



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

MONDAY, NOVEMBER 27, 2017 AT 10:00 A.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. **Greg and Janice Cooper** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. 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 11981 Van Road, Munro Township, Section 19, parcel #080-P14-000-001-00. Under Section 17.23.1.d., 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.
2. **Leslie Taylor and Ronald and Bonnie Vance** - Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3589 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-033-002-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, OCTOBER 25, 2017 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Scott McNeil, Carl Muscott, Tom Taylor, Leslie Taylor, Russell Crawford, Cheryl Crawford, Karen Johnson, Mark Gahn

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

The agenda was presented. **Motion** by Mr. Moore seconded by Mr. Hemmer to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the Wednesday, August 23, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

Minutes from the Monday, October 16, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer seconded by Ms. Sherwood to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

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

Mr. McNeil stated that Mr. Pulte is requesting two side setback variances in order to create a land division. Mr. McNeil referred to a survey submitted by Mr. Pulte and noted that there is a distance between the two pole buildings of 19.4ft. which would create a 9.7ft. setback if the land division is created equally. Mr. McNeil stated that this is a Commercial Development zoning district and a 10ft. side setback is required. Mr. McNeil stated that a variance of .3ft. would be required for the proposed land division.

Mr. Freese stated that he understands that the two buildings were built on two separate dates. Mr. Freese stated that one was built in 2002 and the other was built in 2006. Mr. McNeil stated yes, that information is correct. Mr. Freese stated that the buildings were built 19ft. apart. Mr. Freese stated that the applicant now wishes to separate the two buildings by land division. Mr. Freese stated that this is a question of whether or not this situation is self created and he believes that this situation was created by the applicant.

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

The Zoning Board of Appeals added “The applicant built the first building in 2002 and the second building in 2006.” as General Finding 4. The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

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

Mr. McNeil stated that Mr. Gahn is seeking a use variance for dog grooming use in the Village Center Indian River. Mr. McNeil stated that dog grooming is not a use that is allowed in the Village Center zoning district by right or by special use permit.

Mr. Gahn stated that this use has been reviewed by Tuscarora Township and they voted unanimously to allow this use.

Ms. Sherwood asked if the proposed use is an allowed use in any district. Mr. Freese and Mr. Moore explained that this use is not listed anywhere in the Zoning Ordinance as an authorized use by right or by special use permit. Mr. McNeil stated that pet shops are allowed in the Commercial zoning district, which dog grooming could be an accessory use.

Mr. Freese asked for public comments. Mr. Muscott commended Mr. Gahn for the use of this for dog grooming. Mr. Muscott stated that he believes this is an oversight as far not being an allowed use within Cheboygan County. Mr. Muscott stated it will nice to see the building being occupied. Public comment closed.

Mr. Freese asked Mr. Gahn to confirm that there will be dog grooming during the day and no overnight boarding. Mr. Gahn stated that is correct. Mr. Freese stated that this use can't be equated to a veterinary clinic. Mr. Freese noted that this use is not listed anywhere in the Zoning Ordinance. Mr. Freese stated that the closest use listed in the Zoning Ordinance is barber shop and a women's beauty salon. Mr. Freese stated that the purpose of these uses is to wash hair, groom hair, perm hair, dye hair, and pedicures. Mr. Freese stated that this use is not listed anywhere in Village Center Indian River. Mr. Freese stated that maybe this can be stretched to be considered an office use. Mr. Freese stated that there is an oversight in the regulation that it doesn't list barber shops and women's salons as a use in Indian River. Mr. Freese stated that this is not logical as this use has existed for over 150 years in all towns in the United States. Mr. Freese stated that he will recommend to the Planning Commission that this use be reviewed. Discussion was held.

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

1. Dog grooming is not a listed in any zoning district in the Zoning Ordinance.
2. Cheboygan County is one of the few areas in the state that has the authority to grant a use variance.

The Zoning Board of Appeals reviewed and approved the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

An audience member asked if this approval will allow dog grooming anywhere in the Village Center Zoning District. Mr. Freese explained that each use variance is treated separately. Mr. Freese explained that the Zoning Board of Appeals only addressed the use variance for this parcel. Mr. Freese stated that he will recommend to the Planning Commission to add dog grooming to the Zoning Ordinance.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:27pm.

John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Greg and Janice Cooper – Revised 11/07/17

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (9 Pages) - *Updated 11/07/17*
5. Warranty Deed L1341 P865 (2 Pages)
6. Mailing List (2 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING
MONDAY, NOVEMBER 27, 2017 AT 10:00 A.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

1. **Greg and Janice Cooper** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. 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 11981 Van Road, Munro Township, Section 19, parcel #080-P14-000-001-00. Under Section 17.23.1.d., 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.
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Please visit the Planning and Zoning office or visit our website to see the applications 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 #:	5990
CASH/CHECK:	CC
ACTION/DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 11981 Van Road	City / Village Levering	Township / Sec. Munro 19	Zoning District PLS upland
Property Tax I.D. (Parcel) Number 080-14-000-001-00	Subdivision or Condo. Name / Plat or Lot No. Plesum's Beach / LOT 1		

APPLICANT

Name Greg & Janice Cooper	Telephone 517-589-9915 (H) 517-712-2752 (C)	Fax N/A
Address 225 East Scofield Road	City & State Leslie, MI	Zip Code 49251
		E-Mail CooperG@modernPool.com

OWNER (if different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

EAST of U.S. 31 ON Van Road. Lot is located west of Silverstrand Road on the south side, bordering the eastern side of the Cheboygan County easement.

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 that we are aware of.
- B. This property is unplatted, platted, will be platted. If platted, name of plat Lot #1 / 11981 Van Road
- C. Present use of the property is: vacant wood land
- D. A previous appeal has (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.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.

6. Parcels under separate ownership therein.
7. Road Right-Of-Way (ROW); access or utility easements.
8. The existing and intended use of the lot and structures.
9. Place North arrow in space provided.
10. Other essential zoning information.

Distance from property line to proposed structure:

Front (N) 35' Rear (S) 85' Side (E) 30' Side (W) 8'

Zoning District:

P-L-S/upland

North:

See map - Lot 1 / Plesums beach.

Greg & Janice
11981 VAN RD. (LOT 1)
LEVERING, MI, 49755

Cooper

LOT 1, PLESUM'S BEACH SUBDIVISION,
MUNRO TOWNSHIP CHEBOYGAN CO. MI.
DATE: OCT. 25, 2017

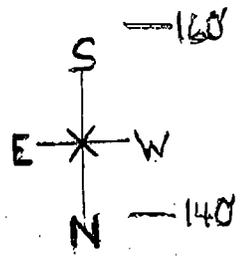
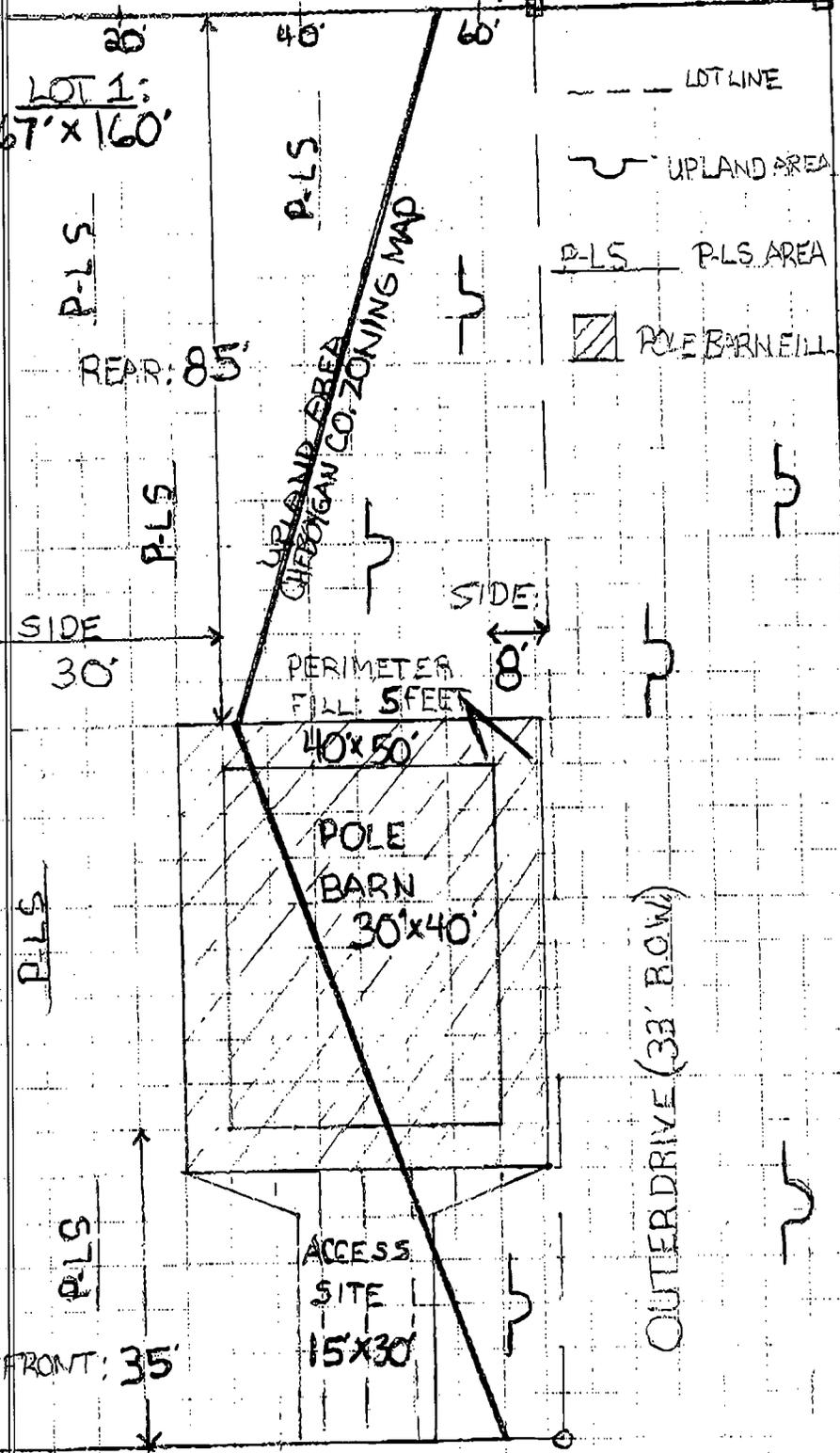
LOT 2
ZONING
REQUIREMENTS
REAR 12'
SIDE 8'
FRONT
(ROAD)
SETBACK 30'

LOT 1:
67' x 160'

LOTS 2, 3, 4, 5, 6
OWNED BY:
ROBERT
LEWIS

DOUGLAS
LAKE 470 FT
←
LOT 4 DITCH
150 FT
←

MIKE ROBINSONS
ADJACENT
OWNERS
PROPERTY
WITH
STREAM
216 FT +



--- LOT LINE
 ~~~~~ UPLAND AREA  
 P-LS P-LS AREA  
 [Hatched Box] POLE BARN FILL

UPLAND AREA  
 CHEBOYGAN CO. ZONING MAP

OUTER DRIVE (33' B.O.W.)

NORTH SECTION LINE & VAN ROAD (66' R.O.W.)

N.W. SECTION  
 CORNER  
 MONUMENT  
 RAY

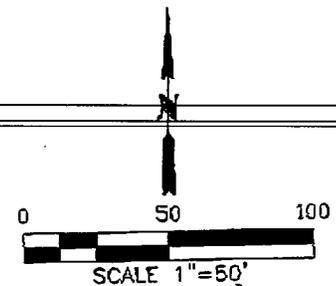
map 2

# CERTIFICATE OF SURVEY

## LOTS 1-6, PLESUM'S BEACH SUBDIVISION, MUNRO TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

NW SECTION CORNER  
FD 5/8" REBAR IN  
MON. BOX

NORTH SECTION LINE & @ VAN ROAD (66' R.O.W.)

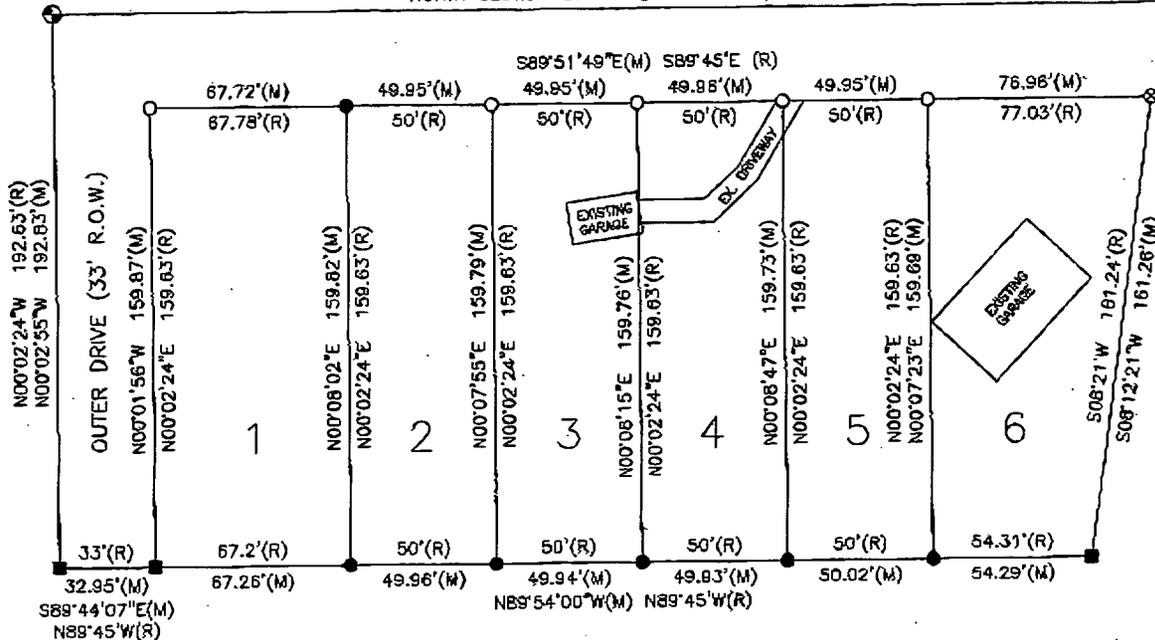


### LEGEND

- FD PIPE
- ⊙ FD IRON W/CAP #52460
- FD CONCRETE MONUMENT
- SET 1/2" REBAR W/CAP #52460
- (R) RECORDED AS
- (M) MEASURED AS

BEARINGS BASED ON THE PLAT OF RECORD.

LEGAL DESCRIPTION AS SURVEYED  
PER DEED RECORDED IN LIBER 493,  
PAGE 243, EMMET COUNTY RECORDS.



CLIENT:

ROBERT LEWIS

DATE: AUGUST 23, 2017

**Granger and Associates, Inc.**



*Engineers • Surveyors*  
224 S. Main St., Cheboygan, MI 49721  
Email: grangerandassociates@gmail.com  
231-827-2763

SEC. 19, T37N, R3W

DRAWN AJG SHEET 1 OF 1

JOB NO. C5472-01

COPYRIGHTED GRANGER & ASSOCIATES INC. 2017

ALAN J. GRANGER P.S. No. 52460

10/01/2017  
 10:03  
 01/11/2017  
 04:31  
 FEDEX OFFICE  
 0432  
 PAGE 05

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.  
Build a pole barn for private storage. Asking relief from zoning ordinance; Section 17.18, is allows Board of Appeals to waive greenbelt or fence 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.  
The topography of the lot is upland forest and wetland; the same or very similar to the topography of the complete length of Van Road between US 31 to the west and the intersection of Silverstrand to the east - approximately 3-mile span. (map 3)

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 other properties are affected. The pole barn is strictly for inside storage of boats and related equipment. There will be no outside storage of any kind. The property is naturally isolated and heavily forested.

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.  
No intentional or adverse affects will result. The property is meant for our private use only; a fence or evergreen tree line is unnatural in keeping with the beauty of the surrounding 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.  
approval of our variance request will grant reasonable relief; and not affect any other property owners in the district. The property will be maintained in the same manner in which we maintain our personal residence located on Douglas Lake. We intend to only remove enough trees to build and any other dead or dying trees.

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.  
There is no adverse affect on the surrounding properties, property values, or use. Given the topography of the total landscape, the eastern edge of the property line is next to a 33' Cheboygan County easement which borders the Cheboygan/Emmet County line. The structure will be built 8' from this property line. There is enough space to our western edge where a variance would not be requ.

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 Gregory James Cooper Janice M Cooper Date OCT 30, 2017

**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 Gregory James Cooper Janice M Cooper Date OCT 30, 2017

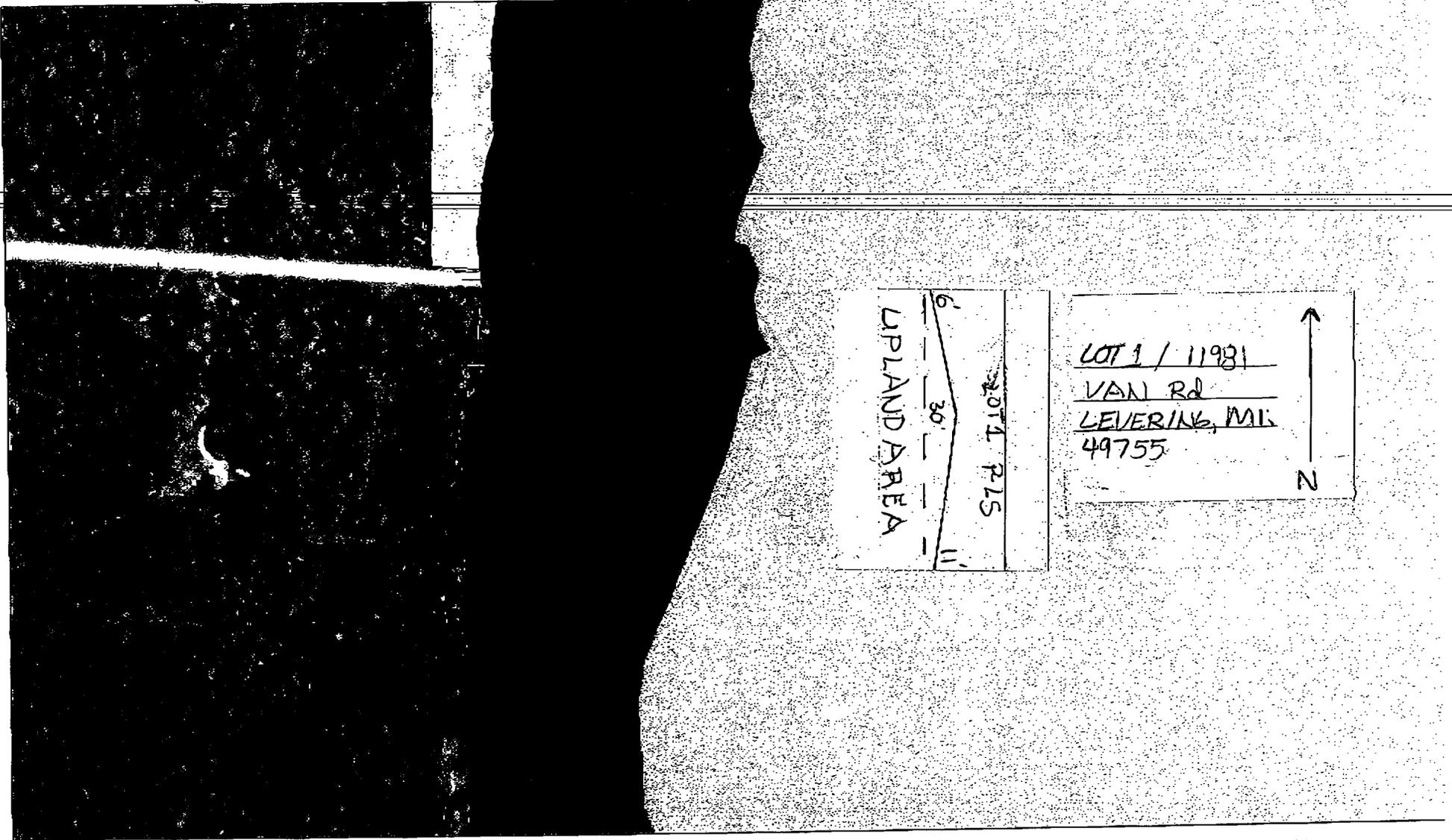
CHEBOYGAN COUNTY  
PLANNING AND ZONING  
VARIANCE SUBMITTED BY  
GREGORY JAMES COOPER  
AND  
JANICE MARIA COOPER  
FOR

LOT 1, PLESUMS BEACH SUBDIVISION  
MUNRO TOWNSHIP, CHEBOYGAN  
COUNTY, MICHIGAN 49755

OCTOBER 31, 2017

map 3

# Cheboygan County Zoning

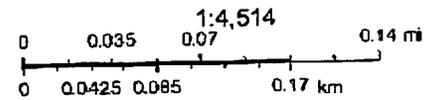


October 11, 2017

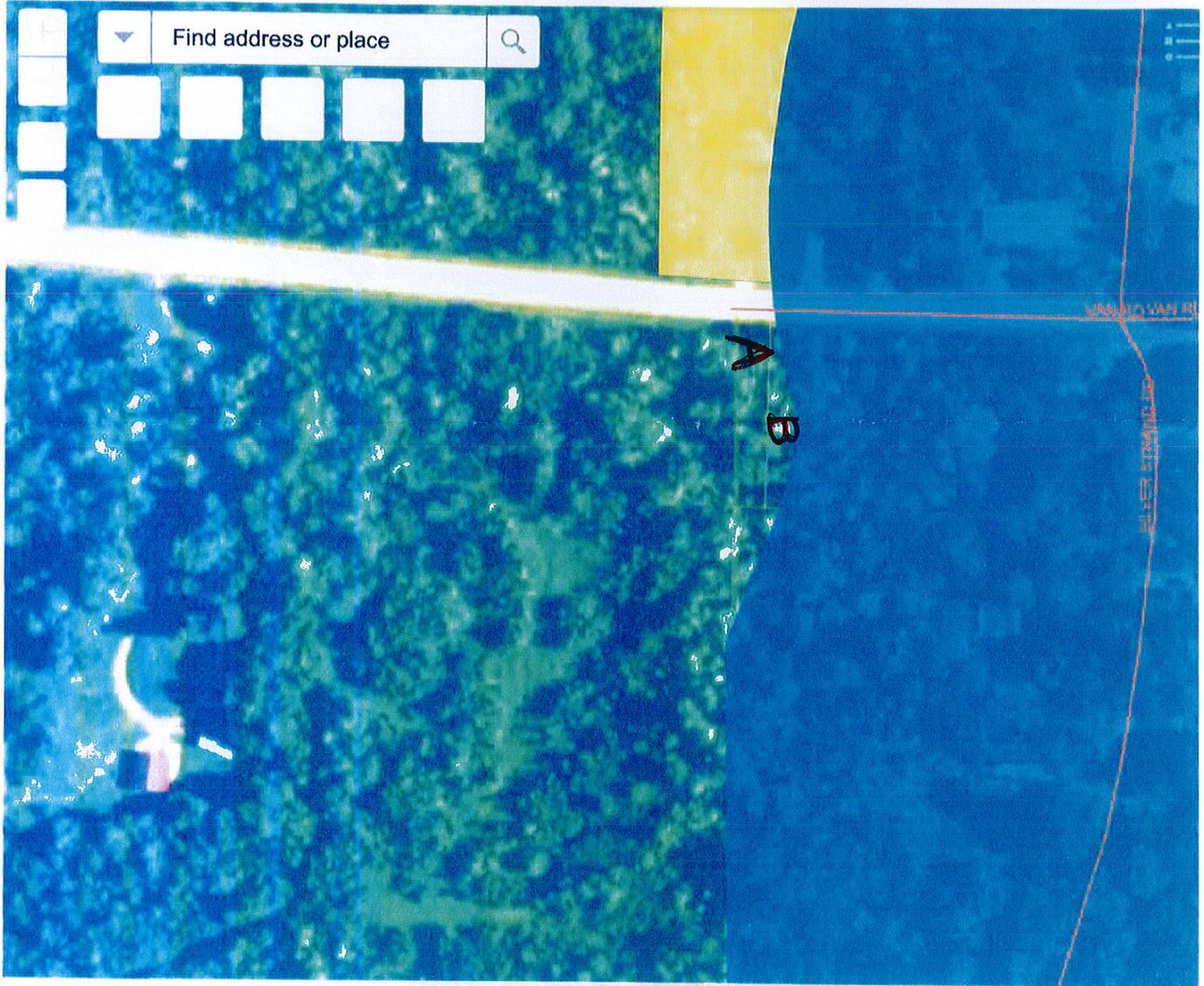
Zone - Zoning

 D-RS

 P-LS



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, USDA, USGS, AeroGRID, IGN, and the GIS User Community

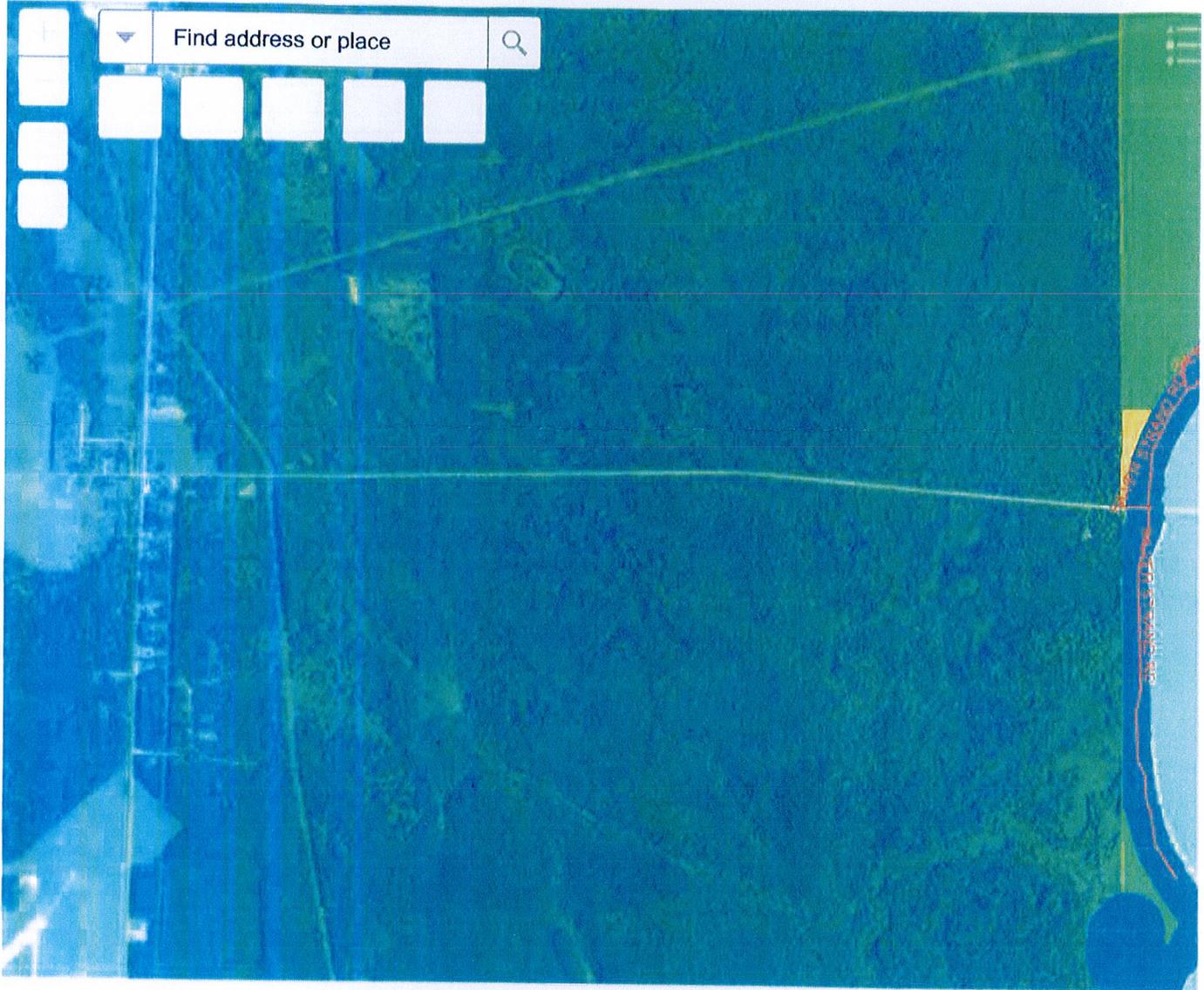


VIEW OF VAN ROAD  
LOTS: Co. & #1

A: Cheb. Co. 33' R.O.W.  
and  
B: LOT 1 / 11981 (3B)

Scale





VIEW OF VAN Rd.  
FROM US31 TO  
SILVERSTRAND Rd.

(3A)

Scale





RECEIVED FOR RECORD  
 KAREN L. BREWSTER, CLERK/REGISTER  
 CHEBOYGAN COUNTY, MICHIGAN  
 09/08/2017 3:05:59 PM

RECEIPT # 5129, STATION 1  
 WARRANTY DEED  
 \$30.00  
 \$5.00 TAX CERTIFICATION



LIBER 1341

PAGE 865



CHEBOYGAN COUNTY  
 SEPTEMBER 8, 2017  
 RECEIPT #5129

STATE OF MICHIGAN \$ 27.50-CO  
 REAL ESTATE \$ 187.50-ST  
 TRANSFER TAX STAMP \* 13051

**WARRANTY DEED**

17080075

*Know All Persons by These Presents:* That Robert R. Lewis survivor of himself and his deceased wife, Maureen M. Lewis whose Death Certificate is recorded in Liber 1341, Page 864, Cheboygan County Records

whose address is 8984 Silver Strand Rd., Levering, MI 49755

Convey(s) and Warrant(s) to Gregory J. Cooper and Janice M. Cooper Living Trust, u/a/d November 26, 2014

whose address is 225 E. Scofield Rd., Leslie, MI 49251

Property located in the Township of Munro, County of Cheboygan, State of Michigan, described as:

LOT 1, PLESUM'S BEACH SUBDIVISION, according to the recorded plat thereof as recorded in Liber 3 of Plats, Page 50, Cheboygan County Records.

OUT OF 080-P14-000-001-00 ✓

For the full consideration of Twenty Five Thousand and no/100<sup>ths</sup> Dollars (\$25,000.00)

TOGETHER WITH AND SUBJECT TO existing building and use restrictions, easements of record, and zoning ordinances, if any.

The grantor grants to the grantee the right to make any and all permissible division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

I hereby certify that for the five years preceding date of said instrument there are no taxes or titles held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.

Sept 8 2017 Wendy A. Hoffe  
 Cheboygan, MI Cheboygan County Treasurer

Dated this 6 day of September, 2017

Seller(s):

*Robert R. Lewis*

Robert R. Lewis

State of ~~Michigan~~ Michigan  
County of ~~Emmet~~ Emmet

The foregoing instrument was acknowledged before me this 6 day of September, 2017, by Robert R. Lewis, survivor of himself and his deceased wife, Maureen M. Lewis, whose Death Certificate is recorded in Liber \_\_\_\_\_, Page \_\_\_\_\_, Cheboygan County Records

*Susan M. Haviland*

(Notary Public: Susan M. Haviland

State of ~~Michigan~~ Michigan

County of EMMET

Acting in Emmet County, Michigan

Commission Expires: 9-20-2020

SUSAN M. HAVILAND  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF EMMET  
MY COMMISSION EXPIRES Sep 20, 2020  
ACTING IN COUNTY OF EMMET

Drafted by: Robert R. Lewis  
8984 Silver Strand Rd  
Levering, MI 49755

After recording, return to Grantee  
Tax ID No.: PART OF 080-P14-000-001-00



LIBER 1341

PAGE 866

080-019-100-001-01  
MERTAUGH, THOMAS & KAREN H/W  
8900 SILVER STRAND RD  
LEVERING, MI 49755

080-019-100-001-03  
TRAVIS, BARBARA A, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-001-00  
LEWIS, ROBERT  
8984 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-001-00  
LEWIS, ROBERT  
8984 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-007-00  
LEWIS, ROBERT  
8984 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-008-00  
DIPERT, L KIRBY & JACQUELINE H/W  
12480 COUNTRY CLUB DR  
CHARLEVOIX, MI 49720

080-P14-000-009-00  
TRAVIS, DAVID W, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-010-00  
TRAVIS, BARBARA A, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-011-00  
TRAVIS, BARBARA A, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING, MI 49755

080-P14-000-012-00  
JARVIS, HUGH E  
24605 N MEADOW DR  
HARRISON TOWNSHIP, MI 48045

080-P14-000-013-00  
MERTAUGH, KAREN K, TRUSTEE  
8900 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-042-00  
ROBINSON, MICHAEL L/EWPTS AND  
9020 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-045-00  
ROBINSON, MICHAEL L/EWPTS AND  
9020 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-091-03  
ROBINSON, MICHAEL L/EWPTS &  
9020 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-106-00  
SYNIEWSKI, MARK & CHERYL H/W  
5856 VALLEY VIEW DR  
WASHINGTON TOWNSHIP, MI 48094

080-S15-000-109-00  
TRAVIS, DAVID W, TRUSTEE  
8948 SILVER STRAND RD  
LEVERING, MI 49755

080-S15-000-112-00  
PRIOR, TODD EDWARD  
3262 W PRATT RD  
DEWITT, MI 48820

10-10-13-400-003  
Little Traverse Conservancy  
3264 Powell Rd  
Harbor Springs, MI 49740

10-10-24-200-005  
Mertaugh, Thomas & Karen  
8900 Silver Strand Rd  
Levering, MI 49755

080-019-100-001-01  
OCCUPANT  
8915 SILVER STRAND RD  
LEVERING, MI 49749

080-019-100-001-03  
OCCUPANT  
8939 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-007-00  
OCCUPANT  
8984 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-008-00  
OCCUPANT  
8972 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-009-00  
OCCUPANT  
8960 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-010-00  
OCCUPANT  
8948 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-011-00  
OCCUPANT  
8936 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-012-00  
OCCUPANT  
8924 SILVER STRAND RD  
LEVERING, MI 49749

080-P14-000-013-00  
OCCUPANT  
8912 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-042-00  
OCCUPANT  
9020 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-045-00  
OCCUPANT  
9010 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-091-03  
OCCUPANT  
9045 SILVER STRAND RD  
LEVERING, MI 49749

080-S15-000-106-00  
OCCUPANT  
11962 VAN RD  
LEVERING, MI 49749

080-S15-000-109-00  
OCCUPANT  
11990 VAN RD  
LEVERING, MI 49749

080-P14-000-001-00  
OCCUPANT  
11981 VAN RD  
LEVERING, 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/](http://www.cheboygancounty.net/planning/)

## DIMENSIONAL VARIANCE STAFF REPORT

|                                                                                                                                                                                                                                 |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>Item:</b><br>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) | <b>Prepared by:</b><br>Scott McNeil                |
| <b>Date:</b><br>November 14, 2017                                                                                                                                                                                               | <b>Expected Meeting Date:</b><br>November 22, 2017 |

### GENERAL INFORMATION

**Applicant:** Greg and Janis Cooper

**Property Owner:** Greg and Janis Cooper

**Contact person:** Greg Cooper

**Phone:** 517-589-9915

**Requested Action:** Request for a waiver under section 17.18.6. of a screening requirement under section 17.23.1.d. for construction of a private storage within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district.

### BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. 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;

- d. 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.

The applicant is seeking a waiver from the screening requirement under section 17.18.6. The private storage building is proposed to be placed 8 feet from the west side lot line and 30 feet from the east side lot line.

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 prepared a finding for disapproval for the board's consideration.

***Maps providing directions to the subject lot are located with this report. An address sign is located on the site.***

The board heard a screening waiver request with regard to a lot across Van Road from the subject property on April 26, 2017. A copy of the meeting minutes with regard to that request is provided at the end of this report.

**Surrounding Zoning;**

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

**East:** P-LS, Lake and Stream Protection

**South:** P-LS, Lake and Stream Protection

**North:** P-LS, Lake and Stream Protection

**Surrounding Land Uses:**

Residential uses surround the subject property

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

The lot appears to contain wet lands.

**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 8 feet from the west side lot line and 30 feet from the east 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.

**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.

**Detail Location of Subject Lot. (Directions on next page)**





**From April 26, 2017 meeting minutes of the Zoning Board of Appeals.**

**Mark Sypniewski** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. 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 11962 Van Road, Munro Township, Section 18, parcel #080-S15-000-106-00. Under Section 17.23.1.d., 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.

Mr. McNeil stated that the applicant is requesting a waiver from a fence requirement with regards to a private storage building. Mr. McNeil stated in the Lake and Stream Protection Zoning District and Residential Zoning District, a storage building which is placed on property without a dwelling is defined as a private storage building. Mr. McNeil stated that if the private storage building is placed within 30 feet of a side lot line, a 6 foot high solid fence or hedge is required. Mr. McNeil stated that section 17.23.1.d allows the Zoning Board of Appeals to waive the fence requirement based on certain conditions.

Mr. Freese asked for public comments. An adjacent property owner stated that he owns the property to the west of this parcel and he has no problems with this request. The adjacent property owner stated his concerns regarding the fence deteriorating over time and also regarding deer eating a cedar hedge. Public comment closed.

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

5. The building is to be constructed on fill placed in a wetland which has been properly permitted by the DEQ.

6. The wetlands provide a natural buffer for this structure.

The Zoning Board of Appeals added "The Board of Appeals hereby determines that no good or practical purpose would be served by the screening requirement under section 17.23.1.d. due to natural isolation and screening provided by the building location in a wetland area." to Section 17.18.6. The Zoning Board of Appeals approved the Findings of Fact under section 17.18.6. **Motion** by Mr. Freese seconded by Mr. Moore, to approve the waiver request based on the General Findings and the Findings of Fact under Section 17.18.6. Motion carried unanimously.

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Leslie Taylor / Ron & Bonnie Vance

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (3 Pages)
5. 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  
MONDAY, NOVEMBER 27, 2017 AT 10:00 A.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

1. **Greg and Janice Cooper** - Requests a waiver from a greenbelt or fence requirement under Section 17.18.6. 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 11981 Van Road, Munro Township, Section 19, parcel #080-P14-000-001-00. Under Section 17.23.1.d., 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.
2. **Leslie Taylor and Ronald and Bonnie Vance** - Requests a use variance for a dog grooming use in the Village Center Indian River (VC-IR) zoning district. The property is located at 3589 South Straits Highway, Tuscarora Township, Section 24, parcel #161-M55-033-002-00. Dog grooming is not an allowed use in the Village Center Indian River (VC-IR) zoning district.

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

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

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

USE VARIANCE APPLICATION

\$110.00

\$110.00 APPLICATION FEE

|                |      |
|----------------|------|
| RECEIPT #:     | 5998 |
| CASH/CHECK:    | CC   |
| ACTION / DATE: |      |

PLEASE PRINT

**PROPERTY LOCATION**

|                                                            |                                              |                      |                 |
|------------------------------------------------------------|----------------------------------------------|----------------------|-----------------|
| Address<br>3589 S. Straits Hwy                             | City / Village<br>Tuscarora Twp.             | Township / Sec.<br>/ | Zoning District |
| Property Tax I.D. (Parcel) Number<br>16-161-M55-033-002-00 | Subdivision or Condo. Name / Plat or Lot No. |                      |                 |

**APPLICANT**

|                             |                                 |                                         |
|-----------------------------|---------------------------------|-----------------------------------------|
| Name<br>Leslie Taylor       | Telephone<br>586-482-9288       | Fax<br>231-548-2348                     |
| Address<br>5142 Dorothy St. | City & State<br>Indian River MI | Zip Code<br>49749                       |
|                             |                                 | E-Mail<br>taylor@grooming@sbcglobal.net |

**OWNER (If different from applicant)**

|                             |                            |                     |
|-----------------------------|----------------------------|---------------------|
| Name<br>Ron & Bonnie Vance  | Telephone<br>989-448-4241  | Fax<br>989-448-4467 |
| Address<br>609 N. Court Ave | City & State<br>Gaylord MI | Zip Code<br>49735   |

Detailed directions to site, including nearest crossroad:

On M-27, E side, @ Floyd

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**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: Vacant
- D. A previous appeal has has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

I intend to move my Pet Grooming Shop to a small portion of the building - to rent. There is currently no provision for Pet Grooming

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

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

There is currently no provision for Pet Grooming in Indian River

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

Moving my business to Indian River will bring my clients to town - and will use many local businesses while waiting for their dog!

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

No other property will be changed

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

A family friendly/supportive business bringing people of all ages to I.R.

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

No changes will be made to the outside of the building - I will be only moving my equipment / supplies into the bldg.

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

Bonnie Vance

Date

11-2-17

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

Jessie N Taylor

Date

2 Nov 2017

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

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

6. Parcels under separate ownership therein.
7. Road Right-Of-Way (ROW); access or utility easements.
8. The existing and intended use of the lot and structures.
9. Place North arrow in space provided.
10. Other essential zoning information.

Distance from property line to proposed structure:

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

Zoning District:

North:



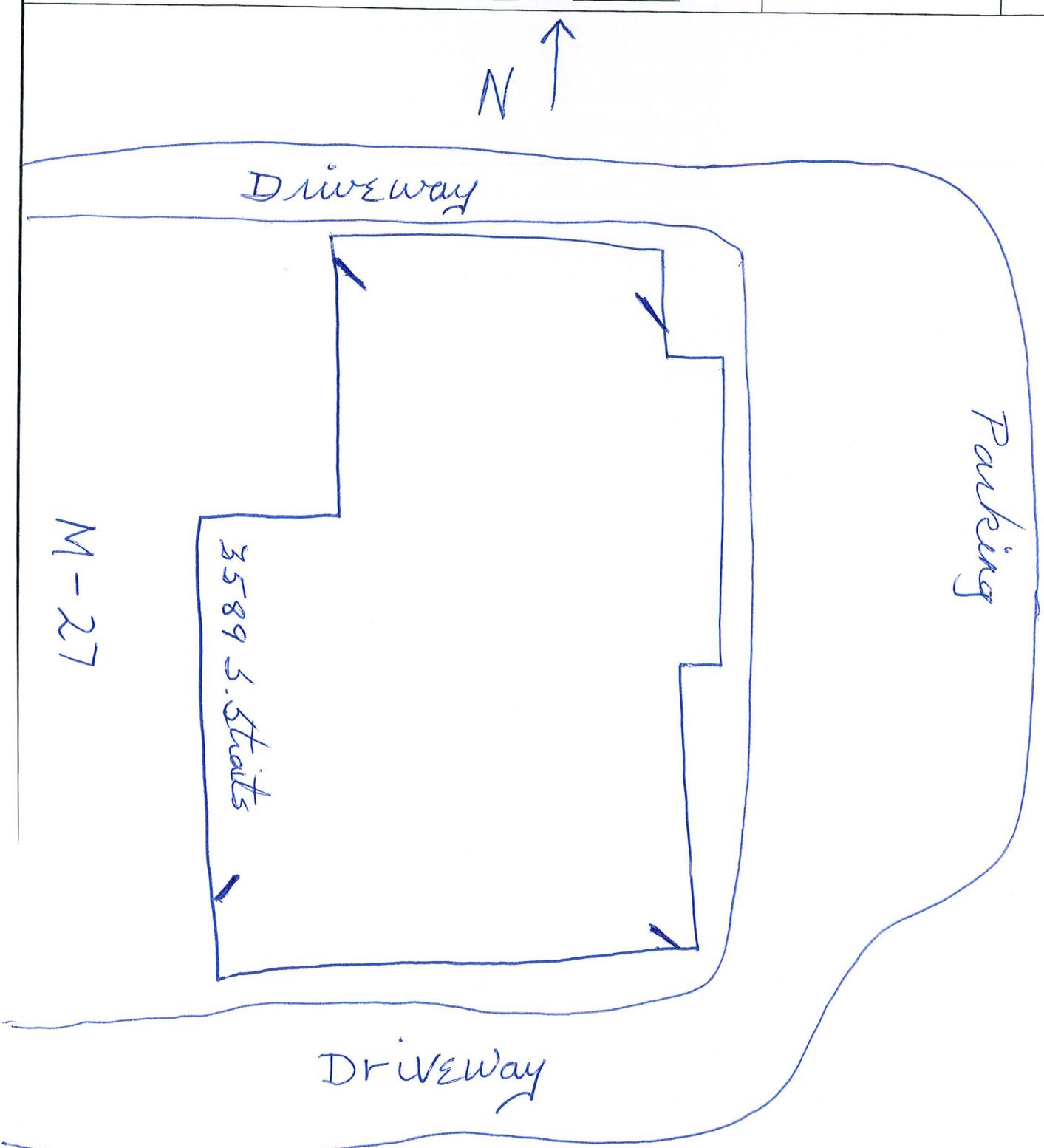
Driveway

Parking

M-27

3589 S. Straits

Driveway



161-024-400-004-00  
MANSON, MARY TRUSTEE  
3188 W COON LAKE  
HOWELL, MI 48843

161-133-000-002-00  
CONVISSOR, HANNELORE & PHILIP W/H  
3914 12TH ST  
WAYLAND, MI 49348

161-133-000-003-00  
FRASIER, ROBERT & PATRICIA, TTEES  
PO BOX 1117  
INDIAN RIVER, MI 49749

161-133-000-004-00  
GATZKE, NORMA J  
4411 HINCHEY  
HOWELL, MI 48843

161-133-000-005-00  
PUTTERS, THOMAS & NADJA H/W  
606 KAYSER  
ROYAL OAK, MI 48067

161-133-000-006-00  
DOWELL, ALAN L  
3583 CLUB RD, PO BOX 219  
INDIAN RIVER, MI 49749

161-133-000-007-00  
HOWE, MARGARET M  
3595 CLUB RD, PO BOX 533  
INDIAN RIVER, MI 49749

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

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

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

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

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

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

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

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

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

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

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

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

161-M55-021-012-00  
POWROZEK, BILLIE JO  
PO BOX 1063  
INDIAN RIVER, MI 49749

161-M55-021-011-00  
POWHATAN TRUST  
11110 W MT MORRIS RD  
FLUSHING, MI 48433

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

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

161-M55-021-017-00  
INDIAN RIVER AREA LIBRARY  
PO BOX 160  
INDIAN RIVER, MI 49749

161-131-021-001-00  
DODD, GARDNER  
3494 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-131-021-005-00  
MCCLUTCHEYS STORE INC  
PO BOX 306  
INDIAN RIVER, MI 49749

161-M55-021-006-01  
TUSCARORA, TOWNSHIP OF  
INDIAN RIVER, MI 49749

161-M55-021-006-00  
MCCLUTCHEY, KATHRYN  
PO BOX 143  
INDIAN RIVER, MI 49749

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

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

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

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

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

161-024-200-006-00  
WILSON, TONI L  
4428 MODOC RD  
INDIAN RIVER, MI 49749

161-M55-033-010-00  
INDIAN RIVER CARWASH, LLC  
PO BOX 250  
INDIAN RIVER, MI 49749

161-024-400-004-00  
OCCUPANT  
3511 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-002-00  
OCCUPANT  
3539 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-003-00  
OCCUPANT  
3549 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-004-00  
OCCUPANT  
3553 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-005-00  
OCCUPANT  
3571 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-006-00  
OCCUPANT  
3583 CLUB RD  
INDIAN RIVER, MI 49749

161-133-000-007-00  
OCCUPANT  
3595 CLUB RD  
INDIAN RIVER, MI 49749

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

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

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

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

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

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

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

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

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

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

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

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

161-M55-021-012-00  
OCCUPANT  
3555 JUNO ST  
INDIAN RIVER, MI 49749

161-M55-021-011-00  
OCCUPANT  
3543 JUNO ST  
INDIAN RIVER, MI 49749

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

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

161-M55-021-017-00  
OCCUPANT  
3546 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-131-021-001-00  
OCCUPANT  
6001 LAKE ST  
INDIAN RIVER, MI 49749

161-131-021-005-00  
OCCUPANT  
3510 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-M55-021-006-01  
OCCUPANT  
3542 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-M55-021-006-00  
OCCUPANT  
3526 S STRAITS HWY  
INDIAN RIVER, MI 49749

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

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

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

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

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

161-024-200-006-00  
OCCUPANT  
3499 S STRAITS HWY  
INDIAN RIVER, MI 49749

161-M55-033-010-00  
OCCUPANT  
3491 S STRAITS HWY  
INDIAN RIVER, MI 49749

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

161-M55-033-001-00  
OCCUPANT  
3567 S STRAITS HWY  
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/](http://www.cheboygancounty.net/planning/)

## USE VARIANCE STAFF REPORT

|                                                                                                                                             |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>Item:</b><br>Use Variance Request to allow A dog grooming use in the Village Center Indian River Zoning District (VC-IR) zoning district | <b>Prepared by:</b><br>Scott McNeil                |
| <b>Date:</b><br>November 13, 2017                                                                                                           | <b>Expected Meeting Date:</b><br>November 22, 2017 |

### GENERAL INFORMATION

**Applicant:** Leslie Taylor

**Property Owner:** Ron and Bonnie Vance

**Contact person:** Leslie Taylor

**Phone:** 586-482-9288

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

### BACKGROUND INFORMATION

The subject property has been most recently used for a physical rehabilitation clinic.

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

**Current Zoning:** VC-IR, Village Center Indian River

#### **Surrounding Zoning:**

**West:** VC-IR, Village Center Indian River

**East:** Same

**South:** Same

**North:** Same

**Surrounding Land Uses:**

Commercial uses surround the subject site.

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

**Other Public Comments:**

1: None as of the date of this report.

**VARIANCE CONSIDERTIONS**

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

**General Findings:**

1. The subject property is located in the Village Center Indian River Zoning District (VC-IR) zoning district).
2. The applicant is seeking a use variance to allow a dog grooming use.
3. The subject property is improved with a structure which was previously used for a physical rehabilitation clinic.
4. Dog grooming is not a listed use in any zoning district in the Zoning Ordinance.
5. Cheboygan County is one of the zoning jurisdictions in the state which has the authority to grant use variances.
- 6.

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

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

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

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

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

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

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

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

The appellant is seeking the use variance only for the property as described in exhibit 3 and the existing structure located on the same which is under control of the appellant.

Or,

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

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

**Township Level Land Use Planning**

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

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

Tuscarora Township Master Plan describes the Village Mixed-Use future land use category as follows:

**Village Mixed-Use:**

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

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

Or: A use variance for dog grooming is not constant with future land uses of the Master Plan as the subject property is in an area projected for \_uses and granting of the use variance will adversely affect the purposes or objectives of the Master Plan.

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

The granting of a use variance will not be detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located due to other similar commercial uses currently taking place in the vicinity.

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

**Location of subject lot.**

