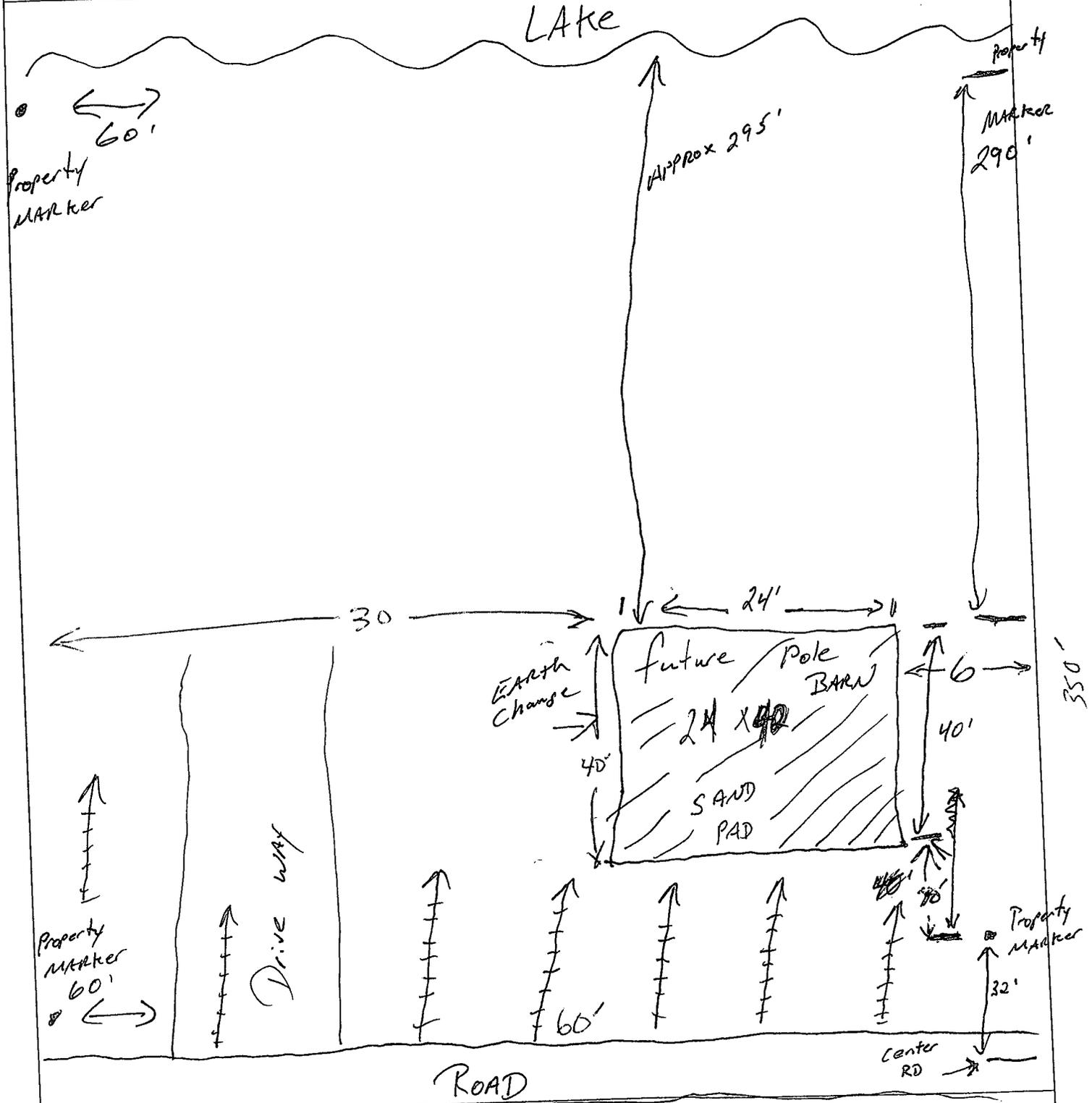
SEE ATTACHMENT

SITE PLAN

(See sample plan)

Please show the following on your site plan:

- | | |
|---|--|
| <input type="checkbox"/> Existing/proposed building | <input type="checkbox"/> Driveway |
| <input type="checkbox"/> Distance from water | <input type="checkbox"/> Well/septic |
| <input type="checkbox"/> Measurements of all site changes | <input type="checkbox"/> Distance from adjacent property lines |
| <input type="checkbox"/> Permanent/temporary erosion control measures | <input type="checkbox"/> Slope information |
| <input type="checkbox"/> What specific measures are you implementing to prevent sediment from entering waters of the state (these may be natural existing conditions such as distance and/or existing vegetation) | <input type="checkbox"/> Soils information |
| | <input type="checkbox"/> Stockpile locations |



Applicant must contact the Soil Erosion Control Office if **ANY CHANGES OR ALTERATIONS** are necessary on the site plan as submitted in this application.

Maust Mailing List

16-251-A01-000-001-00
HIRSCH, MATTHEW & JAMES HIRS
4424 MORGAN RD
LAKE ORION MI 48359

16-251-W23-000-221-00
BUCZKOWSKI, BRYAN &
3048 KENRICK
KEEGO HARBOR MI 48320

16-251-W23-000-284-00
VROMAN, DENNIS & MARY H/W
PO BOX 220
WOLVERINE MI 49799

16-251-A01-000-002-00
LOFFER, DEMPSEY & DEMPSEY, IN
3914 SECORD RD
WOLVERINE MI 49799

16-251-W23-000-222-00
NICHOLSON, WILLIAM & MARY, T
248 STONEHAM
SAGINAW MI 48638

16-251-W23-000-285-00
MCMURRY, CAMERON & BONNIE
153 WILDERNESS PARK DR
CARP LAKE MI 49718

16-251-W23-000-212-00
FACKLER, LARRY & SUE H/W
3472 SPICER DR
SAGINAW MI 48603

16-251-W23-000-223-00
HENDERSON, BRADLEY & TERESE
698 BARCLAY DR
TROY MI 48085-4802

16-251-W23-000-213-00
DOMBECK, MAX & DEBRA H/W
45932 GABLE INN
UTICA MI 48317

16-251-W23-000-276-01
HENDERSON, BRADLEY & TERESE
698 BARCLAY DR
TROY MI 48085

16-251-W23-000-214-00
TANG, GREGORY S
7280 BRANDAU RD
LEVERING MI 49755

16-251-W23-000-278-00
COLE, MICHAEL
1369 WEST MAPLE RD
FLINT MI 48507

16-251-W23-000-215-00
TANG, GREGORY & KERRI H/W
7280 BFANDAU RD
LEVERING MI 49755

16-251-W23-000-279-00
CRIST, DAVID L/EWPTS &
2655 HILL TOP DR
WOLVERINE MI 49799

16-251-W23-000-216-00
ELLSTEIN, CAROL G
PO BOX 67
WOLVERINE MI 49799

16-251-W23-000-280-00
SHINSKE, RICHARD
7915 VERY DR
BRIGHTON MI 48116

16-251-W23-000-218-00
MAUST, DONALD JR
7856 KATIE DR
ALMONT MI 48003

16-251-W23-000-281-00
KOTWICKI, VICTOR L JR
960 MOLDOVIA
WHITE LAKE MI 48386

16-251-W23-000-219-00
VANKIRK, BRIAN & JACQUELINE
2525 MEANWELL RD
PETERSBURG MI 49270

16-251-W23-000-282-00
KOTWICKI, VICTOR
960 MOLDOVIA
WHITE LAKE MI 48386

16-251-W23-000-220-00
LUBBERS, EUGENE & BEVERLY H/
4238 COMMANCHEE TRL
INDIAN RIVER MI 49749

16-251-W23-000-283-00
ZYDECK, MICHAEL & KIMBERLY F
50580 TOP OF HILL COURT
PLYMOUTH MI 48170

16-251-A01-000-001-00
OCCUPANT
15325 HILLMAN CT
WOLVERINE, MI 49799

16-251-W23-000-221-00
OCCUPANT
15416 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-284-00
OCCUPANT
15467 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-A01-000-002-00
OCCUPANT
15335 HILLMAN CT
WOLVERINE, MI 49799

16-251-W23-000-222-00
OCCUPANT
15406 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-285-00
OCCUPANT
15473 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-212-00
OCCUPANT
15506 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-223-00
OCCUPANT
15398 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-213-00
OCCUPANT
15498 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-276-01
OCCUPANT
15405 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-214-00
OCCUPANT
15488 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-278-00
OCCUPANT
15419 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-215-00
OCCUPANT
15472 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-279-00
OCCUPANT
15431 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-216-00
OCCUPANT
15458 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-280-00
OCCUPANT
15435 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-218-00
OCCUPANT
15444 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-281-00
OCCUPANT
15441 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-219-00
OCCUPANT
15436 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-282-00
OCCUPANT
15455 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-220-00
OCCUPANT
15428 LAKEVIEW DR
WOLVERINE, MI 49799

16-251-W23-000-283-00
OCCUPANT
15459 LAKEVIEW DR
WOLVERINE, MI 49799



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: A variance request for a waiver from a screening requirement for construction of a Private Storage Building within 30 feet of a side lot line. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: July 7, 2016	Expected Meeting Date: July 27, 2016

GENERAL INFORMATION

Applicant: Donald Maust

Property Owner: Donald Maust

Contact person: Donald Maust

Phone: 248-506-5335

Requested Action: Request for a waiver of solid hedge or fence requirement to screen a private building from view per section 17.18.6.

BACKGROUND INFORMATION

The applicable zoning district is Lake and Stream Protection (P-LS). The applicant is proposing to construct a private storage building measuring 24 ft. wide and 40 feet deep to be placed at the minimum side setback for the subject lot of 5 feet.

The applicant is seeking a waiver from the solid evergreen hedge and privacy fence as required under section 17.23.1.d. per section 17.18.6.

Section 17.23.1 provides standards for private storage buildings in Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream (P-LS) Zoning Districts. Section 17.23.1.d. provides standards for screening at side lot lines as follows;

If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.

Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows:

The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.

Reasons cited in section 17.18.6 will need to be interjected in the findings for approval upon discussion by the board and based on additional general findings of the board. I have also prepared a finding for disapproval for the board's consideration.

A map providing directions to the subject site is located at the end of this report.

Surrounding Zoning;

West: Wildwood Lake

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 uses surround the subject property

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

The lot is located on Wildwood Lake.

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 (P-LS) zoning district.
2. The applicant proposes to construct a private storage building five (5) feet from a side lot line.
3. Section 17.23.1.d. provides that if a private storage building located in a P-LS zoning district is built within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
4. The applicant is seeking a waiver from the screening requirement as provided in Section 17.18.6.
- 5.
- 6.
- 7.

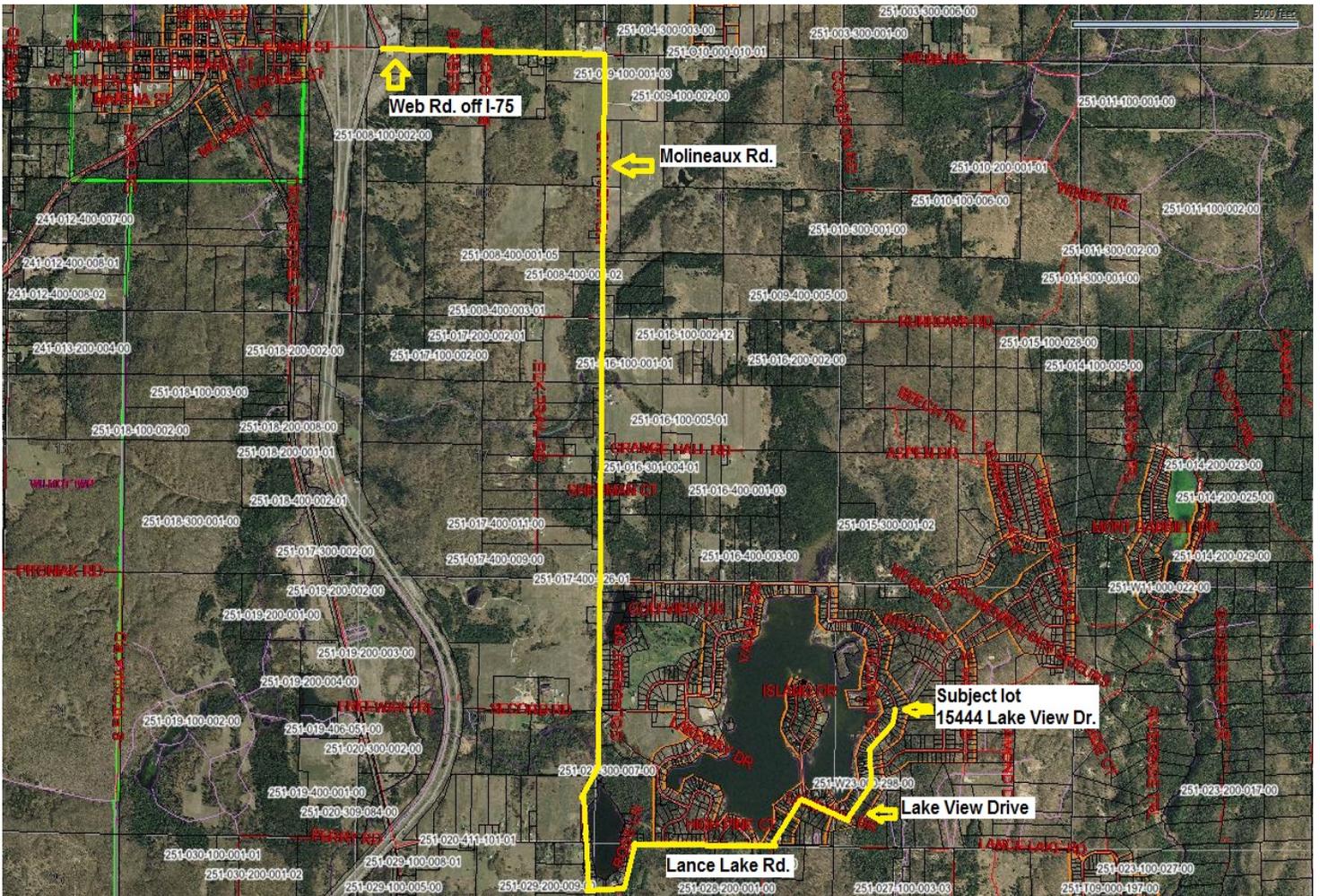
Section 17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.

The Board of Appeals hereby determines that no good or practical purpose would be served for the screening requirement under section 17.23.1.d. due to _____

Or,

The Board of Appeals hereby denies the request for the waiver of the screen requirement under section 17.23.1.d. and can find no reason to grant the waiver request for reasons such as large site area, natural isolation, land ownership patterns and natural barriers and screens.

Directions to site



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Francis J Zurawski

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 (1 Page)
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, July 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property 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

*Paid \$110.00 7/5/16
SCM*

\$110.00 APPLICATION FEE

RECEIPT #:	5129
CASH/CHECK:	#4199
ACTION /DATE:	7/27/16

PLEASE PRINT

PROPERTY LOCATION

Address <i>7461 SOUTH EXTENSION ROAD</i>	City / Village <i>CHEBOYGAN</i>	Township / Sec. <i>MUNRO 25</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>080-025-400-001-01</i>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <i>FRANCIS J. ZURAWSKI</i>	Telephone <i>231 627-2579</i>	Fax	
Address <i>7461 S. EXTENSION RD</i>	City & State <i>CHEBOYGAN MI</i>	Zip Code <i>49721</i>	E-Mail

OWNER (If different from applicant)

Name <i>Same as applicant</i>	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

*Riggsville road to south extension, turn Rt onto S. EXT.
1/2 mile or Rt on West side of road*

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: RESIDENTIAL
- 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.

Building garage. Need turning radius from driveway to garage entrance and maintain driveway location to road.

2. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following. All variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. **Please explain how the request meets each standard.**

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

Due to narrowness of property and the topography and driveway location

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

See item a

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

See item b.

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.

Minimum room to maintain driveway to barn and for snow removal in winter because of topograph of land and turning radius into proposed garage.

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.

I talked to my neighbor Jim Wilkinson, he has no concerns about the garage. He has no windows on the south side of his house. No view would be obstructed.

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 *Francis J Zurawski*

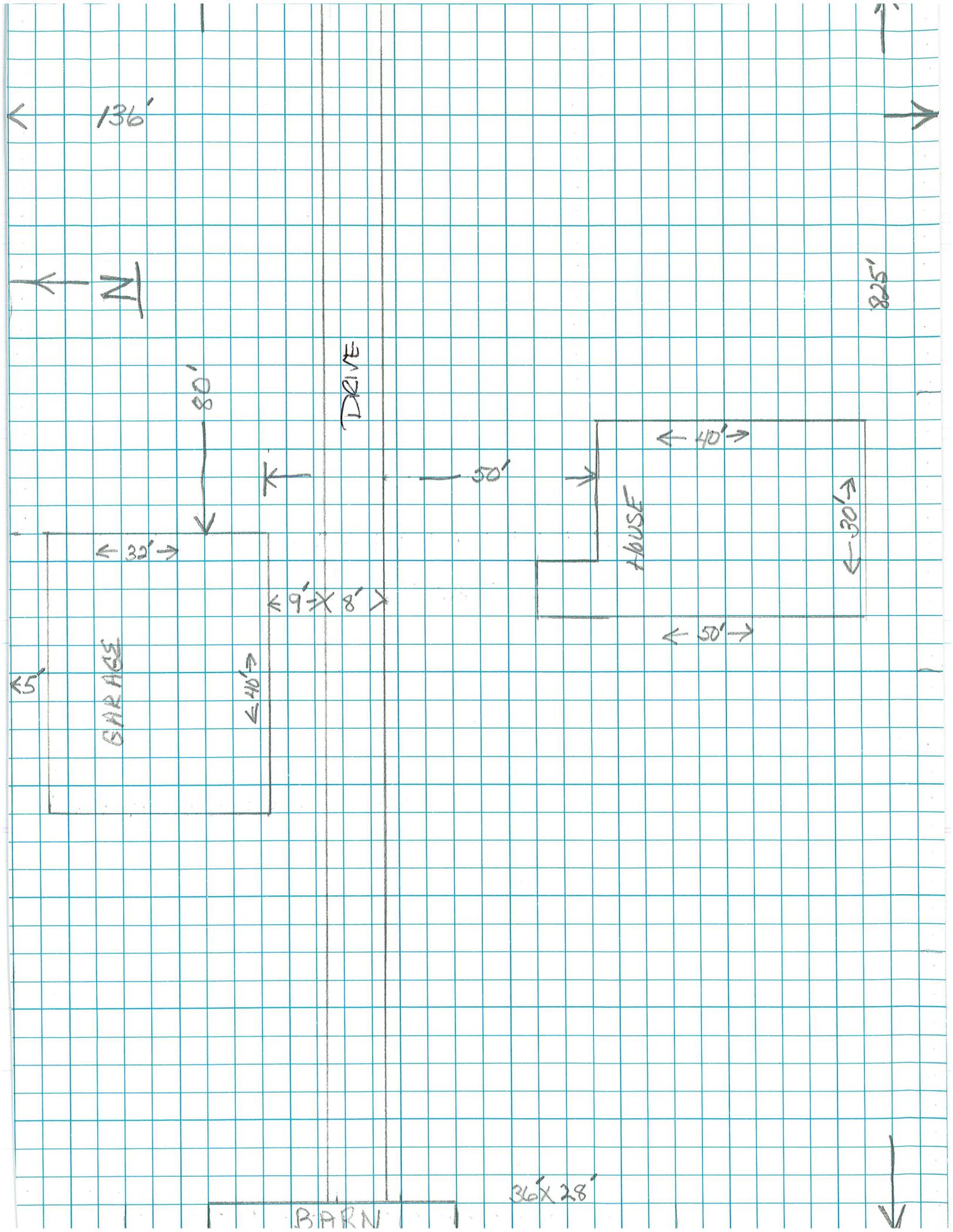
Date *14 June 16*

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 *Francis J Zurawski*

Date *14 June 16*



Zurawski
Mailing List

16-080-025-200-009-00
BICSOK, EDWARD M JR
7569 S EXTENSION RD
CHEBOYGAN MI 49721-9040

16-080-025-200-009-00
OCCUPANT
7569 S EXTENSION RD
CHEBOYGAN, MI 49721

16-080-025-400-001-00
WILKINSON, JAMES F
7361 S EXTENSION RD
CHEBOYGAN MI 49721

16-080-025-400-001-00
OCCUPANT
7361 S EXTENSION RD
CHEBOYGAN, MI 49721

16-080-025-400-001-01
ZURAWSKI, FRANCIS J
7461 S EXTENSION RD
CHEBOYGAN MI 49721

16-080-025-400-001-01
OCCUPANT
7461 S EXTENSION RD
CHEBOYGAN, MI 49721

16-080-025-400-001-02
WILKINSON, TIMOTHY JAMES
7485 S EXTENSION RD
CHEBOYGAN MI 49721

16-080-025-400-001-02
OCCUPANT
7485 S EXTENSION RD
CHEBOYGAN, MI 49721

16-091-030-100-010-00
MELCHING, RICHARD ET UX
7556 S EXTENSION RD
CHEBOYGAN MI 49721

16-091-030-100-010-00
OCCUPANT
7556 S EXTENSION RD
CHEBOYGAN, MI 49721

16-091-030-300-001-00
KANYO, KENNETH M JR
4813 PINECREST CT
DRYDEN MI 48428

16-091-030-300-001-00
OCCUPANT
7158 S EXTENSION RD
CHEBOYGAN, MI 49721



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: A variance request to allow a 5 ft. side setback variance for construction of a garage. The property is zoned Agriculture and Forestry Management District (M-AF)	Prepared by: Scott McNeil
Date: July 7, 2016	Expected Meeting Date: July 27 , 2016

GENERAL INFORMATION

Applicant: Frank Zurawski

Property Owner: Same

Contact person: Same

Phone: 231-627-2579

Requested Action: Approve a 5 ft. side setback variance to allow construction of a 32ft. x 40ft. garage.

BACKGROUND INFORMATION

The applicant is seeking a side setback variance to allow the placement of a storage garage measuring 40 ft wide and 32 ft. deep. The subject parcel contains 136 feet of frontage on South Extension Road and an average depth of 825 feet. The proposed construction site is located in the northerly portion of the property which is in the Agriculture and Forestry Management (M-AF) Zoning District. A 10 ft. side setback is required in this zoning district.

A map providing directions to the site is located at the end of this report.

Surrounding Zoning:

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

West: Same

South: Same

East: Same

Surrounding Land Uses:

Residential land uses surround the subject property.

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

The site contains woodlands.

Public Comments:

None

VARIANCE CONSIDERTIONS

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

General Findings

1. The site is located in an Agriculture and Forestry Management (M-AF) zoning district.
2. A side setback of 10 feet is required in an M-AF zoning district per Section 17.1.
3. The applicant is proposing to construct a garage measuring 40 ft. wide and 32 ft. deep 5 feet from a side lot line.
- 4.
- 5.
- 6.

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

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

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

The subject property is narrow, which is a unique physical condition.

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

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

The need for the variance is due to the unique physical condition and is not the result of actions of the property owner or previous property owners.

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

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

Conformity with setback regulations is deemed unnecessarily burdensome due to narrowness of the lot.

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

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

Regarding front setback;

Due to narrowness 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,

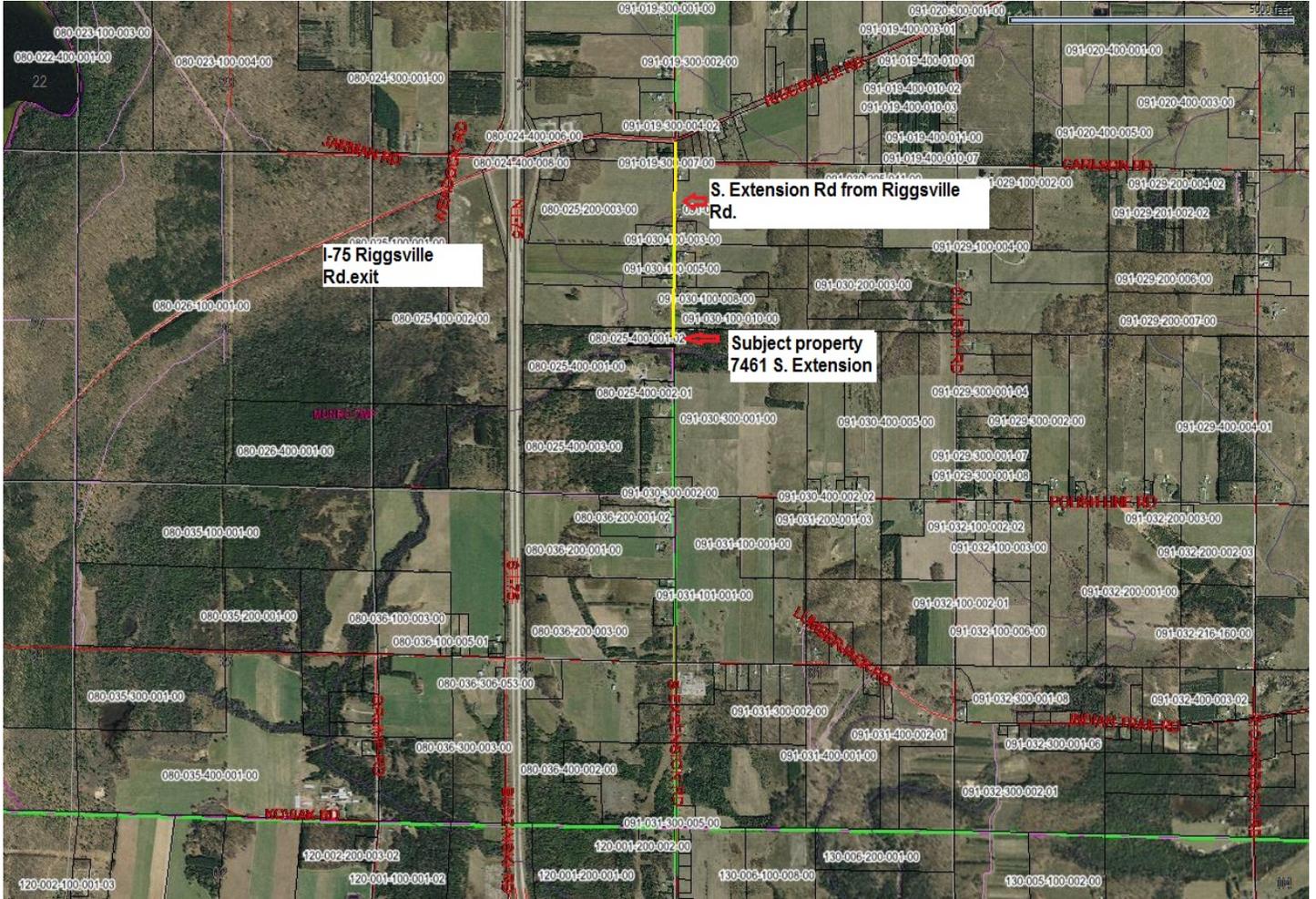
A 5 foot side setback variance request for construction of a 40 ft. wide and 32 ft. deep garage does not represent the minimum necessary to grant reasonable relief and other options exist. Granting the variance will not do substantial justice to other property owners in the district.

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

Allowing a 5 foot side setback variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 5 foot side setback will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.

Map to subject property



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Rose Williamson

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 (1 Page)
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
WEDNESDAY, July 27, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40 ft front setback and an 8 ft. side setback is required for the subject property in this zoning district.
- 2.) **Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.
- 3.) **Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- 4.) **Francis Zurawski** - Requests a 5 ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.
- 5.) **Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property 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

\$110.00 APPLICATION FEE

RECEIPT #:	5141
CASH/CHECK:	Cash
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 9275 Hudson Dr	City / Village Cheboggan	Township / Sec. Benton 17	Zoning District
Property Tax I.D. (Parcel) Number 104-017-300-011-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Rose Williamson	Telephone 989-284-2452	Fax 231-625-9765
Address 9275 Hudson Dr.	City & State Cheboggan, MI	Zip Code 49721
		E-Mail

OWNER (If different from applicant)

Name As Above	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

off. South River Rd. , 2 roads of M-33 - 1/4 mile
on Hudson 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 known
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Residential
- D. A previous appeal has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, 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.

Wish to use camper on lot and can't meet setback
Requirements

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.

Topography limits where camper may be placed, also
limited by location of road

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

See above

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

See above

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.

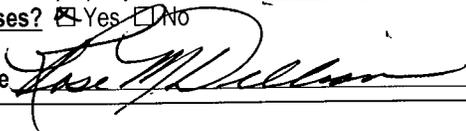
See above

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.

Will not impact property values

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



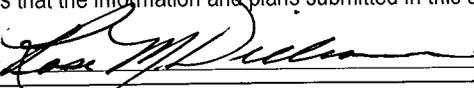
Date

7-7-16

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

7-7-16

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

- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

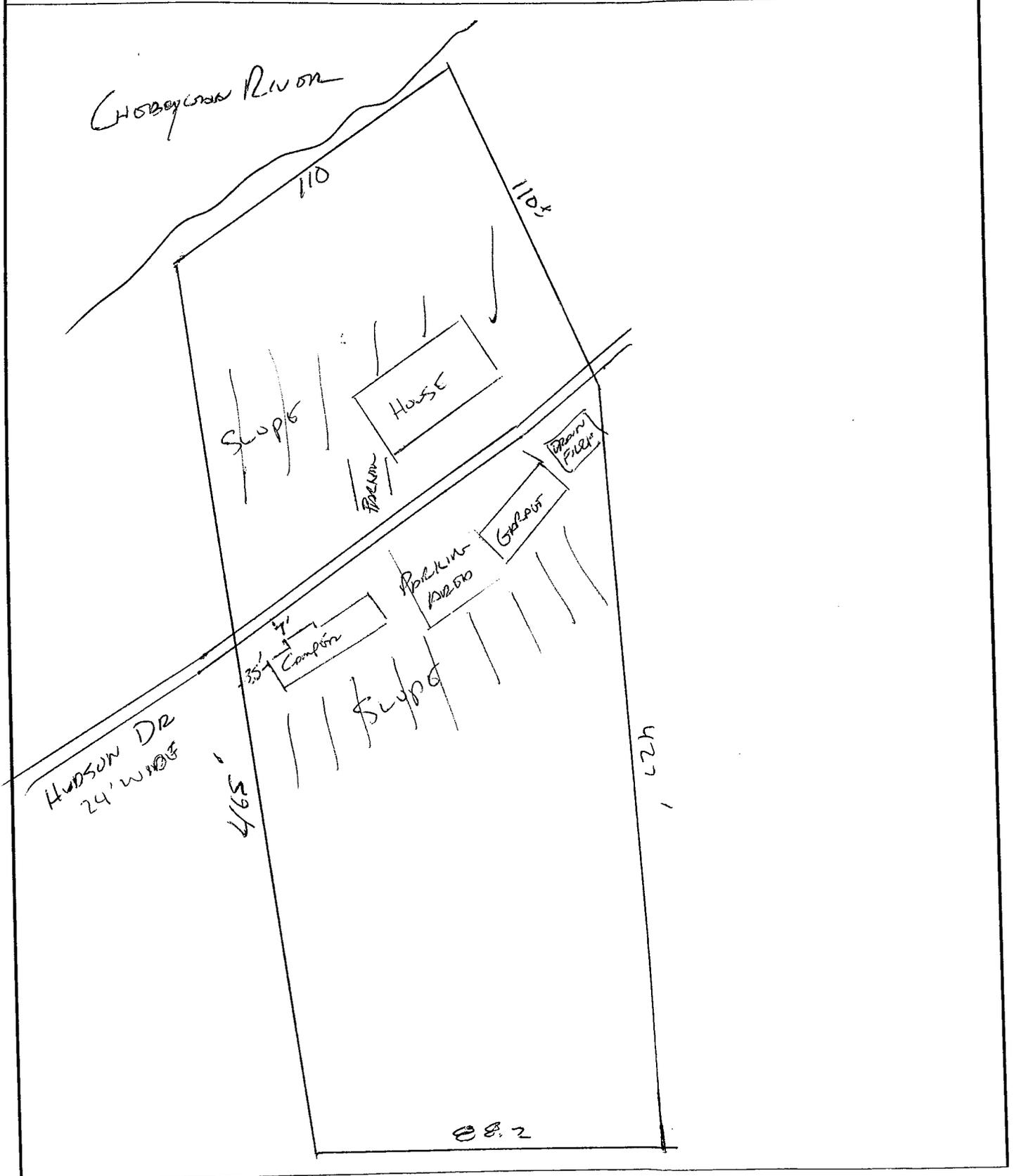
Distance from property line to proposed structure:

Front: _____ Rear: 7 Side: 3.5' Side: _____

Zoning District:

PLS

North:



16-104-017-300-008-00
KOCZUK, CHESTER & KATHERINE
9251 HUDSON DR
CHEBOYGAN MI 49721

16-104-017-300-008-00
OCCUPANT
9251 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-008-01
KOCZUK, CHESTER & KATHERINE
9251 HUDSON DR
CHEBOYGAN MI 49721

16-104-017-300-008-01
OCCUPANT
HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-009-04
HUDSON, PIERRE & RACHAEL H/W
1501 HACK MA TACK RD
CHEBOYGAN MI 49721

16-104-017-300-009-04
OCCUPANT
9210 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-010-00
BIRCHMEIER, THOMAS
9228 HUDSON DR
CHEBOYGAN MI 49721-9414

16-104-017-300-010-00
OCCUPANT
9228 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-010-01
HUDSON, PIERRE & RACHAEL H/W
1501 HACKMATAACK RD
CHEBOYGAN MI 49721

16-104-017-300-010-01
OCCUPANT
9255 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-011-00
WILLIAMSON, TERRY & ROSE H/W
9275 HUDSON DR
CHEBOYGAN MI 49721

16-104-017-300-011-00
OCCUPANT
9275 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-012-00
BURY, ADAM & ANN H/W
9286 HUDSON DR
CHEBOYGAN MI 49721

16-104-017-300-012-00
OCCUPANT
9286 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-013-00
HUDSON, PHYLLIS M
PO BOX 428
CHEBOYGAN MI 49721

16-104-017-300-013-00
OCCUPANT
9361 HUDSON DR
CHEBOYGAN, MI 49721

16-104-017-300-015-00
SNYDER, RUTH ANN TRUST
11394 WHITE BIRCH DR
PELLSTON MI 49769



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: Request for a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: July 8, 2016	Expected Meeting Date July 27, 2016

GENERAL INFORMATION

Applicant: Rose Williamson

Property Owner: Same

Contact person: Same

Phone: 989-284-2452

Requested Action: Allow a 11 ft. rear setback from Hudson Drive and a 3.5 ft. side setback for use of a camper. A rear setback of 12 feet is required from Hudson Drive and an 8 ft side setback is required.

BACKGROUND INFORMATION

The subject parcel contains two portions based on a single legal description lying on each side of Hudson Drive. The property is currently improved with a residence on the north side of Hudson Drive and a garage on the south side of Hudson Dr. The applicant is seeking a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper on the portion of the lot lying on the south side of Hudson Drive. A 12 ft. rear set back is applied to Hudson Drive and the south portion of the lot.

Section 17.7.6.c. regarding requirements for the use of campers on private property in the Lake and Stream Protection provides as follows:

Each tent, travel trailer, camper, or recreational vehicle fully complies with all setback requirements of the zoning district within which it is located.

A 12 foot rear setback and an 8 foot side setback are required in the Lake and Stream Protection zoning district per section 17.1.

This issue comes to the board as a result of enforcement. A map with directions to the subject site is located at the end of this report.

Surrounding Zoning:

North: Cheboygan River

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

South: Same

East: Same

Surrounding Land Uses:

Residential land uses surround the subject property to the south east and west.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The subject area of the lot is located near a steep sloop. No other sensitive area were identified.

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.
- 2. A 12 foot setback from Hudson Drive and an 8 foot side setback are required for the subject lot in this zoning district.
- 2. Hudson Drive is a private road which bisects the subject lot.
- 3. The applicant is proposing to use a camper on the portion of the lot lying south easterly of Hudson Drive.
- 4. The applicant is seeking a 5 ft. rear lot line setback variance and a 3.5 ft. side lot line variance for use of a camper.
- 5. An existing dwelling owned by the applicant is located on the portion of the lot located northerly of Hudson Drive.
- 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.

The property is bisected by Hudson Drive and contains steep slopes, which is are unique physical conditions and is 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).

The need for the requested variance is due to unique conditions of the lot and is not the result of actions of the property owner or previous property owners.

OR, the need for the variance is the result of actions of the 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 conditions of the lot conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow a reasonable sized camper to be located in the subject area and conformity with setback regulations is not unnecessarily burdensome.

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

Due to the unique conditions 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.

Granting the variance will provide a 5 ft. rear setback contiguous to Hudson Drive and granting a 3.5. side setback variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, Granting a 5 ft. rear setback variance contiguous to Hudson Drive and/or granting a 3.5. side setback variance will cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

