



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

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

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JULY 22, 2015 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.) **Ryan Wilmer** – Requests a 100 ft. front setback variance for dwelling in a Natural Rivers Protection (P-NR) zoning district. The property is located at 6877 and 6887 River Road., Ellis Township, Section 1, parcel #210-001-300-010-00 and #210-001-300-011-00. A 200 ft. front setback is required in this zoning district.
- 2.) **David Smith** – Requests an 8.17 ft. side setback variance for an addition to a storage building in a Commercial Development (D-CM) zoning district. The property is located at 6111 Prospect Street., Tuscarora Township, Section 24, parcel #161-131-007-003-00. A 10 ft. side setback is required in this zoning district.
- 3.) **Tuscarora Township** – Requests a 10.5 ft. rear setback variance for a storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6566 Oakley Ave., Tuscarora Township, Section 24, parcel #161-M57-000-007-00. A 12 ft. rear setback is required in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JUNE 24, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Scott McNeil, Debbie Willey, Dan Sachs, Karen Sachs, Tony Matelski

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Minutes from the May 27, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Ms. Street, seconded by Mr. Moore, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Debra Willey- Requests a 10 ft. side setback variance for construction of a 14 ft. x 32 ft. private storage building which is accessory to a dwelling in a Commercial Development (D-CM) zoning district. The property is located at 6035 Prospect St., Tuscarora Township, Section 24, parcel #161-131-006-005-00. A 10ft side setback is required in this zoning district.

Mr. McNeil reviewed the site plan and stated that the applicant is requesting a 10ft. side setback variance to construct a storage building. Mr. McNeil stated a 10ft side setback is required in the Commercial Development zoning district.

There was no correspondence to be read.

Ms. Willey stated she would like to construct the storage building to clean up her yard and to store her lawn mower and snow blower. Ms. Willey stated there is no place else on the property for the storage building.

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

Mr. Freese stated along the west side of the property is the Rails to Trails and Ms. Willey is proposing to place the storage building up against the existing retaining wall. Mr. Freese noted the location of a utility line and stated it is not possible to build further to the east. Mr. Freese stated that the septic field is located at the north end of the property and it is not possible to build in this location. Mr. Freese stated that Ms. Willey can't build towards the south end of the property due to the floodplain of the river where the septic field is located. Mr. Freese stated there is no other location on the property to construct the storage building without a variance. Mr. Freese stated in the past the Zoning Board of Appeals has granted variances for utility sheds along the Rails to Trails.

Mr. Thompson asked if the proposed storage building is a temporary building that is moveable. Ms. Thompson stated yes.

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

5. Space in front of the property is limited by the drain field and the area to the rear drops off sharply to the river and in this area is a second drain field.
6. Storage buildings have previously been allowed where space is limited on waterfront lots along the Rails to Trails right of way in this area.
7. The only area available is next to the Rails to Trails right of way and is partially screened by the retaining wall along the trail.

The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Ms. Street, 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.

Daniel Sachs - Requests a 25ft. front setback variance for construction of garage in an Agriculture and Forestry Management (D-RS) zoning district. The property is located at 6311 M33/68, Forest Township, Section 6, parcel #231-006-300-013-00. A 50ft front setback is required in this zoning district

Mr. McNeil stated that the applicant is requesting a 25ft. front setback variance for construction of garage and the property is located on M-33/68 where there is a 150ft. right of way. Mr. McNeil stated that the applicant is proposing to build the garage 25ft. from the front property line which would require a 25ft. variance.

Mr. Sachs stated he is not able to move the garage to the rear of the property due to the drain field. Mr. Freese stated the location of the drain field was not marked when he visited the site. Mr. Sachs stated this is his only option as the house was built 40 years ago. Discussion was held regarding the location of the proposed garage and alternate options that are available. Mr. Freese noted there is sufficient area available to place the garage on the 45ft. x 60ft. graveled area to the west of the house without extending any further into the front setback. Ms. Sachs stated they want definition to their house and they do not want one straight line. Mr. Freese stated that if there are options that can be met without the variance then the Zoning Board of Appeals is not able to grant a variance. Mr. Freese stated the existing house is located in the front setback area. Mr. Sachs stated that the house was built 40 years ago. Discussion was held regarding building the garage and not extending it any further than the front of the house. Mr. Freese stated the Zoning Board of Appeals could grant a variance to allow the garage to extend no further into the front setback area than the front of the house (not the porch). Mr. Freese asked if this is acceptable to Mr. Sachs. Mr. Sachs stated yes.

There was no correspondence to be read. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

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

3. The applicant is proposing to construct a garage measuring 32 ft. and 36 ft. and 5 feet or equal to the front of existing house structure.
4. Location for the garage is limited to the west by a drain field and to the east by the water well.
5. The present house already extends into the front setback.
6. Sufficient area is available to place the requested garage on the 45ft. x 60ft. graveled area to the west of the house without extending any further into the front setback.
7. There is a 150ft. road right of way in this area.

The Zoning Board of Appeals reviewed and approved the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Ms. Street, 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

No comments.

ADJOURN

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

Mary Street, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Ryan Wilmer

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (4 Pages)
4. Mailing List (2 Pages)
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

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

ck # 4599

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

DIMENSIONAL VARIANCE APPLICATION

\$100.00 APPLICATION FEE

RECEIPT #:	
CASH/CHECK:	\$100.00
ACTION / DATE:	7/22/15

PLEASE PRINT

PROPERTY LOCATION

Address 6877 RIVER ROAD / 6887 RIVER ROAD	City / Village AFTON	Township / Sec. ELLS 1	Zoning District P-NR
Property Tax I.D. (Parcel) Number 210-880-300-010-00 / 210-880-300-011-00	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name RYAN WILMER	Telephone 260-413-7491	Fax	
Address 7121 MCCOMB ROAD	City & State CHEWBISCO IN	Zip Code 46723	E-Mail RYAN@WILMER CONCRETE.COM

OWNER (If different from applicant)

Name WILLIAM F GLASS	Telephone 734-478-2083	Fax	
Address 6933 RIVER ROAD	City & State AFTON, MI	Zip Code 49705	

Detailed directions to site, including nearest crossroad:

M68 EAST TO AFTON ROAD

SOUTH ON AFTON ROAD

CROSS RIVER AND LEFT ON RIVER ROAD

PROPERTY ON LEFT

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: 200 ft SETBACK FROM DIBTON RIVER
- 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 9/24/01, nature of action requested SETBACK VARIANCE and the decision PERMISSION WAS GRANTED
- 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 CABIN AND DETACHED GARAGE. PROPERTY
WAS ADVERTISED AS 100 FT SETBACK VARIANCE
IN PLACE.

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.

PER VARIANCE GRANTED 9/24/01

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

PER VARIANCE GRANTED 9/24/01

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

PER VARIANCE GRANTED 9/24/01

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.

THERE ARE HOUSES ON BOTH SIDES
BUILT WITH A 100 FT SETBACK.

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.

BUILDING OF CABIN & GARAGE WOULD ONLY
ENHANCE THE VALUE OF SURROUNDING PROPERTIES.

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 X _____ Date _____

AFFIDAVIT

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

Applicant's Signature [Signature] _____ Date 6/28/15

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

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

Distance from property line to proposed structure:

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

Zoning District:

North:

SEE ATTACHED DRAWING

16-210-001-300-002-00
VARITY, VELMA
4502 ONAWAY RD
INDIAN RIVER MI 49749

16-210-S11-000-002-00
VIZINA, RALPH T
6966 AFTON RD
AFTON MI 49705

16-210-001-300-003-00
GLASS, WILLIAM F III
PO BOX 82
AFTON MI 49705

16-210-S11-000-003-00
LILLY, APRIL N (HOPKINS)
6900 AFTON RD
AFTON MI 49705

16-210-001-300-007-00
HUTCHINSON, CYNTHIA L
4538 M-33
AFTON MI 49705

16-210-S11-000-004-00
RED STOCKING CAP CAMP, INC
2125 SIXTH ST
BAY CITY MI 48708

16-210-001-300-008-00
FERN, CHARLES L/EWPTS,
10384 BROADHEAD
GROSSE ILE MI 48138-2005

16-210-001-300-009-00
FERN, TRACIE A
10384 BROADHEAD
GROSSE ILE MI 48138

16-210-001-300-013-00
HUBLER, RICHARD & DONNA H/W
3221 PERRY CT
GRAND BLANC MI 48439

16-210-001-300-014-00
EAGLE, JOAN ARDIS; GREGORY D
901 M-68 HWY
AFTON MI 49705

16-210-001-300-018-00
EAGLE, JOAN ARDIS; GREGORY C
901 M-68 HWY
AFTON MI 49705

16-210-001-300-019-00
BERRY, CINDY
6898 RIVER RD
AFTON MI 49705

16-210-001-300-020-00
GLASS, WILLIAM & JOSHUA GLASS
PO BOX 82
AFTON MI 49705

16-210-001-300-007-00
OCCUPANT
6839 AFTON RD
AFTON, MI 49705

16-210-S11-000-004-00
OCCUPANT
6868 AFTON RD
AFTON, MI 49705

16-210-001-300-008-00
OCCUPANT
6849 RIVER RD
AFTON, MI 49705

16-210-001-300-009-00
OCCUPANT
6865 RIVER RD
AFTON, MI 49705

16-210-001-300-013-00
OCCUPANT
6905 RIVER RD
AFTON, MI 49705

16-210-001-300-014-00
OCCUPANT
6915 RIVER RD
AFTON, MI 49705

16-210-001-300-018-00
OCCUPANT
6910 RIVER RD
AFTON, MI 49705

16-210-001-300-019-00
OCCUPANT
6898 RIVER RD
AFTON, MI 49705

16-210-001-300-020-00
OCCUPANT
6882 RIVER RD
AFTON, MI 49705

16-210-S11-000-002-00
OCCUPANT
6934 AFTON RD
AFTON, MI 49705

16-210-S11-000-003-00
OCCUPANT
6900 AFTON RD
AFTON, MI 49705



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 100 ft. setback variance from the water's edge of the Pigeon River for a dwelling. The property is zoned Natural Rivers Protection District (P-NR)	Prepared by: Scott McNeil
Date: July 2, 2015	Expected Meeting Date: July 22, 2015

GENERAL INFORMATION

Applicant: Ryan Wilmer

Property Owner: William and Joshua Glass

Contact person: Ryan Wilmer

Phone: 260-413-7491

Requested Action: Allow a 100 ft. setback from the water's edge of the Pigeon River for construction of a dwelling in the Natural Rivers Protection district. A setback of 200 ft. from the water's edge is required per section 11.3.1.

BACKGROUND INFORMATION

The subject parcel is located on the Pigeon River and is described as Lot 39 of the plat of Pigeon River Woods. The site is made up of two separate parcels and contains approximately 100 ft. of frontage on the Pigeon River with a depth 256 ft. on the north side lot line, 270 ft of depth on the south side lot line from the river and approximately 92 ft. on the rear lot line. The site is currently vacant. A setback of 200 ft. from the water's edge is required per section 11.3.1.

The Board of Appeals granted a 100 ft. front setback variance for the subject site on September 24, 2001. A copy of the meeting minutes are included.

Surrounding Zoning:

- West:** P-NR, Natural Rivers Protection District
- East:** P-NR, Natural Rivers Protection District
- South:** P-NR, Natural Rivers Protection District
- North:** P-NR, Natural Rivers Protection District

Surrounding Land Uses:

Residential land uses are found to the north, south and west of the subject site. Vacant property to the east.

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

The subject lot is located on the Pigeon River which is located in the Natural Rivers Protection district and is designated a State Natural River.

Public Comments:

1. None

VARIANCE CONSIDERATIONS

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 located in a Natural Rivers Protection (P-NR) zoning district.
2. A setback of 200 ft. from the water's edge of the Pigeon River is required per section 11.3.1.
3. The applicant is seeking a 100 ft. setback variance from the water's edge of the Pigeon River for construction of a dwelling.
- 4.
- 5.
- 6.
- 7.

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

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

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

The need for the requested variance is due to the shape and/or topography of the lot, which is a unique 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 shape and/or topography of the lot and is not the result of actions of the property owner or previous property owners.

OR, Construction of a dwelling within the required setback from the water's edge is possible. 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 shape and/or topography of the lot 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 shape and/or topography of the lot and like conditions in the neighborhood, the setback variance request from the water's edge 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.

Granting the variance will provide a 100 ft. setback from the water's edge. 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 100 ft. setback from the water's edge where a 200 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.

**CHEBOYGAN COUNTY ZONING APPEAL BOARD MEETING
& PUBLIC HEARING
MONDAY, SEPTEMBER 24, 2001 AT 7:00 P.M.
ROOM 210 - CIRCUIT COURT ROOM - CHEBOYGAN COUNTY BUILDING**

Members Present: Robert Laviolette, Chris Brown, Ralph Hemmer, Marshall Edman and Charles Freese.

Members Absent: None

Others Present: Tom Christensen, Steve Alexander, Lynn DeVore, Bernard McInnes, Robert Edwards, Nellie Edwards, Frank Richey, Dick Wheelock, Joe Caswell, Marcia Rocheleau, Linda LaChapelle and Robert Meden.

Chairman Robert Laviolette opened the meeting at 7:00 P.M.

Minutes from the July 16, 2001 meeting were presented. Motion Edman, supported by Freese to approve minutes as presented. Motion carried unanimously.

Thomas Christensen appeared and explained his request for a variance on front setback to construct a residence at 1195 M-68. The property is located in Section 2 of Ellis Township, property code 210-002-200-001-02 and is zoned Natural Rivers Protection District. Mr. Christensen stated he feels this is the best location for residence. No correspondence were read. John Szarenski, adjacent property owner explained he sold the property and the realtor assured him there would be a 200-foot setback. Mr. Szarenski stated he built in 1994 and complied with the setback, he feels there is no reason for the variance under rules of Zoning Ordinance. Mr. Szarenski is opposed to granting a variance for 200-foot setback. Steve Alexander and Mr. Christensen stated they would agree to a 100-foot variance. Discussion held. Motion Edman, supported by Hemmer to grant 100 foot variance from high water mark. Motion carried unanimously.

 Lynn DeVore appeared and explained her request for variances on front setback to construct residence at 6877 River Street and 6887 River Street. The property is located in SW ¼ of Section 1 in Ellis Township, property code 210-001-300-010-00 and is zoned Natural Rivers Protection District. Ms. DeVore stated she is requesting a 100-foot setback from high water mark. No comments heard or correspondence read. Discussion held. Motion Edman, supported by Brown to grant 100-foot variance from high water mark. Motion carried unanimously.

Richard Deitering appeared and explained his request for a variance on side property line to construct a 2-story addition at 3431 Prospect Street, Indian River. The property is located in Section 24 of Tuscarora Township, property code 161-131-016-001-01 and is zoned Lake & Stream. Letters of approval were read from adjacent property owners, copies in file. No

**Zoning Appeal Board Meeting – Continued
September 24, 2001**

comments from audience. Discussion held. Motion Hemmer, supported by Freese to grant variance as presented. Motion carried unanimously.

Bernard McInnes appeared and explained his request for a variance on side and rear property setbacks to construct a storage building at 6281 M-68/33. The property is located in SW ¼ of Section 6 in N. Forest Township, property code 231-006-300-012-00 and is zoned Forestry/Agriculture. Mr. McInnes explained he would need a variance on side and rear property lines. No correspondence read or comments heard. The Board discussed options to relocate building closer to septic field. The Board also reviewed finding of facts worksheet. Motion Freese, supported by Edman to deny variance as other options exist. Motion carried unanimously.

Robert & Nellie Edwards appeared and explained their request for a variance from (1) acre requirement to divide property at 240 Ranch Road. The property is located in Section 31 of Mullett Township, property code 130-031-309-082-00 and is zoned Forestry/Agriculture. Mr. Edwards explained they have 1.9 acres and would like to divide into 2 parcels. No correspondence read or comments heard. Discussion held on having property surveyed. Brown asked if it was possible to purchase 7-feet from neighbor? Motion Freese, supported by Hemmer to deny variance request because it does not meet 2-acre requirement. Motion carried unanimously.

Frank Richey appeared and explained his request for a variance from front setback for a garage (under construction) at 1314 Coulson Drive. The property is located in Section 23 of Beaugrand Township, property code 041-H04-000-007-00 and is zoned Residential. Dick Wheelock feels building should comply with setback. Joe Caswell stated everyone should comply with rules, he was denied variance so he feels setbacks should be followed. Marcia Rocheleau, Beaugrand Township Supervisor stated she has received numerous complaints and feels setbacks should be complied with. Linda LaChapelle, District Commissioner stated she is opposed to variance and feels Mr. Richey should comply. Letter from Holiday Subdivision property owners read in opposition, copy in file. Laviolette stated the garage is 49 ½ feet from centerline of road, road right of way is 33-feet, a 6-foot variance is needed on front setback. Laviolette stated no other buildings in Subdivision are as close. Board reviewed finding of facts worksheet. Motion Hemmer, supported by Freese to deny variance request as other options exist. Motion carried unanimously.

Motion Hemmer, supported by Edman to adjourn. Meeting adjourned at 8:00 P.M.

A. Robert Laviolette, Chairman

rc

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

David Smith

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (5 Pages)
4. Mailing List (2 Pages)
5. Pictures (2 Pages)
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

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

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

\$100⁰⁰

\$100.00 APPLICATION FEE

RECEIPT #:	4557
CASH/CHECK:	7689
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6111 PROSPECT ST.	City / Village INDIAN RIVER	Township / Sec. TOSCOLOXA 124	Zoning District
Property Tax I.D. (Parcel) Number 161-I31-007-003400	Subdivision or Condo. Name / Plat or Lot No. VILLAGE OF INDIAN RIVER		D-UM

APPLICANT

Name DAVID SMITH	Telephone 420-0440 238-7267	Fax -
Address 6111 PROSPECT ST.	City & State INDIAN RIVER	Zip Code 49749
		E-Mail -

OWNER (If different from applicant)

Name SEE ABOVE	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

W-27 THEN WEST ON PROSPECT ST. - 2ND LOT ON RIVER

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

I. Property Information

- A. List all known deed restrictions: None
- B. This property is unplatted, platted, will be platted. If platted, name of plat VILLAGE OF INDIAN RIVER
- C. Present use of the property is: RESIDENTS + SEASONAL RENTALS
- 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.

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.

ADDITION to STORAGE BUILDING 20 INCHES FROM LOT LINE

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.

EXISTING LOCATION OF STORAGE BUILDING - BUILT IN 60'S.

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 LOCATION FOR BUILDING

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 OTHER LOCATION FOR BUILDING

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.

EXISTING LOCATION OF BUILDING

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.

EXISTING LOCATION SINCE 60'S

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 W. J. Smith Date JULIE 24-15

AFFADAVIT
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.
Applicant's Signature W. J. Smith Date JUNE 24-15

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

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

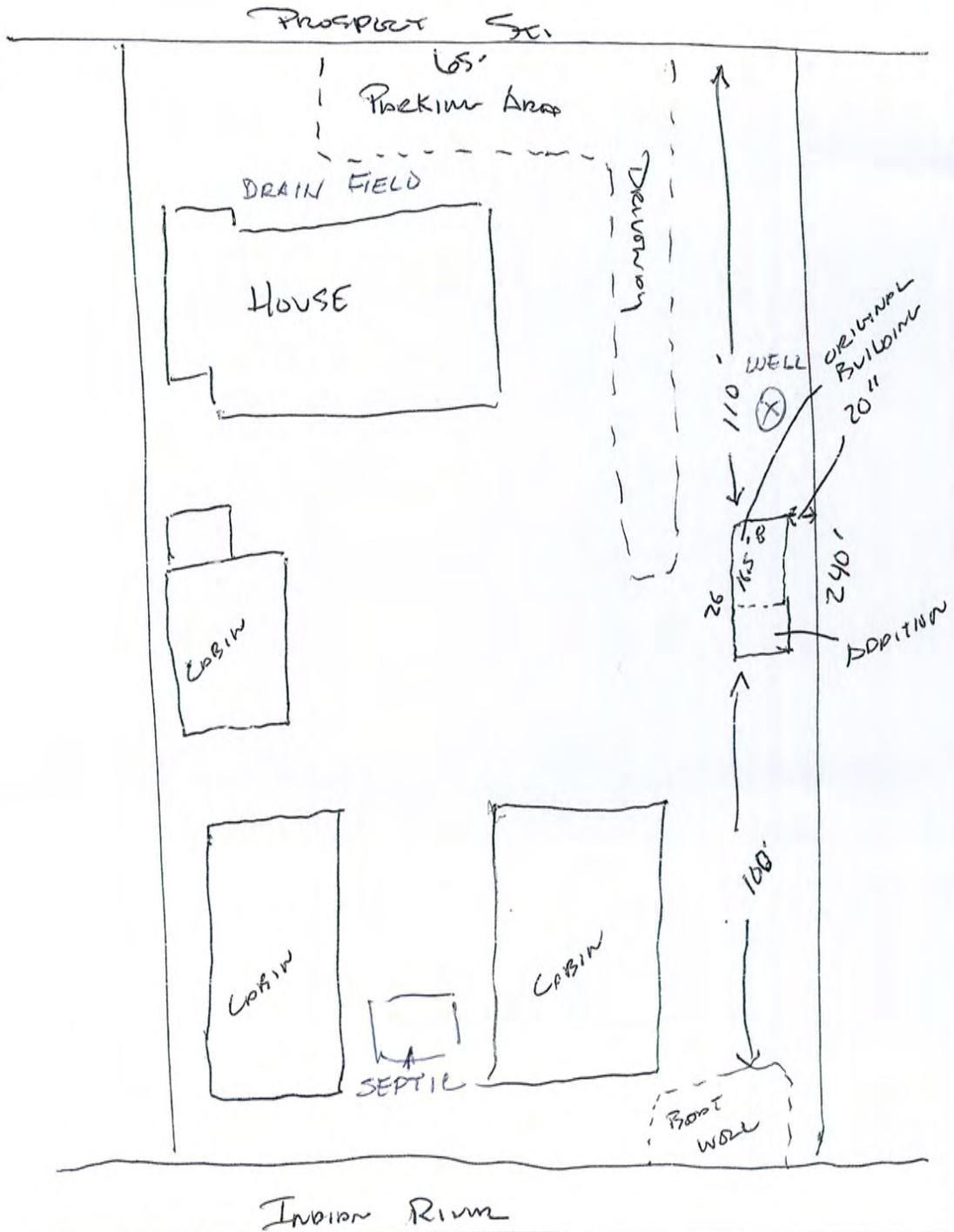
Distance from property line to proposed structure:

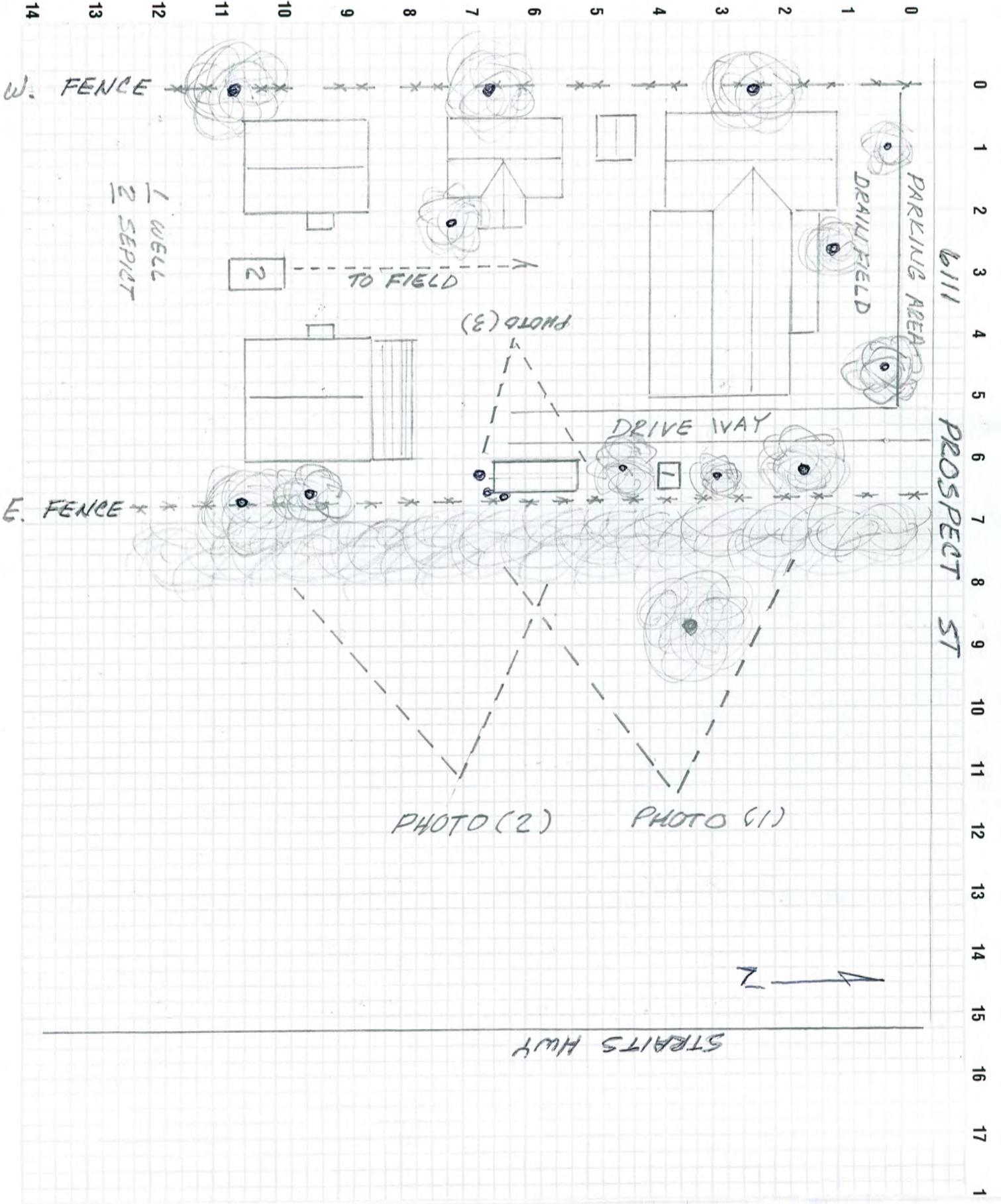
Front: _____ Rear: _____ Side: _____ Side: _____

Zoning District:

Commercial

North:





W. FENCE

1 WELL
2 SEPTIC

TO FIELD

PHOTO (3)

DRIVE WAY

E. FENCE

PHOTO (2)

PHOTO (1)

STRAITS HWY

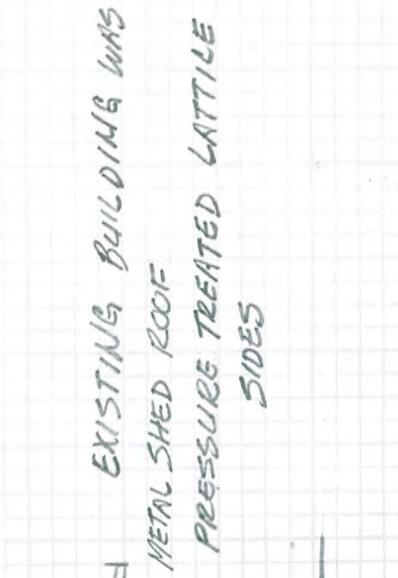
PARKING AREA
DRAINAGE FIELD

b111

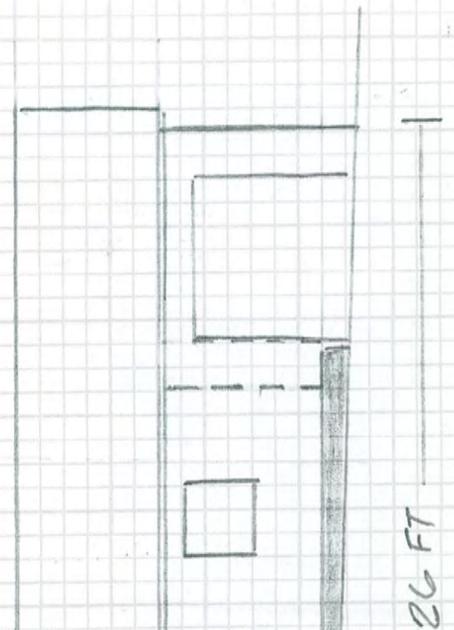
PROSPECT ST



0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 1



SHINGLE ROOF
VINYL SIDING
SEE PHOTO NO. (3)



0 1 2 3 4 5 6 7 8 9 10 11 12 13 14

16-161-024-200-001-02
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-161-I31-003-003-00
STAFFAN, JOHN & SHARON H/W
3258 GATEWOOD AVE
INDIAN RIVER MI 49749

16-161-I31-003-004-00
CAULFIELD, JEFFREY & JULENE FI
13 BENJAMIN RD
MAHOPAC NY 10541

16-161-I31-004-001-00
SWADLING, SYLVIA, DAGWELL, R
PO BOX 2008
INDIAN RIVER MI 49749

16-161-I31-004-003-00
SWADLING, KENNETH ET UX
PO BOX 2008
INDIAN RIVER MI 49749

16-161-I31-004-006-00
CARR, FRANCES
PO BOX 2012
INDIAN RIVER MI 49749

16-161-I31-004-007-00
STRAIT GATE HOUSE OF PRAYER
PO BOX 1144
INDIAN RIVER MI 49749

16-161-I31-005-006-00
DESJARDINS, RICHARD
3365 W. VALLEY VIEW DR
SAINT JOSEPH MI 49085

16-161-I31-005-006-01
MESACK, RENEE & GERRI MESACK
PO BOX 2152
INDIAN RIVER MI 49749

16-161-I31-005-007-00
L L STONE PROPERTIES, LLC
818 CROOKED TREE DR
PETOSKEY MI 49770

16-161-I31-006-005-00
PINES COTTAGE OF INDIAN RIVER
6053 PROSPECT, PO BOX 1249
INDIAN RIVER MI 49749

16-161-I31-007-001-00
LACOURSIER, ALLAN & ELIZABET
PO BOX 193
INDIAN RIVER MI 49749

16-161-I31-007-003-00
SMITH, FRED J SR, TTEE
PO BOX 293
INDIAN RIVER MI 49749

16-161-I31-007-004-00
DISBROW, JOANNE L/E & ARTHUR
465 LINCOLNSHIRE DR
TROY OH 45373

16-161-I31-007-005-00
HERPEL, HENRY & SUZANNE H/W
PO BOX 703
INDIAN RIVER MI 49749

16-161-I31-007-006-00
FISHER, WILLIAM & CYNTHIA H/W
PO BOX 23
INDIAN RIVER MI 49749

16-161-I31-007-006-01
MARTIN, JAMES & VIRGINIA DASC
1210 BAKER
FENTON MI 48430

16-161-I31-009-001-00
SCHWARTZ, RONALD A
30599 SIBLEY RD
ROMULUS MI 48174

16-161-I31-009-004-00
TIRRELL, DONALD & DONNA, TTEE
676 W BROADWAY
CHARLOTTE MI 48813

16-161-I31-010-001-00
TUSCARORA, TOWNSHIP OF
INDIAN RIVER MI 49749

16-161-I31-010-002-00
JACOBS, BARBARA
PO BOX 55
INDIAN RIVER MI 49749

16-161-I31-010-003-00
COOK, BRIGETTE; STEPHEN COOK
PO BOX 1149
INDIAN RIVER MI 49749

16-161-I31-010-007-00
JACOBS, ROGER W
PO BOX 296
INDIAN RIVER MI 49749

16-161-I31-010-008-00
GUST, STEPHEN & CHARLENE, TTE
4288 LONG POINT DR
CHEBOYGAN MI 49721

16-161-I31-010-012-00
HULL, LARRY & PATRICIA H/W
PO BOX 123
INDIAN RIVER MI 49749

16-161-I31-013-020-00
NELSON, BARBARA K
PO BOX 392
INDIAN RIVER MI 49749

16-161-I31-013-022-00
WOLFGRAM, GERALD & FAYE, TTE
1011 LYNN DR
INDIAN RIVER MI 49749

16-161-I31-013-024-00
WERNET, CHARLES
PELLSTON REGIONAL AIRPORT
PELLSTON MI 49769

16-161-I31-013-025-00
UP NORTH INVESTORS, LLC
3167 CHIPPEWA BEACH RD
INDIAN RIVER MI 49749

16-161-024-200-001-02
OCCUPANT
6045 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-007-001-00
OCCUPANT
3324 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-010-003-00
OCCUPANT
6064 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-003-003-00
OCCUPANT
3258 GATEWOOD AVE
INDIAN RIVER, MI 49749

16-161-I31-007-003-00
OCCUPANT
6111 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-007-00
OCCUPANT
6072 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-003-004-00
OCCUPANT
6176 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-007-004-00
OCCUPANT
6121 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-008-00
OCCUPANT
6084 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-001-00
OCCUPANT
6117 HEMLOCK ST
INDIAN RIVER, MI 49749

16-161-I31-007-005-00
OCCUPANT
6145 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-012-00
OCCUPANT
6164 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-003-00
OCCUPANT
3280 S STRAITS HWY
INDIAN RIVER, MI 49749

16-161-I31-007-006-00
OCCUPANT
6157 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-013-020-00
OCCUPANT
6091 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-006-00
OCCUPANT
6146 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-007-006-01
OCCUPANT
6171 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-013-022-00
OCCUPANT
6083 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-004-007-00
OCCUPANT
3259 GATEWOOD AVE
INDIAN RIVER, MI 49749

16-161-I31-009-001-00
OCCUPANT
6138 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-013-024-00
OCCUPANT
6063 RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-005-006-00
OCCUPANT
3267 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-009-004-00
OCCUPANT
3285 N RIVER ST
INDIAN RIVER, MI 49749

16-161-I31-013-025-00
OCCUPANT
3412 S STRAITS HWY
INDIAN RIVER, MI 49749

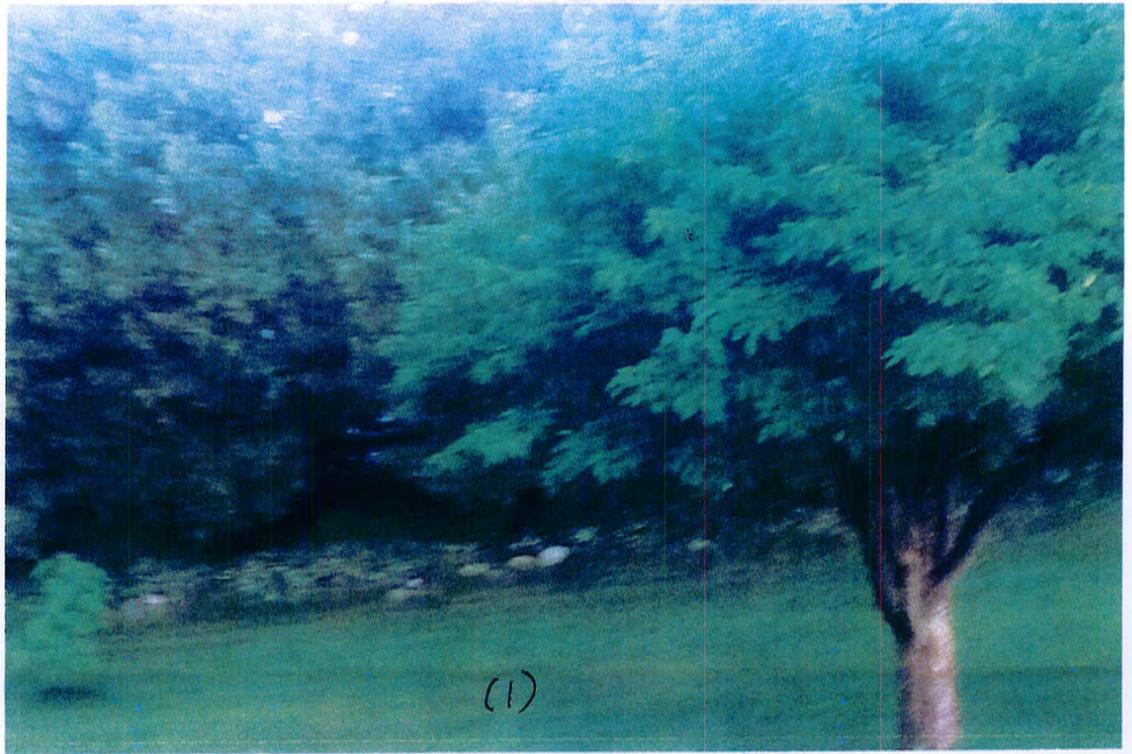
16-161-I31-005-006-01
OCCUPANT
3287 N CLUB RD
INDIAN RIVER, MI 49749

16-161-I31-010-001-00
OCCUPANT
6054 RIVER ST
INDIAN RIVER, MI 49749

*161-024-200-001-02
Occupant
6090 Prospect St.
Indian River, MI 49749*

16-161-I31-005-007-00
OCCUPANT
6052 PROSPECT ST
INDIAN RIVER, MI 49749

16-161-I31-010-002-00
OCCUPANT
6060 RIVER ST
INDIAN RIVER, MI 49749





(3)



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 8.17 ft. side setback variance request to allow a 9.5 ft. x 8 ft. private storage building addition. The property is zoned Commercial Development District (D-CM)	Prepared by: Scott McNeil
Date: June 27, 2015	Expected Meeting Date: July 22, 2015

GENERAL INFORMATION

Applicant: David Smith

Property Owner: Same

Contact person: Same

Phone: 231-420-0440

Requested Action: Approve an 8.17 ft. side setback variance to allow a 9.5ft. x 8ft. private storage building addition which has been placed 1.83 feet (20 inches) from side property line.

BACKGROUND INFORMATION

The applicant is seeking a side setback variance for a 9.5ft. wide x 8ft. deep private storage building addition which has been placed at the side lot line. The lot is located in a Commercial Development (D-CM) Zoning District. The site also contains 3 rental cabins, and a single family dwelling. A 10 ft. side setback is required in this zoning district. This appeal comes before you as a result of enforcement action relative to the addition which was constructed without a zoning permit. The original portion of the storage building is nonconforming.

I have cited conditions relative to the existing structure location, topography of the lot and like conditions in the neighborhood in the proposed findings under sections 23.5.4.1 through 23.5.4.5, but have not cited the same under General Findings, pending deliberation and review by the board.

Surrounding Zoning:

North: D-CM, Commercial Development District.

West: Same

South: Same

East: Same

Surrounding Land Uses: Residential land uses to the north, west and east. Commercial land use across the river to the south.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The site is located on the Indian River and does not contain any other known sensitive areas.

Public Comments: None

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Commercial Development (D-CM) zoning district.
2. A side setback of 10 feet is required per Section 17.1.
3. The applicant is seeking a variance for a 9.5ft. wide x 8ft. deep existing addition to an existing private storage building which is located 1.83 ft. from the side lot line.
4. The applicant is requesting the Zoning Board of Appeals to allow an 8.17 ft. side setback variance along the side lot line.
- 5.
- 6.
- 7.

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 need for the variance is due to the location of existing structures and topography of the lot which are unique physical conditions.

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

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

The need for the variance is due to the location of the existing structures and topography of the lot, which are unique conditions and is not the result of actions of the property owner or previous property owners.

OR, the placement of the storage building addition 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.

Due to the location of the existing structures, like conditions in the neighborhood and topography of the lot, strict compliance with side setback regulations will be unnecessarily burdensome.

OR, Strict compliance with setback regulations will not be 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 location of the existing structures, like conditions in the neighborhood and topography of the lot, the requested variance is necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, The variance request for construction of a ft. wide x ft. addition to and existing private storage building with a 1..83 ft. side setback does not represent the minimum necessary to grant reasonable relief and other options for smaller additions to the existing structure exist and/or granting the variance will not do substantial to other property owners in the district.

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

Granting a variance to allow a 20 inch side setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions.

OR, Granting a variance to allow a 1.83 ft. side setback will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Tuscarora Township

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Existing Site Plan (1 Page)
5. Proposed Site Plan (1 Page)
6. Mailing List (2 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

NOTICE OF APPEAL APPLICATION
FOR DIMENSIONAL VARIANCE

\$100.00 APPLICATION FEE

RECEIPT #:	
CASH/CHECK:	\$100
ACTION/DATE:	7/22/15

PLEASE PRINT

PROPERTY LOCATION

Address 6566 Oak Glen	City / Village Indian River	Township / Sec. 24	Zoning District PLS
Property Tax I.D. (Parcel) Number 161-157-000-010-00	Subdivision or Condo. Name / Plat or Lot No. McHenry's		

APPLICANT

Name Tuscarora Township	Telephone 231 238 7088	Fax 231 238 7955
Address 3546 S. State Hwy	City & State Indian River, MI	Zip Code 49749
		E-Mail superior@tuscaroratawp.com

OWNER (If different from applicant)

Name As Above	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

3. State Hwy to South Blvd / West to W-11 / 261/2 North to
Oak Glen West to DeLee Beach.

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

I. Property Information

- A. List all known deed restrictions: None
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Beach/Park
- 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 _____.

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.
The new building needs to be placed where it does not affect public space, use, picnic areas or lake views.
It also needs to be situated where it does not reduce parking spaces.
We need a larger building to store maintenance machinery.
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.
Adhering to set-back requirements would infringe on public space, use and enjoyment of the park.
- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
The goal of the Park Commission is to preserve as much public space as possible.
- 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
There is no other spot on the beach that would not impact use of the beach, parking lot or a view of the water.
- d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.
We are expanding on the existing footprint of the current maintenance building
- 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 making every effort to minimize the impact to the neighbors.
The current building is adjacent to the fence which backs up to the neighbor's garage.
There will be no obstruction or adverse impact to the neighbor's 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 Michael E. Kelly, Supervisor Date 4/30/15

AFFIDAVIT

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

Applicant's Signature _____ Date _____

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

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

Distance from property line to proposed structure:

Zoning District:

North:

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

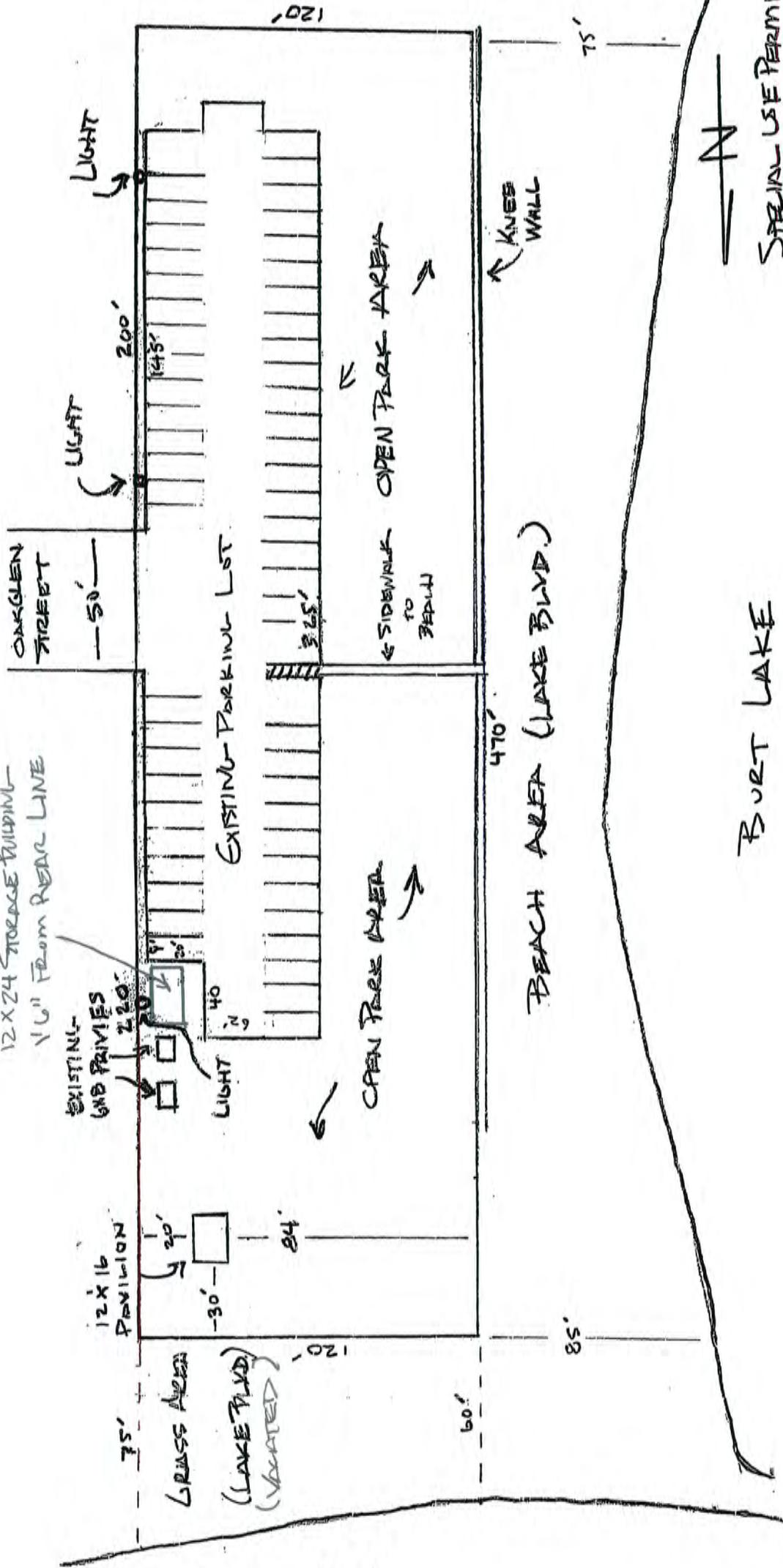
SEE ATTACHED EXISTING AND
PROPOSED SITE PLAN

PROPOSED
 12 X 24 STORAGE BUILDING
 16" FROM REAR LINE

EXISTING
 GND PRIMES

12 X 16
 PENILION

GRASS AREA
 (LAKE BLVD)
 (VACATED)

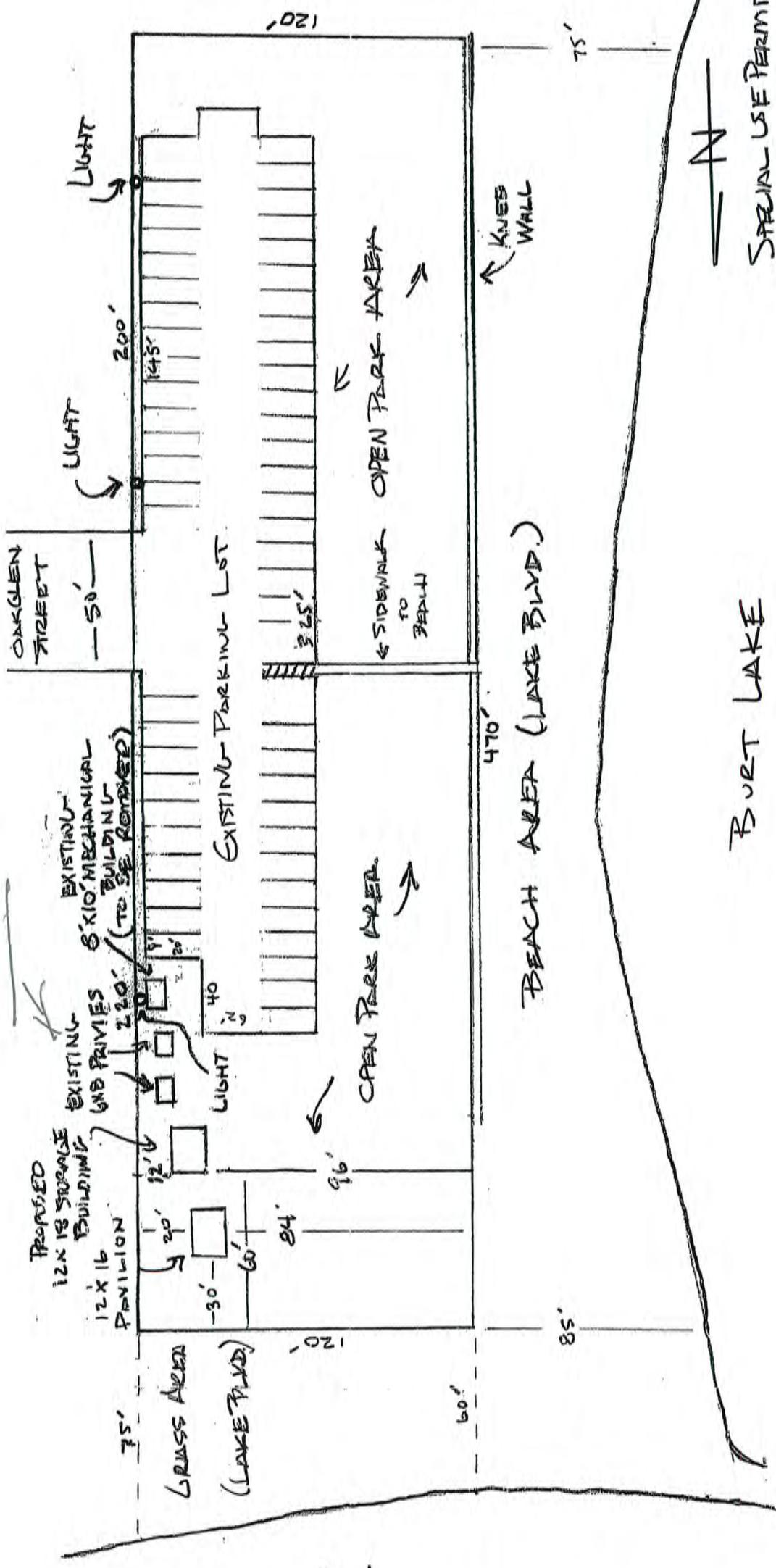


BURT LAKE

SPECIAL USE PERMIT SITE PLAN
 TUSCARORA TOWNSHIP
 DEXOE BEACH PARK
 MAY 21, 2013/AMEND 10/17/14
 SCALE 1" = 50'

Mike Ridley
 MIKE RIDLEY, SUPERVISOR

EXISTING



BURT LAKE

SPECIAL USE PERMIT SITE PLAN
 TUSCARORA TOWNSHIP
 DEXOE BEACH PARK
 MAY 21, 2013/AMEND 10/17/14
 SCALE 1" = 50'

Mike Ridley
 MIKE RIDLEY, SUPERVISOR

INDIAN RIVER

16-161-M57-000-002-00
SWINK, WILLIAM F JR & JUDITH H/
6557 GLENDALE
TROY MI 48098-1713

16-161-M57-000-020-00
REINECKER, WAYNE & JOYCE, CO-
4252 WALSH RD
WHITMORE LAKE MI 48189

16-161-M57-000-003-00
BURT RIVER, LLC
528 W. GRAND RIVER
HOWELL MI 48843

16-161-M57-000-021-00
FORMARO, JOSEPH & ROSANNA H/
2606 JONATHAN DR
STERLING HEIGHTS MI 48310

16-161-M57-000-004-00
SMITH, CHARLES & CAROLYN H/W
PO BOX 986
INDIAN RIVER MI 49749

16-161-M57-000-022-00
COVERT, MARTIN & CHRISTINE H/
13447 WHITE LAKE RD
FENTON MI 48430-8401

16-161-M57-000-005-00
POMEROY, CONSTANCE MARIE, TT
24164 MCKINLEY
DEARBORN MI 48124

16-161-M57-000-025-00
HARLESS, JAY & MARJORIE, TTEES
7690 CRYSTAL COVE PTE
MAINEVILLE OH 45039

16-161-M57-000-005-01
JAMES, GEORGE JR & PATRICIA H/
10105 W MIDWAY CT
COMMERCE TOWNSHIP MI 48390-4012

16-161-M57-000-028-00
NEAR, DALE & RITA H/W
3135 JOHANN DR
SAGINAW MI 48609

16-161-M57-000-007-00
TUSCARORA, TOWNSHIP OF
PO BOX 306
INDIAN RIVER MI 49749

16-161-M57-000-015-01
POWELL, GARY & BETTY H/W
21580 SUNFLOWER AVE
NOVI MI 48375

16-161-M57-000-016-00
LEGREE, GEORGE
13857 CASTLE DR
WARREN MI 48088

16-161-M57-000-017-00
LAKE, ROGER & KAY H/W
322 LAKE ST
SAINT CHARLES MI 48655

16-161-M57-000-018-00
K & EJ STAHL TRUST, WAYNE L ST
PO BOX 51
INDIAN RIVER MI 49749-0051

16-161-M57-000-002-00
OCCUPANT
6522 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-021-00
OCCUPANT
6559 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-003-00
OCCUPANT
6535 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-022-00
OCCUPANT
6561 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-004-00
OCCUPANT
6540 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-025-00
OCCUPANT
6574 MACK AVE
INDIAN RIVER, MI 49749

16-161-M57-000-005-00
OCCUPANT
6560 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-028-00
OCCUPANT
6554 MACK AVE
INDIAN RIVER, MI 49749

16-161-M57-000-005-01
OCCUPANT
6554 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-015-01
OCCUPANT
3690 WITT BLVD
INDIAN RIVER, MI 49749

16-161-M57-000-016-00
OCCUPANT
6514 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-017-00
OCCUPANT
6523 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-018-00
OCCUPANT
6533 OAK GLEN ST
INDIAN RIVER, MI 49749

16-161-M57-000-020-00
OCCUPANT
6545 OAK GLEN ST
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: A 10.5 ft. Variance Request to allow a 1.5 ft. rear setback for a maintenance storage building at a municipal park. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: June 30, 2015	Expected Meeting Date: July 22, 2015

GENERAL INFORMATION

Applicant: Tuscarora Township

Property Owner: Same

Contact person: Mike Ridley, Supervisor

Phone: 231-238-7088

Requested Action: Allow a 1.5 ft. rear setback for a 12 ft. x 24 ft. storage building at a municipal park. A rear setback of 12 ft. is required in this zoning district per Section 17.1.

BACKGROUND INFORMATION

The subject parcel contains approximately 120' of depth with a width of 470' on the front lot line. The property is currently used as a municipal park known as DeVoe Beach. The proposed storage building is replacing an existing storage. The replacement storage building is proposed to be located in the same location relative to the rear lot line as the existing storage building. The applicant has provided a proposed and existing site plan.

Surrounding Zoning:

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

East: Same

South: Same

North: Same

Surrounding Land Uses:

Residential land uses surround the subject property.

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

The site is located on Burt Lake. There are no other known environmentally sensitive areas.

Public Comments:

1. None
- 2.

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Lake and Stream (P-LS) zoning district.
2. A rear setback of 12 ft. is required per Section 17.1
3. The applicant is seeking a 10.5 ft rear setback variance to place a 12 ft. x 24 ft. storage building.
4. The storage building is proposed to be placed on the subject property in the same location as an existing storage building relative to the rear setback.
- 5.
- 6.
- 7.

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

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

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

The property is used as a public beach with limited area for beach activities 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/or the circumstances are due to the applicant's personal difficulty.

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

The need for the requested variance due to a limited area for beach activities and is not the result of actions of the property owner or previous property owners.

OR, the proposed storage building can be located differently and/or constructed with less width. 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 limited area for beach activity, conformity with setback regulations is deemed unnecessarily burdensome.

OR, conformance with setback regulations will allow construction of a garage within the side setback areas 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 limited area for beach activity, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

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

Granting the variance will provide a 1.5 ft. rear setback to locate a new storage building where an existing storage building is located and will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 1.5 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.