



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, AUGUST 23, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Paul McGillivray** - Requests an 8 ft. side setback variance and a 27 ft. rear setback variance to construct an accessory storage building to a dwelling (24ft x 40ft.). The property is located at 11669 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-004-04 and is zoned Lake and Stream Protection (P-LS and Agriculture and Forestry Management (M-AF). A 10 ft. side setback and a 30 ft. rear setback are required in the M-AF zoning district, where this building is located.
- 2.) **Walter Dyer** - Requests a 15 ft. front setback variance to construct an accessory storage building to a dwelling (11ft x 15ft.). The property is located at 9759 Manitou Lane, Munro Township, Section 21, parcel #080-021-100-005-00 and is zoned Lake and Stream Protection (P-LS) and Agriculture Forestry Management (M-AF). A 40 ft. water front setback is required in the P-LS zoning district, where this building is located.
- 3.) **Indian River Hotel Real Estate LLC** - Requests a 45 ft. height for a free standing sign in a Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a free standing is 25 feet in this zoning district.
- 4.) **The zoning administrator requests an interpretation** as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JULY 26, 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, Cal Gouine, Karen Johnson, Russell Crawford, Cheryl Crawford, John F. Brown, Kevin C. Tucker, Charles Cassie, Nancy Daniel, Deborah Hughes, Michael Hughes, James Quinlan, Gary Drolshagen, Patrick Kennedy, Tim Daniel

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 June 28, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Freese, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Patrick and Darleen Kennedy - Requests a 104 ft. front setback variance for a porch addition to a dwelling in a Natural Rivers Protection (P-NR) zoning district. The property is located at 6758 Milligan Creek Trail, Forest Township, Section 6, parcel #231-006-300-003-00. A 150 foot front setback is required for the subject lot in this zoning district.

Mr. McNeil stated that this is a request for a 104 ft. setback from the high water mark of the Milligan Creek for a porch addition to a dwelling the Natural Rivers Protection zoning district. Mr. McNeil stated that a setback of 150 ft. from the high water mark of the Milligan Creek is required.

Mr. Kennedy stated that they would like to build a sun porch for his mother and they need a variance to build closer to Milligan Creek.

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

Mr. Freese stated that along the side street all the lots are narrow lots. Mr. Freese stated that they are all non-conforming lots in that the Natural Rivers Protection District which has a 150ft. front setback requirement. Mr. Freese noted that none of the lots are even 150ft. deep. Mr. Freese stated that any type of construction on these lots would require a variance. Mr. Freese stated that the first house to the south which is within 47ft. of the river. Mr. Freese stated that the fourth house has built all the way down to the river. Mr. Freese stated that the fifth house is 104ft. from the river. Mr. Freese stated that in view of the other parcels in the area, it appears that they are as close as or closer to the water than what the applicant is requesting.

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

5. The entire parcel lies within the 150ft. setback requirement in this district.
6. The adjacent parcels lie within in 48ft. of the high water mark. One parcel is built all the way to the water.

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

Gary Drolshagen - Requests a 184 square foot floor area variance for a private storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9885 South River Road, Benton Township, Section 20, parcel #104-020-100-010-07. A private storage building is limited to a floor area of 1,600 square feet for the subject lot in this zoning district.

Mr. McNeil stated that the applicant is requesting an 184sf variance for a private storage building in the Lake and Stream Protection Zoning District. Mr. McNeil stated that private storage buildings are buildings that are not accessory to a dwelling. Mr. McNeil stated that the ordinance limits the square footage of private storage buildings on properties that are 2 acres or less for the Lake and Stream Protection Zoning District to 1600sf. Mr. McNeil stated that the applicant has been approved for a permit for a 36ft. x 42ft. private storage building. Mr. McNeil stated that the applicant is seeking to put a 10ft. x 20ft. lean-to on the private storage building. Mr. McNeil explained that the lean-to is also a private storage building use and takes the square footage to 1784sf which is 184sf over what is allowed by the ordinance for that use in that zoning district for a piece of property that size.

Mr. Drolshagen stated that because he is limited to a specific amount of square footage, he needs a little more room and the lean-to will be on the back side of the pole barn where it will not be visible to anyone.

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

Mr. Freese stated the regulation governing the private storage building is the result of many variance requests reviewed by the Zoning Board of Appeals. Mr. Freese stated that a lot of thought was put in the amendment regarding the amount of square footage that should be allowed. Mr. Drolshagen noted that he lives in the house on the adjacent parcel to the pole barn. Mr. Freese asked if Mr. Drolshagen owns the parcel with the house. Mr. Drolshagen stated that his fiancé owns the parcel. Mr. Freese stated that with the second parcel it would be a total of 1.75 acres which is still within the 2 acre limit that this regulation governs. Discussion was held. Mr. Moore noted that once Mr. Drolshagen is married and if both names are on the deeds, a variance will not be necessary for the lean-to. Mr. Moore stated that all the properties will need to be combined.

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

Tim Daniel - Requests a waiver from the side setback screening requirement, a 17 ft. front setback variance, and 3 foot side setback variance for a private storage building and a 4 foot front setback variance for a ground decking in a Lake and Stream Protection (P-LS) zoning district. The property is located at 1314 Topinabee Shore Drive, Mullett Township, Section 30, parcel #130-013-006-007-00. A private storage building 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 6 feet if within 30 feet of a side property line in this zoning district. A 50 foot front setback is required for a private storage building on subject lot this zoning district. A 5 foot side setback is required for a private storage building on subject lot this zoning district. A 25 foot front setback is required for ground decking and patios without railings which are less than thirty (30) inches above the natural grade in this zoning district.

Mr. McNeil stated that the applicant has a private storage building in a Lake and Stream Protection Zoning District. Mr. McNeil stated that an addition and decking has been built onto the private storage building. Mr. McNeil noted that decking requires a 25ft. setback from the high water mark. Mr. McNeil noted that the notice stated that a 4ft. front setback is being requested. Mr. McNeil stated that after the inspection, he determined that a 1ft. front setback is needed. Mr. McNeil stated that a 5ft. side setback is required and the addition is 2ft. from the side lot line so a 3ft. side setback is being requested. Mr. McNeil stated that this is a private storage building which requires a 50ft. front setback from the high water mark. Mr. McNeil stated that the addition to the building has been placed 33ft. from the high water mark. Mr. McNeil stated that a 14ft. front setback variance would be required for the private storage building. Mr. McNeil stated that in the Lake and Stream Protection Zoning District, private storage buildings that are placed 30ft. or closer to the lot line requires a 6ft. high fence or hedge to screen the building on the side property lines. Mr. McNeil stated that Mr. Daniel is requesting a waiver from the screening requirement.

Mr. Tucker stated that he will be speaking on behalf of the applicant. Mr. Tucker stated that he appreciates Mr. McNeil's efforts to try to find a solution to this issue however they have a disagreement to where the high water mark starts. Mr. Tucker presented photos to the Zoning Board of Appeals. Mr. Tucker stated that the character of this lot in this setting dictates the use. Mr. Tucker stated that this series of lots is unique (10-12 parcels) and it is hard to apply the current zoning requirements. Mr. Tucker stated that the first photo is from the lake toward the deck and storage building. Mr. Tucker stated that the distance from the stake in the water to the deck is 25ft. and meets the requirement. Mr. Tucker stated that Mr. McNeil measured from the top of the boulders as opposed to a reasonable location of the high water line. Mr. Tucker stated that the facts establish that they do have the 25ft. that is required by the ordinance. Mr. Tucker presented a revised drawing that reflects that actual footage from the water line to the existing building. Mr. Tucker stated that there is 37ft. when measured from the high water line to the existing building. Mr. Tucker stated that this does not comply with the 50ft. setback, but in 2012 the Zoning Board of Appeals granted a 12ft. front setback variance.

Mr. Tucker stated that based upon what they believe to be the appropriate measurement, they are 1ft. short. Mr. Tucker stated that this is starting from a vague, unknown point which is called the high water mark. Mr. Tucker stated that we are dealing with a steep rock wall and it is hard to determine where the high water mark is located. Mr. Tucker stated that if the variance granted in 2012 only applies to the existing building and not the additional storage, then he is asking for a variance of the same amount to apply to the existing storage room. Mr. Tucker stated that the biggest issue is where from what point do you measure the setback. Mr. Tucker stated that the variance point is undefined and best judgement is used to make this determination. Mr. Tucker stated that he believes their judgment is just as good as Mr. McNeil's judgment. Mr. Tucker stated that the better answer may be to find out what the definition is so everyone knows where to start. Mr. Tucker stated that the high water mark changes with the bodies of water. Mr. Tucker stated that Mullett Lake is known for not having a significant variation in water. Mr. Tucker stated that the structure is built 2ft. from the lot line and not 5ft. as required by the ordinance. Mr. Tucker stated that the structure on the adjacent parcel to the north is 2.5ft. from the property line. Mr. Tucker stated that this is characteristic of the nature of the lots in this area. Mr. Tucker referred to photo #6 and stated that this lot is close to Mr. Daniel's lot. Mr. Tucker stated that all these properties are used from a zero tolerance setback from the lot line. Mr. Tucker stated that everyone gets along well and the properties are nicely maintained.

Mr. Freese stated that the ordinary high water mark is that point at which upland vegetation transitions to water type vegetation which is due to wave action. Mr. Freese stated that in this case you have a situation where the normal circumstances have been obliterated by the addition of the rock wall and sod/grass has been planted above it. Mr. Freese stated that when he visited the site he measured 23ft. and that was looking through the rocks and you could see the water sloshing backing and forth. Mr. Freese stated if there is standing water, it is not upland vegetation moving in the water. Mr. Freese stated the high water mark is toward the building in the picture. Mr. Tucker stated that this confirms that this is a point that is extremely hard to measure by. Discussion was held. Mr. Tucker stated that he understands Mr. Freese's point of view, but it is hard to incorporate that into an ordinance that a property owner can read, understand and develop a process for utilization of the property based upon that content. Mr. Freese recognizes the fact that there is a problem from the lots south of this parcel up to the library. Mr. Freese stated that there have been many variance requests for this area. Mr. Freese stated the number of variance requests average a couple a years. Mr. Freese stated that he is also on the Planning Commission and one of his responsibilities is to determine whether the problem continues to come up from a variance standpoint would indicate the regulation may be lacking. Mr. Freese stated that he does feel that the regulation is lacking. Mr. Freese stated that he will recommend changes that would probably eliminate some or all of what is being looked at tonight. Mr. Freese noted that these are future changes. Mr. Freese stated that there are situations where buildings are closer than 5ft. and they are grandfathered in. Mr. Freese stated that he does not feel that 5ft. is needed on each lot to protect the structures that are there. Mr. Freese stated that a setback is necessary. Mr. Tucker stated the concept of the variance allows the Zoning Board of Appeals to use their judgment and discretion when dealing with these matters. Mr. Freese stated that he is still faced with what the current regulation.

Mr. Freese asked for public comments. Mr. Muscott stated that the 2012 variance was the result of an enforcement action. Mr. Muscott stated that he has personal knowledge of this lot because he looked at it when Mr. Slanec owned it and it was empty. Mr. Muscott stated that Mr. Slanec was interested in leasing the lot for \$2000 by the summer. Mr. Muscott stated that Mr. Slanec was also interested in selling the lot. Mr. Muscott stated that for a single family use it was a little expensive for the 40ft. of frontage on the lake. Mr. Muscott stated that according to the application, there are three families that share this lot. Mr. Muscott stated that this is a shared waterfront access and section 10.4.4 address widths of lots required to avoid misuse, overuse or congestion of properties. Mr. Muscott stated that he didn't always agree with the shared waterfront access section and that is one of the reasons that he did not purchase Mr. Slanec's lot. Mr. Muscott stated that Mr. Tucker's argument that the door has been opened for another variance due to the previous variance that was issued for the existing shed after enforcement action. Mr. Muscott stated that the next time an addition is built without a permit that would probably be defensible as another variance request. Mr. Muscott stated that he appreciates the Zoning Board of Appeals as they have the task of recognizing things within the ordinance that do not serve the public well. Mr. Muscott stated that he disagrees with a lot of the zoning regulations, but he attended a meeting where legal counsel advised that only 1-2% of appeals should be approved, but the 2014 and 2015 annual reports had an average of 70% approved and some were with some type of compromise. Mr. Muscott stated that this shows that Cheboygan County is not anti-growth or anti-development.

Mr. Cassie stated that he owns the property to the north of Mr. Daniel's property. Mr. Cassie stated that the property has been improved immensely since Mr. Daniel purchased it. Mr. Cassie stated that what has been done and what the applicant is proposing to do is an improvement. Mr. Cassie stated that he would prefer not to have a fence between the two parcels. Mr. Cassie stated that they are fairly close together, but there is enough room to maintain their properties. Mr. Cassie stated that from his perspective, this is a good thing.

Public comment closed.

Mr. Freese asked Mr. Daniel if he owns the parcel or are there more owners. Mr. Daniel stated that there are three families that own this parcel. Mr. Freese asked Mr. McNeil if this is considered a shared waterfront. Mr. McNeil stated no. Mr. McNeil stated that our shared waterfront regulation are with respect to more than one dwelling that share waterfront property. Mr. McNeil stated that this is request is regarding a private storage building use.

Mr. Freese stated that it would do no good to screen these individual small parcels and it would just take up more space. Mr. Freese stated that the setback was required because of the steep incline. Mr. Freese stated that the deck could have met the setback requirement. Mr. Freese stated that the side looks like an add-on to the original building and he does not believe that a 2ft side setback is enough for a side setback. Mr. Freese stated that the Department of Building Safety requires 5ft. between dwellings. Mr. Freese stated that this is a storage building and not a dwelling. Mr. Freese stated that we wouldn't want to be anything less than 2.5ft. which would allow someone could maintain the building. Mr. Freese stated that it also reduces the problem of water coming off of the roof and landing on the neighbor's lot. Mr. Freese stated that he plans to propose to the Planning Commission a 2.5ft. setback on each lot, which would result in a 5ft. separation between buildings.

The Zoning Board of Appeals added the following to the General Findings "A steep grade exists to the rear of the parcel which precludes the structure from being placed any further to the rear." as #10. The Zoning Board of Appeals revised #4 "The applicant is seeking a 14 ft. front setback variance for a private storage building." The Zoning Board of Appeals revised #8 "The applicant is seeking a 1 foot front setback variance for ground decking without railings which is less than thirty (30) inches above the natural grade."

Mr. Thompson noted that this property look dynamite compared to 90% of the other properties in the area. Mr. Freese agreed with Mr. Thompson. Mr. Freese stated that no matter how good it looks, it is in violation of the regulation.

The Zoning Board of Appeals reviewed the Findings of Fact under Section 17.18.6 and Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance for the front setback to the storage building, deny the variance on the side setback to the building and decking and deny the front variance on the decking based on the General Findings and the Findings of Fact under Section 17.18.6 and 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

No comments.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:52pm.

John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Paul McGillivray

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 (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, AUGUST 23, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

A Public Hearing will be held to receive public input on the following matters

- 1.) **Paul McGillivray** - Requests an 8 ft. side setback variance and a 27 ft. rear setback variance to construct an accessory storage building to a dwelling (24ft x 40ft.). The property is located at 11669 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-004-04 and is zoned Lake and Stream Protection (P-LS and Agriculture and Forestry Management (M-AF). A 10 ft. side setback and a 30 ft. rear setback are required in the M-AF zoning district, where this building is located.
- 2.) **Walter Dyer** - Requests a 15 ft. front setback variance to construct an accessory storage building to a dwelling (11ft x 15ft.). The property is located at 9759 Manitou Lane, Munro Township, Section 21, parcel #080-021-100-005-00 and is zoned Lake and Stream Protection (P-LS) and Agriculture Forestry Management (M-AF). A 40 ft. water front setback is required in the P-LS zoning district, where this building is located.
- 3.) **Indian River Hotel Real Estate LLC** - Requests a 45 ft. height for a free standing sign in a Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a free standing is 25 feet in this zoning district.
- 4.) **The zoning administrator requests an interpretation** as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

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.-

\$110.00 APPLICATION FEE

RECEIPT #:	5759
CASH/CHECK:	3084
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <i>11669 BRAIDWOODS TRAIL</i>	City / Village <i>ONAWAY</i>	Township / Sec. <i>6WBT</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>151-024-400-004-04</i>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <i>PAUL MCGILLIVRAY</i>	Telephone <i>810-343-2993</i>	Fax	
Address <i>52386 BEAVER TRAIL DR</i>	City & State <i>MACOMB, MICH</i>	Zip Code <i>48042</i>	E-Mail <i>PAUL@PAHOEYACRES.COM</i>

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

DORVA BEACH RO TO EISEN TRAIL TO BRAIDWOODS TRAIL
1/2 mile DOWN 2 TRACK

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: *N/A*
- 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 a Pole Bldg. Keep 3' off Lot Line,
1- SAVE TREES 2- DRAINAGE Ditch is on other side

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.

3' VARIANCE FROM Lot Line SAVE TREES + DRAINAGE Ditch is
To Right of Bldg.

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

NATURAL LAY OF LAND

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

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

WE ALSO OWN ADJACENT 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.

WE ARE ON 5 ACRES + own ADJACENT
10 ACRES OF PROPERTY

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

7-18-2017

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

Date

7-18-2017

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: 600 Rear: 300 Side: 3' Side: 190

Zoning District:

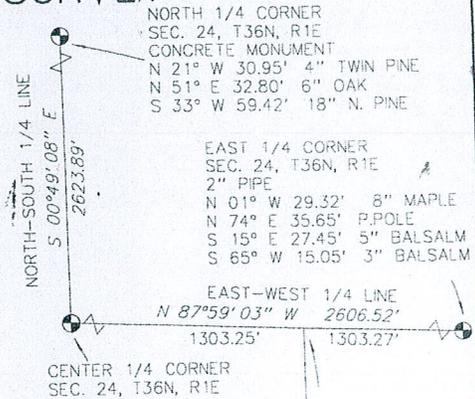
North:

SEE ATTACHED

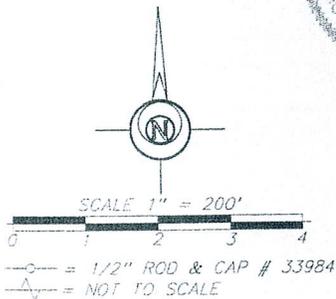
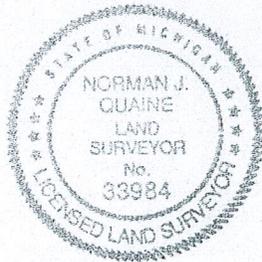
CERTIFICATE OF SURVEY

DESCRIPTION PARCEL

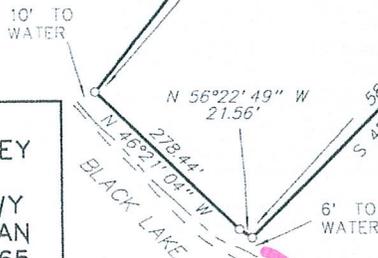
COMMENCING THE EAST 1/4 CORNER OF SECTION 24, T36N, R1E; THENCE N 87°59' 03" W 1303.27' ALONG THE EAST-WEST 1/4 LINE; THENCE S 00°45' 41" E 366.63' TO THE POINT OF BEGINNING; THENCE S 00°45' 41" E 634.69'; THENCE S 45°09' 03" W 971.06' TO THE SHORE OF BLACK LAKE; THENCE ALONG THE SHORE OF BLACK LAKE N 56°22' 49" W 21.56'; THENCE N 46°21' 04" W 278.44'; THENCE N 38°53' 02" E 1432.83' TO THE POINT OF BEGINNING. CONTAINING 10.01 ACRES. ALL BEING A PART OF GOVERNMENT LOT 3, OF SECTION 24, T36N, R1E, GRANT TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN. BEING SUBJECT TO ALL EASEMENTS OF RECORD, IF ANY.



we own this Parcel



PREPARED BY:
PORTER'S SURVEY
P.O. BOX 159
21529 M-68 HWY
ONAWAY, MICHIGAN
49765



COURSE	BEARING	DISTANCE
1.	N 74°28' 21" W	133.93'
2.	S 02°28' 21" E	155.61'
3.	S 32°46' 02" W	146.69'
4.	S 23°08' 27" W	315.25'
5.	S 19°44' 05" E	24.06'

SEC. 24, T 36 N, R 1E
GRANT TWP
CHEBOYGAN CO.
MICHIGAN

I, NORMAN J. QUAINÉ, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL OF LAND DESCRIBED BELOW AND THE BOUNDARY IS WITHIN 1/5000 CLOSURE AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF PUBLIC ACT 132-70, AS AMENDED SEC. 13.115(63).

Norman J. Quaine Sept 29, 1995
NORMAN J. QUAINÉ P.S. 33984 DATE

CERTIFIED TO:
ROBERT EISEN

SUR. NO. 123-92

FILE NO. 36R1041-G

TYPE SURVEY:
 BOUNDARY TOPO OTHER

ACRES: 10.01 ACRES

DESCRIPTION OF OTHER:

PAGE: 1 OF 1

151-024-400-003-00
KADE, DONALD JR & COLLEEN, TTEES
716 W DAVIS RD
HOWELL, MI 48843-8842

151-024-400-004-01
KADE, DONALD JR & COLLEEN, TTEES
716 W DAVIS RD
HOWELL, MI 48843-8842

151-024-400-004-02
KADE, DONALD JR & COLLEEN KADE
716 WEST DAVIS RD
HOWELL, MI 48843

151-024-400-004-03
SELVIG, ROGER & PAMELA, TTEES
11723 BRAIDWOODS TRL
CHEBOYGAN, MI 49721

151-024-400-004-04
MCGILLIVRAY, PAUL & BARBARA H/W
2386 BEAVER TRL
MACOMB, MI 48042

151-024-400-004-09
TOMICIC, TERRY
5355 OUTER DR
, XXXXX

151-024-400-004-10
MCGILLIVRAY, BARBARA A TRUST
52386 BEAVER TRAIL DR
MACOMB, MI 48042

151-024-400-005-00
KADE, DONALD JR & COLLEEN REVOC
716 WEST DAVIS RD
HOWELL, MI 48843

151-024-400-006-00
COOPER, JEREMY
2929 SERFASS RD
CLINTON, OH 44216

151-024-400-014-10
LIEVENS, GREGORY & REBECCA H/W
6560 SCHOOL RD
PETERSBURG, MI 49270

151-024-400-004-01
OCCUPANT
11695 BRAIDWOODS TRL
CHEBOYGAN, MI 49749

151-024-400-004-03
OCCUPANT
11723 BRAIDWOODS TRL
CHEBOYGAN, MI 49749

151-024-400-004-04
OCCUPANT
11669 BRAIDWOODS TRL
ONAWAY, MI 49749

151-024-400-004-09
OCCUPANT
11506 BRAIDWOODS TRL
CHEBOYGAN, MI 49749

151-024-400-005-00
OCCUPANT
11710 BRAIDWOODS TRL
CHEBOYGAN, MI 49749

151-024-400-006-00
OCCUPANT
11729 BRAIDWOODS TRL
CHEBOYGAN, MI 49749

151-024-400-014-10
OCCUPANT
2050 BEAR PAW LN
CHEBOYGAN, MI 49749



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: An 8 ft. side setback variance and a 27 ft. rear setback variance request for construction of a 24 ft. x 40 ft. storage building. The area of the property where the storage building is proposed is zoned Agriculture and Forestry Management District (M-AF)	Prepared by: Scott McNeil
Date: August 15, 2017	Expected Meeting Date: August 23, 2017

GENERAL INFORMATION

Applicant: Paul McGillivray

Property Owner: Same

Contact person: Same

Phone: 810-343-2993

Requested Action: Approve a 2 ft. side setback and a 3 ft. rear setback to allow construction of a 24 x 40 storage building.

BACKGROUND INFORMATION

The applicant is seeking a side setback and rear setback variance from an easement to allow the placement of a storage building measuring 24 ft wide and 40 ft. deep. The portion of the site where the storage building is proposed to be located is in the Agriculture and Forestry Management (M-AF) Zoning District. There is a storage structure in the proposed location. There is another storage building/garage and dwelling on the site. The site is zoned Lake and Stream Protection and Agriculture and Forestry Management.

You will note that I have offered conditions relative to the low elevation and drain areas on the lot within the specific findings for consideration by the Board. I have not reflected the same under the general findings pending deliberation of the Board.

A general map and detail map to the subject property is located at the end of this report.

Surrounding Zoning:

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

West: Same

East: Same

South: Lake and Stream Protection

Surrounding Land Uses:

Residential land use lies to the south of the subject property. Vacant agriculture and forest lie to the, west, east and north of the subject site.

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

The site contains woodlands and steep slopes. The site does not contain any 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. The portion of the property where the storage building is proposed is located in a Agriculture and Forestry Management (M-AF) zoning district.
2. A side setback of 10 feet and a rear setback of 30 feet are required in an M-AF zoning district per Section 17.1.
3. The applicant is requesting an 8 ft. side setback variance and a 27 foot rear setback variance to construct a private storage building 24 ft. wide and 40 ft. deep.
- 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.

Regarding rear setback;

The subject property is narrow, and contains a low elevation and drain areas which are unique physical conditions.

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

Regarding side setback;

The subject property is narrow, and contains a low elevation and drain areas which are unique physical conditions.

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).

Regarding rear setback;

The need for the variance is due to narrow subject property which contains low elevation and drain areas and is not the result of actions of the property owner or previous property owners.

OR, the placement of the proposed private storage building is the result of actions of the current property owner and the need for the requested variance is self created.

Regarding side setback;

The need for the variance is due to narrow subject property which contains low elevation and drain areas and is not the result of actions of the property owner or previous property owners.

OR, the placement of the proposed private storage building is the result of actions of the current property owner and the need for the requested variance is self created.

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

Regarding rear setback;

Conformity with setback regulations is deemed unnecessarily burdensome due to narrowness of the lot, low elevation and drain areas.

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

Regarding side setback;

Conformity with setback regulations is deemed unnecessarily burdensome due to narrowness of the lot, low elevation and drain areas.

OR, conformance with setback regulations will allow construction within the required setback 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 rear setback;

Due to narrowness of the lot, low elevation and drain areas, 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.

Regarding side setback;

Due to narrowness of the lot, steep slopes and/or the location of the existing dwelling structure, 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.

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

Regarding rear setback;

Allowing a 3 foot rear setback from the subject access easement will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

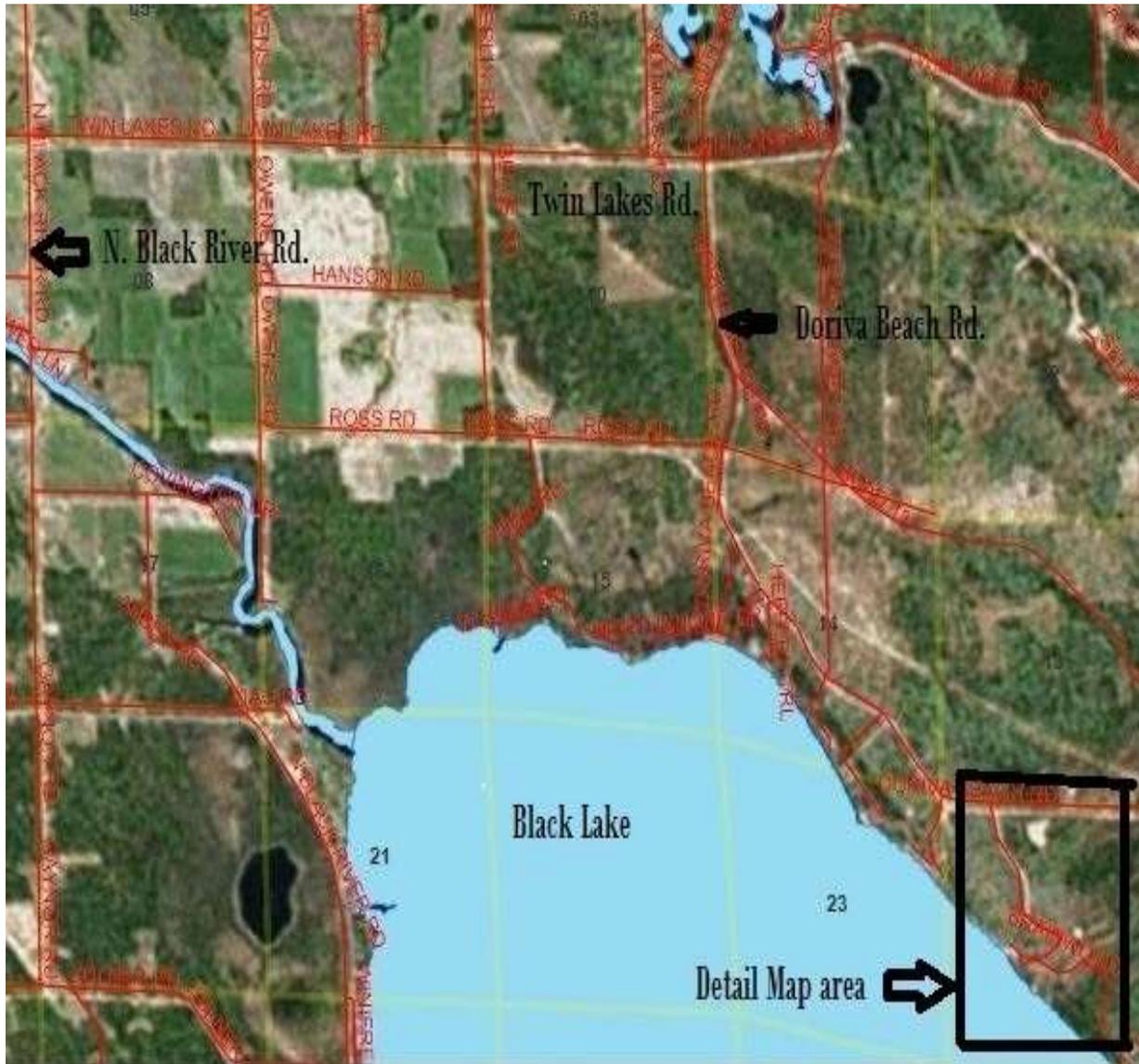
OR, the requested variance to allow a 3 ft. rear setback will cause an adverse impact on surrounding property and/or on property values and/or on the use and enjoyment of property in the neighborhood or zoning district.

Regarding side setback

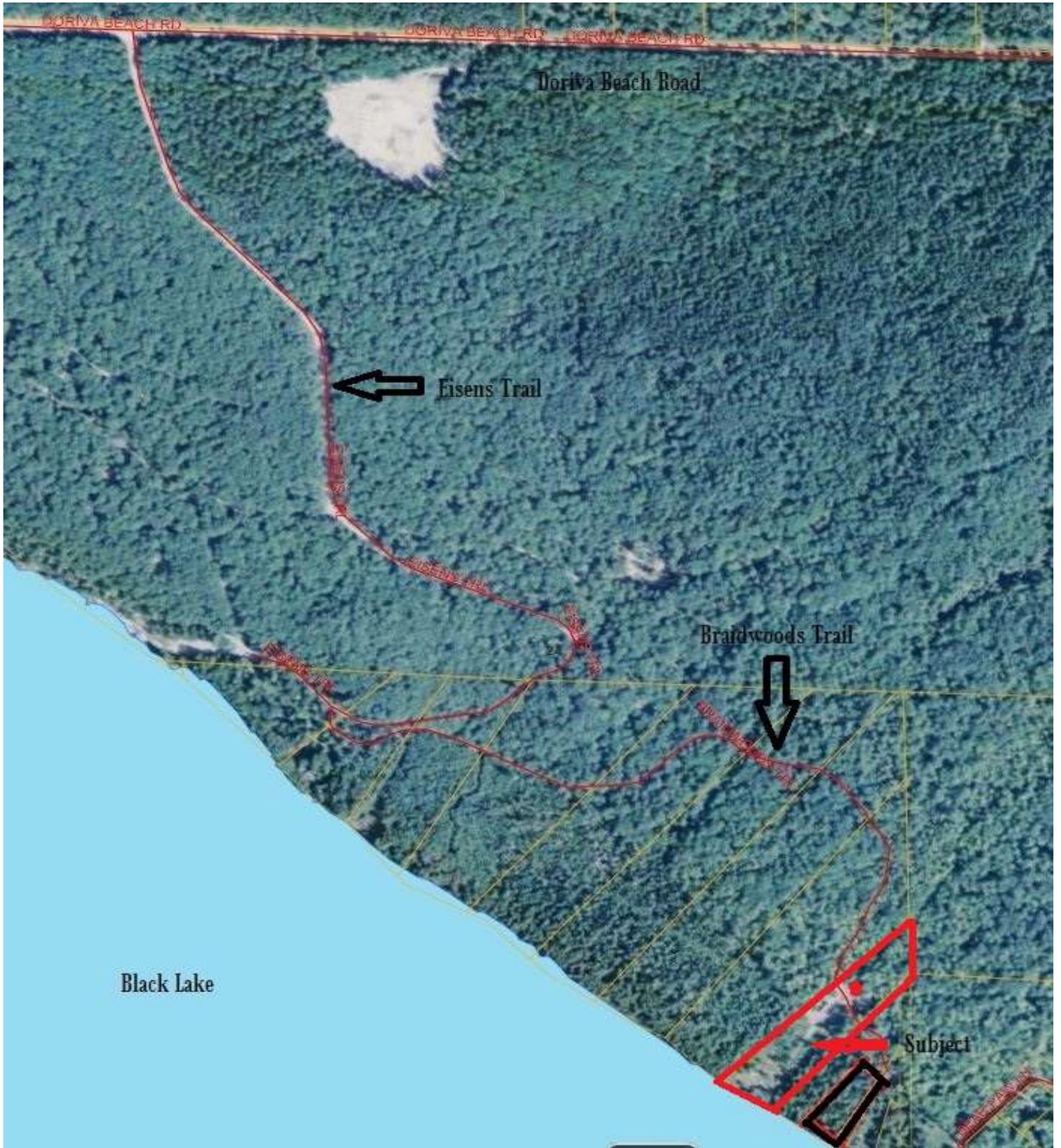
Allowing a 2 foot side setback will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 2 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.

General map



Detail Map



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Walter Dyer

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. Photos (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
WEDNESDAY, AUGUST 23, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

A Public Hearing will be held to receive public input on the following matters

- 1.) **Paul McGillivray** - Requests an 8 ft. side setback variance and a 27 ft. rear setback variance to construct an accessory storage building to a dwelling (24ft x 40ft.). The property is located at 11669 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-004-04 and is zoned Lake and Stream Protection (P-LS and Agriculture and Forestry Management (M-AF). A 10 ft. side setback and a 30 ft. rear setback are required in the M-AF zoning district, where this building is located.
- 2.) **Walter Dyer** - Requests a 15 ft. front setback variance to construct an accessory storage building to a dwelling (11ft x 15ft.). The property is located at 9759 Manitou Lane, Munro Township, Section 21, parcel #080-021-100-005-00 and is zoned Lake and Stream Protection (P-LS) and Agriculture Forestry Management (M-AF). A 40 ft. water front setback is required in the P-LS zoning district, where this building is located.
- 3.) **Indian River Hotel Real Estate LLC** - Requests a 45 ft. height for a free standing sign in a Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a free standing is 25 feet in this zoning district.
- 4.) **The zoning administrator requests an interpretation** as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

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.

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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 #:	5191
CASH/CHECK:	2153
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 9759 Manitou Ln	City / Village Leverting	Township / Sec. mu 21	Zoning District
Property Tax I.D. (Parcel) Number 080-021-100-005-00	Subdivision or Condo. Name / Plat or Lot No. n/a		

APPLICANT

Name Walter Dyer	Telephone 616-430-1743	Fax	
Address 10729 Eastern Ave SE	City & State Wayland, MI	Zip Code 49348	E-Mail

OWNER (If different from applicant)

Name Same as above.	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: n/a
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Residential/Dwelling
- D. A previous appeal has (has not) 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.

Build a 15' x 11' shed within 25' of high water mark

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 request is due to the shape and the topography of the lot.

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

there is a natural slope down to the water edge

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

Due to the uniqueness of the lot and due to a future attached garage on the west side of the house this is the most build friendly location,

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.

with a hill behind the shed and a woods buffer this will not negatively affect the neighbor

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.

again with the woods and hill buffer this in no ways will have a negative affect on the neighbors

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

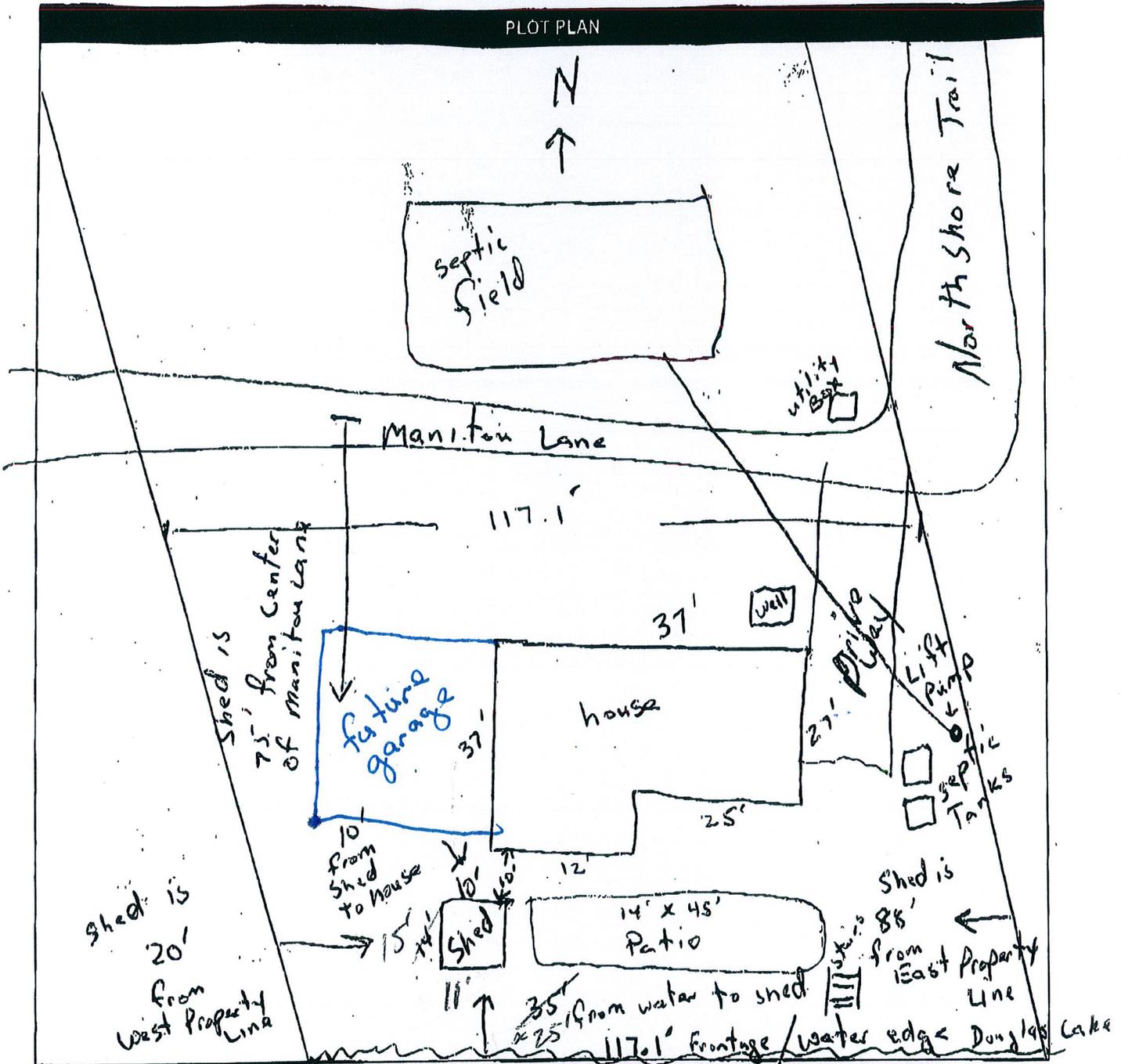
Owner's Signature Walter B Dye Date 8-3-17

AFFADAVIT

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

Applicant's Signature Walter B Dye Date 8-3-17

LOT PLAN



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.

Walter B. In
Signature of Applicant

6-7-17
Date



5



080-016-300-001-00
HAENSEL, PETER&KATHERINE TTEES 1/3
10021 MORNING TIDE RD
LEVERING, MI 49755

080-021-100-003-00
OSGOOD, JAMES M &
169 XENON ST
LAKEWOOD, CO 80228-5007

080-021-100-004-00
OLSAVER, MAURICE &VIVIAN H/W 1/2INT
1123 GLENDALE AVE
ADRIAN, MI 49221

080-021-100-005-00
DYER, WALTER B L/EWPTS
10729 EASTERN AVE - SE
WAYLAND, MI 49348

080-021-100-006-00
PETERS, DAVID OWEN
9731 MANITOU LN
LEVERING, MI 49755

080-021-100-007-00
KAFFER COTTAGE, LLC
9713 MANITOU LN
LEVERING, MI 49755

080-M11-000-001-00
PETERS, DAVID OWEN
9731 MANITOU LN
LEVERING, MI 49755

080-M11-000-002-00
KAFFER COTTAGE, LLC
9713 MANITOU LN
LEVERING, MI 49755

080-M11-000-005-00
WALTS, CHRISTOPHER & NATALIE H/W
19021 LOVELAND
LIVONIA, MI 48162

080-021-100-003-00
OCCUPANT
9833 MANITOU LN
LEVERING, MI 49749

080-021-100-004-00
OCCUPANT
9799 MANITOU LN
LEVERING, MI 49749

080-021-100-004-00
OCCUPANT
9789 MANITOU LN
LEVERING, MI 49749

080-021-100-005-00
OCCUPANT
9759 MANITOU LN
LEVERING, MI 49749

080-M11-000-001-00
OCCUPANT
9731 MANITOU LN
LEVERING, MI 49749

080-M11-000-002-00
OCCUPANT
9713 MANITOU LN
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/

DIMENSIONAL VARIANCE STAFF REPORT

Item: A request to allow a 15 ft. front setback variance an accessory storage building. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: August 15, 2017	Expected Meeting Date: August 23, 2017, 2013

GENERAL INFORMATION

Applicant: Walter Dyer

Property Owner: Same

Contact person: Same

Phone: 616-430-1743

Requested Action: Allow a 25 ft. front setback for a 11 ft. x 15 ft. accessory building in a P-LS zoning district. A front setback of 40 ft. is required per section 17.1.

BACKGROUND INFORMATION

The subject parcel is located on Douglas Lake and is located within the river in the Lake and Stream Protection (P-LS) zoning district. The property is currently improved with a residence.

The applicant is seeking a variance for a 11 ft. wide x 15 ft. deep accessory building within 25 ft. of the highwater mark and front lot line. A setback of 40 ft. from the front lot line is required in this zoning district per section 17.1.

The variance application is brought as a result of enforcement. Construction of the subject accessory building has begun.

You will note that I have offered conditions relative to the topography of the lot within the specific findings for consideration by the Board. I have not reflected the same under the general findings pending deliberation of the Board.

A general map and detail map to the subject property is located at the end of this report.

Surrounding Zoning:

West: Lake and Stream Protection District (P-LS)

East: Lake and Stream Protection District (P-LS)

South: Douglas Lake

North: Lake and Stream Protection District (P-LS)

Surrounding Land Uses:

Residential land uses surround the subject site.

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

The subject parcel is located on Douglas Lake.

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 applicant is proposing construction of a 11 ft. wide x 15 ft. deep accessory storage building 25 ft. of the highwater mark and front lot line.
2. The subject property is located is in the Lake and Stream Protection (P-LS) zoning district.
3. A front setback of 40 ft. is required per section 17.1.
4. The applicant is seeking a 15 ft. front setback variance.
- 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 need for the requested variance is due to the topography of the lot, which is a unique physical condition, and is not due to the applicant's personal or economic difficulty.

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 requested variance is due to the topography of the lot and is not the result of actions of the property owner or previous property owners.

OR, Construction of the proposed accessory building within the required front setback is not deemed necessary. The variance request is the result of 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 topography of the lot, new construction related thereto will require a variance and conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow continued use of the property 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 topography of the lot, the 15 ft. front setback variance represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

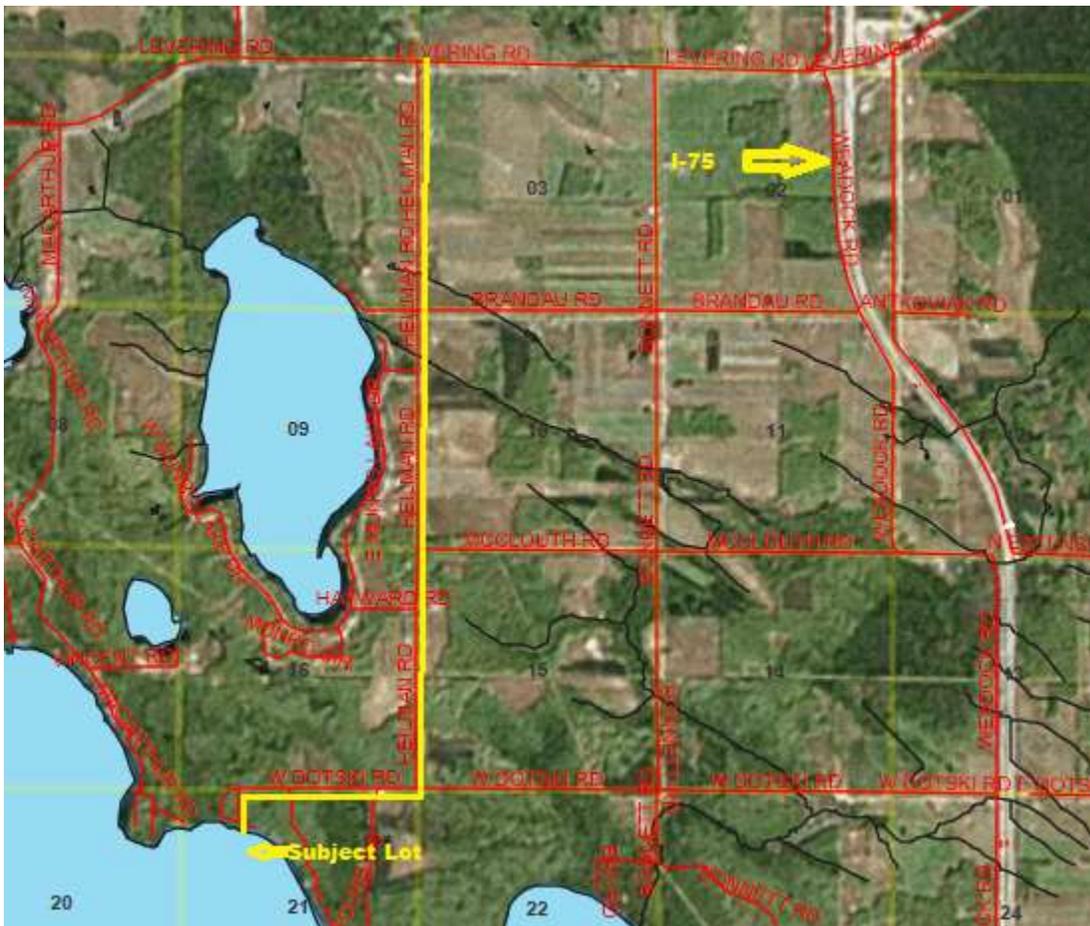
OR, the variance request does not represent the minimum necessary and will not do substantial justice to other property owners in the district.

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.

Due to topography of the lot, granting the 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 25 ft. setback from the water's edge where a 40 ft setback from the water's edge is required 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.

General Map



Detail Map



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Indian River Hotel Real Estate LLC

Exhibit List

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2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
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NOTICE

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WEDNESDAY, AUGUST 23, 2017 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

A Public Hearing will be held to receive public input on the following matters

- 1.) **Paul McGillivray** - Requests an 8 ft. side setback variance and a 27 ft. rear setback variance to construct an accessory storage building to a dwelling (24ft x 40ft.). The property is located at 11669 Braidwoods Trail, Grant Township, Section 24, parcel #151-024-400-004-04 and is zoned Lake and Stream Protection (P-LS and Agriculture and Forestry Management (M-AF). A 10 ft. side setback and a 30 ft. rear setback are required in the M-AF zoning district, where this building is located.
- 2.) **Walter Dyer** - Requests a 15 ft. front setback variance to construct an accessory storage building to a dwelling (11ft x 15ft.). The property is located at 9759 Manitou Lane, Munro Township, Section 21, parcel #080-021-100-005-00 and is zoned Lake and Stream Protection (P-LS) and Agriculture Forestry Management (M-AF). A 40 ft. water front setback is required in the P-LS zoning district, where this building is located.
- 3.) **Indian River Hotel Real Estate LLC** - Requests a 45 ft. height for a free standing sign in a Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a free standing is 25 feet in this zoning district.
- 4.) **The zoning administrator requests an interpretation** as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

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PLANNING & ZONING DEPT.**
870 SOUTH MAIN ST., PO Box 70
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(231) 627-8489 (TELEPHONE)
(231) 627-3646 (FAX)

DIMENSIONAL VARIANCE APPLICATION

\$110.00

\$110.00 APPLICATION FEE

RECEIPT #:	5793
CASH/CHECK:	1381
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 4375 Brudy Rd.	City / Village Indian River	Township / Sec. 1	Zoning District D-L1
Property Tax I.D. (Parcel) Number 162-030-100-004-03	Subdivision or Condo. Name / Plat or Lot No. NA		

APPLICANT

Name Christy O'Meara - General Manager	Telephone 231-238-3000	Fax 231-238-8992	
Address 4375 Brudy Rd.	City & State Indian River, MI	Zip Code 49749	E-Mail info@hometechnic.com

OWNER (If different from applicant)

Name Indian River Hotel Real Estate, LLC	Telephone 231-238-3000	Fax 231-238-8992	
Address 4098 Howe Rd	City & State Wayne, MI	Zip Code 48184	

Detailed directions to site, including nearest crossroad:

M-68 Hwy, Brudy Rd, I-75

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: ~~Commercial~~ **Light industrial**
- 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 **8/24/16** nature of action requested **Height Variance** 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.

Install a 5' x 10' LED sign on existing pole (under existing sign) requesting 45' variance to install sign at 70' height.

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.

Land, topography, trees and Hwy Bridges.

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

Land, Topography, trees and Hwy Bridges

Is not. ~~due to nature~~ It is due to nature.

Surrounding growth of trees. They block the view of sign.

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

Putting the sign at 25' would totally block the view by surrounding trees not owned by us. So moving it to 70' will send additional messages and draw better attention to our sign currently there with our name on it.

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.

To go any lower the sign would not be visible due to the neighboring properties trees and Hwy. bridges.

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 are not any other business on Brady Road that would be affected.

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

8-4-17

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

Christy O'Mara

Date

8-4-17

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: *See Attached*

Zoning District: _____

North: _____

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

Blank area for site plan drawing.

EXISTING POLE SIGN

STORMWATER
RETENTION BASIN
100' X 30' AVG. X 2' DEEP
SIDES ON 1:2 SLOPE
VOLUME = 3000 CF

FOUNDATION CONTRC
POINTS IDENTIFIED 1
SEE FOUNDATION PL

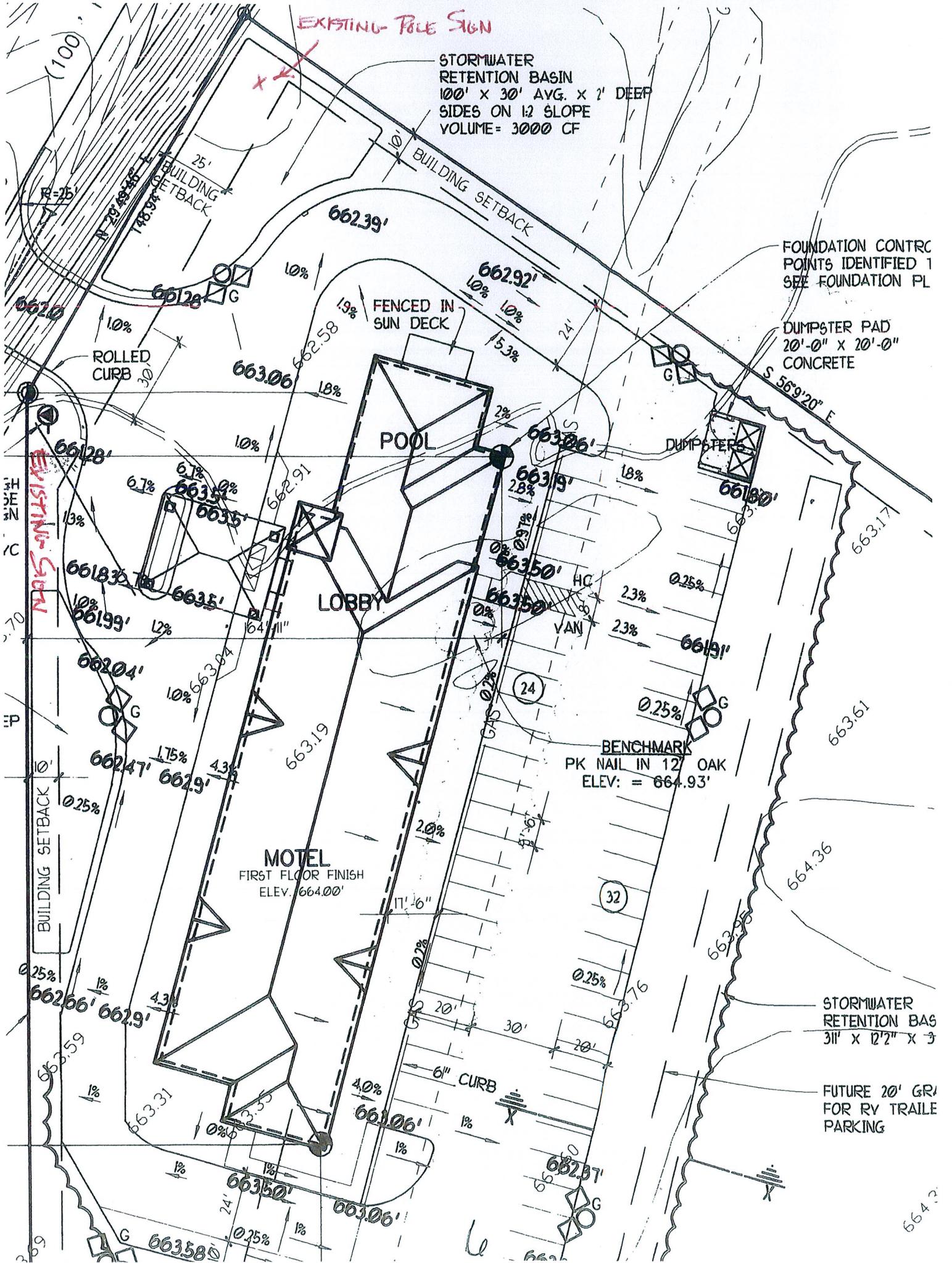
DUMPSTER PAD
20'-0" X 20'-0"
CONCRETE

DUMPSTERS

BENCHMARK
PK NAIL IN 12" OAK
ELEV: = 664.93'

STORMWATER
RETENTION BAS
31' X 12'2" X 3'

FUTURE 20' GRA
FOR RV TRAILER
PARKING





10'

5'



Approx. 65'

65'

Exhibit 7

162-030-100-004-00
CHAMPAGNE, PETER; LARRY CHAMPAGNE
834 TITTABAWASSEE
SAGINAW, MI 48604

162-030-100-004-01
INDIAN RIVER INVESTMENT LTD
1070 GRAND RIDGE
PETOSKEY, MI 49770

162-030-100-004-03
INDIAN RIVER HOTEL REAL ESTATE LLC
4098 HOWE ROAD
WAYNE, MI 48184

162-030-100-004-04
WILTSE, GARY A ET UX
1146 CAMELOT DR
PINCKNEY, MI 48169

162-030-100-004-05
MALLORY, DANIEL & DIANA
9750 W M-68 HWY
ALANSON, MI 49706

162-030-100-005-00
CRUMLEY CREEK ESTATES, LLC
PO BOX 847
INDIAN RIVER, MI 49749

162-030-300-001-04
PRECISION FORESTRY, INC
4285 S COUNTY LINE RD
ONAWAY, MI 49765

162-030-300-001-05
PRECISION FORESTRY, INC
4285 S COUNTY LINE RD
ONAWAY, MI 49765

162-030-300-001-06
PRECISION FORESTRY, INC
4285 S COUNTY LINE RD
ONAWAY, MI 49765

162-030-300-001-07
PRECISION FORESTRY, INC
4285 S COUNTY LINE RD
ONAWAY, MI 49765

162-030-300-001-21
TUSCARORA, TOWNSHIP OF
PO BOX 220
INDIAN RIVER, MI 49749

162-030-100-004-00
OCCUPANT
4499 TAHOE LN
INDIAN RIVER, MI 49749

162-030-100-004-03
OCCUPANT
4375 BRUDY RD
INDIAN RIVER, MI 49749

162-030-100-004-05
OCCUPANT
4400 TAHOE LN
INDIAN RIVER, MI 49749

162-030-300-001-06
OCCUPANT
5708 COMMERCE BLVD
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: Consideration of a 45 ft. height variance and 1 maximum number per parcel variance for a freestanding sign in a Light Industrial Development (D-LI) zoning district.	Prepared by: Scott McNeil
Date: August 14, 2016	Expected Meeting Date: August 23, 2017

GENERAL INFORMATION

Applicant: Indian River Hotel Real Estate LLC

Contact person: Christy O'Meara, General Manager

Phone: 231-238-3000

Requested Action: Approve requests for of a 45 ft. height variance for a free standing sign in a Light Industrial Development (D-LI) zoning district.

BACKGROUND INFORMATION

The applicant is proposing to construct new digital sign on an existing pole. The zoning Board of Appeals approved a 150 ft. height variance for the existing freestanding sign on October 1, 1997. A copy of the meeting minutes attached with this report. The site has 3 existing freestanding signs which included the existing sign on the subject pole and two (2) other signs on an existing free standing sign structure located on the south side of the driveway. Freestanding signs are limited to 3 per parcel and are also limited 25 feet in height in the Light Industrial Development (D-LI) zoning district under section 17.19.8. of the zoning ordinance. The applicant has indicated that the changeable sign on the existing freestanding sign will be removed if the variance is granted.

The board denied a variance for an additional freestanding sign with the same type of pole sign with the same proposed dimensions on August 24, 2016. A copy of the pertinent section of the meeting minutes are also attached with this report.

A map for location of the subject lot is at the end of this report.

Surrounding Zoning:

West: I-75

East: G-LI, Light Industrial Development District

South: Same

North: Same

Surrounding Land Uses:

Commercial land uses are found to the north and east. Tuscarora Township wastewater treatment plan is found to the south. I-74 to the west.

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

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 subject property is in a Light Industrial Development (D-LI).
2. The applicant is seeking a 45 ft. height variance to allow a freestanding sign on an existing freestanding sign structure 70 feet high.
3. The Zoning Board of Appeals denied a variance for the same type of sign with the same proposed dimensions on August 24, 2016.
4. The zoning Board of Appeals approved a 150 ft. height variance for the existing freestanding structure on October 1, 1997.
5. The applicant is seeking a 1 sign variance to have four (4) freestanding signs on the subject lot.
6. Freestanding signs are limited to 25 feet in height in the Light Industrial Development (D-LI) zoning district under section 17.19.8.
- 7.
- 8.
- 9.

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 location, size and configuration of the lot are unique conditions.

Or, There are no unique conditions or circumstances relative to the applicant's request.

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 location and configuration of the lot and is not self created.

Or, The request for an additional freestanding sign more than 25 feet high is a self created condition.

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 and available land configuration compliance with height regulations is deemed unnecessarily burdensome.

Or, compliance with sign height regulations will not unreasonably prevent the applicant from using the property for a permitted purpose and compliance with sign regulations is not deemed unnecessarily burdensome.

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

Due to the location and available land configuration allowing a freestanding sign which is 70 feet in height is deemed the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

Or, Granting a variance to allow a second freestanding sign which would exceed the maximum height allowed under section 17.19.8. will not do substantial justice to other property owners in the district and is not deemed the minimum necessary to grant reasonable relief.

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

Granting the requested variance will not cause an adverse impact on surrounding property due to the location and large property size.

Or, Granting the requested variance will cause an adverse impact on surrounding property.

Johnson Outdoor Digital/Indian River Hotel Real Estate LLC - Requests a 75 ft. height variance and a variance to provide a 4th freestanding sign where 3 are permitted. The property is in the Light Industrial Development (D-LI) zoning district. The property is located at 4375 Brudy Road, Tuscarora Township, Section 30, parcel #162-030-100-004-03. The maximum height for a freestanding sign is 25 feet and a maximum number of freestanding signs per parcel are 3 in this zoning district.

Mr. McNeil stated that the applicant is looking to place a sign on an existing pole that exceeds the height limitation. Mr. McNeil stated the applicant is requesting a 45ft. height variance as the maximum height allowed for a freestanding sign is 25ft. Mr. McNeil stated the applicant is requesting a variance to allow a 4th freestanding sign. Mr. McNeil noted that there are already 3 freestanding signs which are the maximum allowed in the Light Industrial Development zoning 3 district.

Mr. Holmes noted that the picture submitted with the application should show 85ft. to the bottom of the proposed sign (not 65ft.). Mr. Holmes stated that the average tree height is 75ft. in this area. Mr. Holmes noted that this sign is proposed to be higher than the trees for visibility. Mr. Holmes explained that if they must meet the 25ft. requirement the sign would not be visible due to the trees. Mr. Holmes stated that a 150ft. variance was approved for the existing sign on this pole. Mr. Holmes stated that the variance was also approved for the size of the sign. Mr. Holmes noted that the existing freestanding sign did not require all the 150ft. variance. Mr. Holmes also noted that the size of the freestanding sign was smaller than approved by the Zoning Board of Appeals.

Mr. Freese stated that Mr. Thompson has asked to be recused due to a conflict of interest.

Mr. Freese asked if there is any correspondence. Mr. McNeil stated no. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Freese asked why this freestanding sign is necessary. Mr. Holmes stated this is a LED sign and will allow for advertising the room rate and the swimming pool. Mr. Holmes stated that it will bring in more business to the establishment. Mr. Holmes stated that they have records showing that this will increase the traffic flow by 20%. Mr. Freese stated that a variance was previously granted for the height and size of the existing sign. Mr. Freese asked if the bottom sign could be combined into the top sign. Discussion was held regarding the existing sign being visible from the southbound lane of I-75 and not visible from the northbound lane of I-75. Mr. Holmes stated the owner is concerned about the sign being visible from the southbound lane of I-75 and to the local traffic in Indian River. Mr. Freese stated there are 5 signs in the county that are tall signs used to attract customers from the expressway. Mr. Freese stated 3 are located within Cheboygan County zoning jurisdiction and 2 are located in the Village of Mackinaw. Mr. Freese stated that these 5 signs have only one sign on each pole. Mr. McNeil noted that there is language in the ordinance that allows nonconforming signs to be replaced as long as they are not increased in size or location. Discussion was held. Mr. Holmes stated that a 150ft. variance was approved for the existing sign on this pole and a 320sf variance was also approved for the size of the sign. Mr. Holmes stated it would be adding an undue burden to the customer to totally rebuild and add LED to the sign. Mr. Holmes stated it would cost over \$100,000 as opposed to \$25,000 which is the cost of the proposed sign.

Mr. Freese stated that the Zoning Board of Appeals is not allowed to consider cost when considering a variance request. Mr. Moore suggested replacing the existing menu board with the LED sign. Mr. Moore also suggested putting this information on a wall sign, a roof sign on the carport or a roof sign on the building. Mr. Moore stated that there are a number of other options for this information to be put legally. Discussion was held regarding the signs on the stone pillar (menu board and the Hometown Inn sign) being considered 2 signs. Discussion was held regarding the previous variance approval having a one-year expiration. Mr. McNeil noted that Zoning Board of Appeals approvals are granted for one year and the sign must be established within the year.

Mr. McNeil stated the sign that is erected is what is established and that is the extent of the non-conforming use. Mr. Freese stated that a previous variance was granted for the height, but it is not clear if there was a variance for the size of the sign. Mr. McNeil stated the Zoning Board of Appeals needs to establish the size of the existing sign now. Mr. McNeil stated that this sign is allowed to be replaced but is to be no larger.

Mr. Holmes stated that 50sf would be added to the pole.

Mr. Freese stated he has a problem with the additional sign on this pole as no other business in the county has two signs on a pole such as what is being proposed. Discussion was held.

Pertinent section of August 24, 2016 meeting minutes continued.

The Zoning Board of Appeals reviewed the General Findings and revised #5 "Freestanding signs are limited to three (3) per parcel. The applicant is proposing to eliminate one of the freestanding signs bringing the number of freestanding signs on site to two (2), therefore, there is no variance requested for a fourth sign." Discussion was held regarding the height of the proposed sign. Mr. Holmes stated that the proposed sign will not be any higher than 85ft. as it will lose visibility and blur out. Mr. Moore asked what is the height of the proposed sign.

Mr. Holmes stated that until he is up in the bucket truck he will not know the exact measurement. Mr. Holmes stated the height of the pole was shot with a range finder and he believes it to be 85ft. – 90ft. tall. Mr. McNeil suggested staying with the 75ft. variance request as it was noticed. Mr. Moore stated this would allow the top of the LED sign to be at 100ft. above the ground maximum.

The Zoning Board of Appeals reviewed the General Findings and revised #2 "The applicant is seeking a 75 ft. height variance to allow an additional freestanding sign on an existing structure."

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Moore, Hemmer, Sherwood), 0 Nays, 0 Absent

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING
AND PUBLIC HEARING
WEDNESDAY, OCTOBER 1, 1997 - 7:00 P.M.
CIRCUIT COURT ROOM 210 - CHEBOYGAN COUNTY BUILDING

The meeting was called to order at 7:00 P.M. by Chairman Laviolette. Present at the meeting were members, Ralph Hemmer, Louis Reichlin, Jerry Williams, Marshall Edman, and Bob Laviolette. Others present were, Don Schappacher, Tom Fisher, Stanley Anderson, Richard Segrist, Jim Cassidy, Mike Arnold, Larry Renaud and Reginald Coleman. A motion was made by Reichlin, supported by Hemmer, to approve the minutes of the September 3, 1997 Zoning Board of Appeals Meeting, as read. Motion carried, unanimously.

✓ Don Schappacher appeared and explained the request for a variance for the Indian River Investments, LTD. to construct a 150 ft. in height sign for the Holiday Inn Motel located at 4375 Brudy Road. Section 30 of Tuscarora Township. The property is zoned Light-Industrial. They own twenty eight (28) acres around the sign. They have tried to acquire property from neighbor, so a lower sign could be utilized, but were unsuccessful. The sign will be designed by an Architect or an Engineer. There were questions regarding air traffic regulations. Reichlin contacted Norm Pratt, Manager of the Campbell Airport and he had no problem with the variance request. No correspondence and comments from the audience. Larry Renaud stated that no one lives within one (1) mile of the sign. A discussion was held. A motion was made by Williams, supported by Hemmer, to grant a 115 foot sign variance. Motion carried, unanimously. A second variance was requested to increase the square footage of the sign, so it could be read from the expressway. Schappacher stated that Holiday Inn only make certain size signs. He stated that Holiday Inn had to make the sign larger than code, so it could be read from the expressway. Tom Fisher questioned, "if you can't read sign from one (1) mile, why have it"? William's stated, people will recognize colors. A motion was made by Williams, supported by Hemmer, to grant the variance. Yeas - Edman, Williams, and Hemmer. Nays - Laviolette and Reichlin. Motion carried.

Stanley Anderson appeared and explained his request for a five (5) foot variance on SW side property line and a four (4) foot variance on rear property line to construct a garage at 1832 Lakeshore Drive in Section 29 of Mullett Township. The property is zoned Lake and Stream. No comments from the audience. A letter from neighbor not objecting, on file. Alternate locations were discussed. A motion was made by Edman, supported by Williams, to deny the five (5) foot side property line variance. Motion carried, unanimously. A motion was made by Hemmer, supported by Williams, to grant the four (4) foot variance on rear property line. Motion carried, unanimously.

Richard Segrist and Jim Cassidy appeared and explained Segrist's request for a variance to construct an addition and remodel existing garage at 7360 Pells Island Drive, Section 30 of Munro Township. The property is zoned Lake and Stream. Letter from neighbor, not objecting on file. Options discussed. A motion was made by Reichlin, supported by

Subject lot location





CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

To: Zoning Board of Appeals

Subject: Request for interpretation to clarify Natural River Protection zoning district north boundary relative to the Pigeon River.

From: Scott E. McNeil, Planner

Date: August 14, 2017.

I am seeking a determination of the Zoning Board of Appeals as to whether the Natural Rivers Protection District (P-NR) includes land located north of the East Mullett Lake Road Bridge.

Relevant sections of Zoning Ordinance #200

Section 10.2.1.

The Lake and Stream Protection District includes all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any perennial stream as identified on the zoning maps incorporated into the Cheboygan County Zoning Ordinance No. 200, Section 3.9.1 as amended, and all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of the following bodies of water;

Black River (Lower), Cheboygan River, Indian River, Sturgeon River
Black Lake, Burt Lake, Devereaux Lake, Douglas Lake, Echo Lake, Munro Lake, Mullett Lake, Kleber Pond, Lake Huron, Lake Rondo, Lancaster Lake, Lance Lake, Long Lake, Paradise Lake, Reswell Lake, Roberts Lake
Silver Lake (Koehler Township), Silver Lake (Wilmot Township), Tower Pond, Twin Lakes, Vincent Lake
Wildwood Lake, Woldan Pond

Exact boundaries shall be interpreted by the most logical continuations or interpolations of property lines. In following such continuations, district boundaries may be greater than 500 feet from the shoreline but never less. If there are questions on the interpretation of district boundaries, the Zoning Board of Appeals shall decide.

Section 11.2.

The Natural Rivers Protection District includes an area 500 feet deep on each side of and parallel to all channels of the mainstream of the Pigeon and Upper Black Rivers and to their tributaries, as noted below. This distance is measured from the river's edge, determined by the ordinary high water mark of the river or tributary, as defined in the Inland Lakes and Streams Act, P.A. 346 of 1972.

Pigeon River:

Mainstream - From the river's entry into Cheboygan County in Section 33, T33N, R1W, downstream to the East Mullett Lake Road Bridge in Section 9, T35N, R2W.

Tributaries - All streams which flow into the Pigeon River upstream of M-68, from their sources to their confluence with the Pigeon River.

Included with memo you will also find a copy of the map of the Pigeon River Natural River System taken from the Michigan Department of Natural Resources web site and a copy of DNR R 281.160 Rule 110 – Pigeon river system boundaries with part (a) which states as follows:

“The mainstream of the Pigeon River form its source in section 30, T31N,R2W to the Hackleburg road (East Mullett lake road) bridge.”

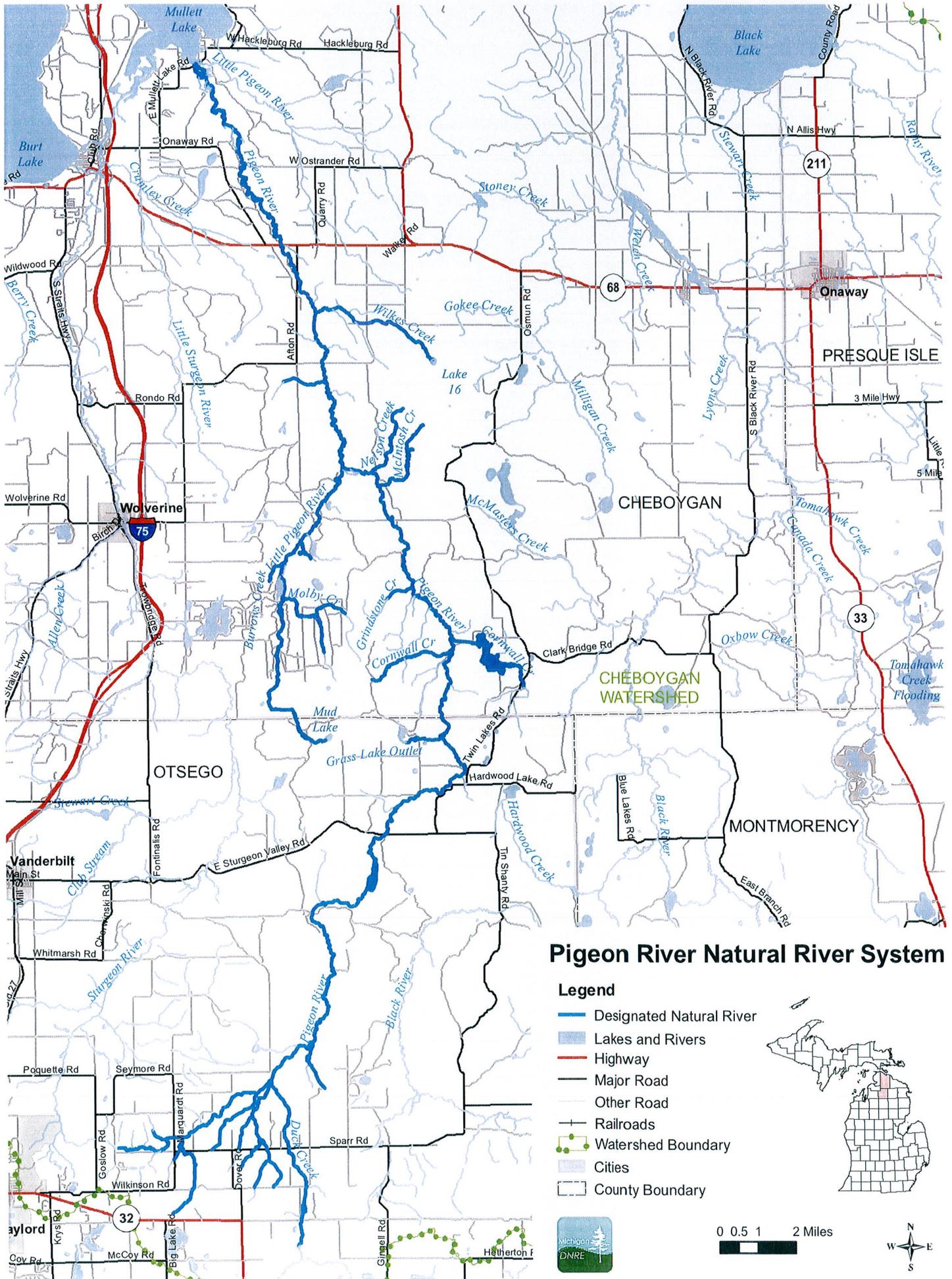
The following image is found on the county zoning map indicating an overlap of the Lake and Stream protection district and the Natural Rivers Protection district.

Blue = Lake and Stream Protection

Dark Green = Natural Rivers Protection



Please do not hesitate to contact me with questions, or if you would like me to conduct other research.



(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after June 21, 1984, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 100 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 100 feet wide at the minimum building setback line.

(iii) Contains at least 30,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to the standards in this rule.

(v) A lot that exists on June 21, 1984, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 21, 1984, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Flat river natural river district, a natural vegetation strip that includes the river and all lands within 25 feet of the ordinary high-water mark shall be maintained on each side of the Flat river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.160 Pigeon river system boundaries.

Rule 110. The boundaries of the Pigeon river natural river district shall be as described in these rules and as depicted on the certified Pigeon river natural river zoning map with an effective date of February 13, 1985. The Pigeon river natural river zoning district comprises an area that is described as follows:

(a) The mainstream of the Pigeon river from its source in section 30, T31N, R2W to the Hackleburg road (East Mullett Lake road) bridge.

