



# 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 24, 2016 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

### **PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **Jeff Jakeway/The Jakeway Family Trust/Daniel Gearhart Family Living Trust** – Requests a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures and a 2 stacking parking space variance for a fast food restaurant drive through in a Commercial Development (D-CM) zoning district. The property is located at 4104 South Straits Highway, 4104 South Straits Highway, 4092, South Straits Highway, 4082 South Straits Highway and 4062 South Straits Highway, Tuscarora Township, Section 25, parcel #161-025-200-007-00, #161-025-200-007-01, #161-025-200-008-00 and #161-025-200-009-00. A rear setback of 10 feet is required in this zoning district and a minimum of 5 stacking parking spaces for a fast food restaurant drive through are required under section 17.6 of the Cheboygan County Zoning Ordinance #200.
- 2.) **Johnson Outdoor Digital/Indian River Hotel Real Estate LLC** - Requests a 75 ft. height variance and a variance to provide a 4<sup>th</sup> 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 free standing sign is 25 feet and maximum number of free standing signs per parcel is 3 in this zoning district.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ZBA COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING**  
**WEDNESDAY, JULY 27, 2016 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, Tony Matelski, Brent Mosley, Lorna Mosley, Francis Zurawski, Carl Muscott, Russell Crawford, Charles Maziasz

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 22, 2016 Zoning Board of Appeals meeting were presented. Mr. Hemmer stated that the Zoning Board of Appeals Secretary is John Thompson and is to be corrected on the last page. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as amended. Motion carried unanimously.

**PUBLIC HEARING & ACTION ON REQUESTS**

**Brent Mosley** - Requests a 16 ft. front setback variance and a 4 ft. side setback variance for construction of a single family dwelling and garage in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6823 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-020-00 and #161-S79-000-021-00. A 40ft. front setback and an 8 ft. side setback is required for the subject property in this zoning district.

Mr. McNeil stated that there are two variance requests. Mr. McNeil explained that the applicant is proposing a 16ft. setback from the garage to the channel and a 4ft. side setback from the proposed dwelling to the edge of Grace Street. Mr. McNeil stated that this parcel is located in the Lake and Stream Protection Zoning District.

Mr. Freese asked if any correspondence has been submitted. Mr. McNeil stated that an updated exhibit list with correspondence has been distributed to the Zoning Board of Appeals members. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Freese noted that the regulation has been changed to allow a side setback of 10% of the average lot width. Mr. Freese stated the required setback is 7.18ft.

Mr. Mosley explained that the proposed dwelling will be placed in the same location as the previous cabin. Mr. Mosley also explained that the location is narrow due to the location of the drain field.

Mr. Freese stated that each variance request will be reviewed separately.

The Zoning Board of Appeals reviewed the General Findings and added the following:

5. The present garage is a legal non-conforming structure.
6. The house is a legal non-conforming structure
7. The proposed house with attached garage is 72ft. long (from east to west).
8. The useable building space from the water’s edge to the water well is 132ft.
9. The present house is 3ft 6in. (northwest corner) from the property line and 4ft. on the northeast corner from the property line
10. The edge of the blacktop is approximately 16ft. from the property line on Grace Street.

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 front setback variance request and approve the side setback variance request based on the General Findings and the Findings of Fact under Section 23.5.4. Motion carried unanimously.

**Emerald Valley Trust/Robert Daymon** - Requests a 5.2 ft. side setback variance for storage building which is accessory to a dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15562 Island Drive, Nunda Township, Section 22, parcel #251-T07-000-030-00. A 6.2 ft. side setback is required for the subject property in this zoning district.

Mr. McNeil explained that a 6.2ft. side setback is required and Mr. Daymon is requesting a 5.2ft. side setback variance to allow a storage shed to be placed 1ft. from the side property line.

Mr. Freese asked if any correspondence has been submitted. Mr. McNeil stated that an updated exhibit list with correspondence has been distributed to the Zoning Board of Appeals members. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Daymon stated that this is just a portable building. Mr. Daymon stated that he planned to build a garage and he was not able to meet the setback requirement. Mr. Daymon stated that he purchased a pre-assembled garage and it is not on a foundation. Mr. Daymon stated it will be use as a storage building. Mr. Daymon stated the structure will be within 9ft. of the house and 1 1/2ft. from the property line. Mr. Daymon stated it can be removed if necessary. Mr. Daymon stated this is a very narrow lot and he did not know that a temporary building (pre-constructed) had to meet setback requirements. Mr. Daymon stated that if he has to meet setback requirements it will put this structure within 4ft. of the house and he would not be able to mow the lawn between the two structures.

Mr. Freese asked if Mr. Daymon is asking for this variance to stand as it is or would he agree to a lesser variance if the Zoning Board of Appeals determines it to be acceptable. Mr. Daymon stated that would be difficult because of the drop off toward the lake. Mr. Daymon explained that a contractor put in a foundation and it would be hard to move over. Mr. Daymon stated the building would have to be removed and a new foundation would have to be constructed. Mr. Daymon stated this would be difficult and he would probably have to remove the structure. Mr. Daymon stated the building is not bolted down and it is not a permanent structure. Mr. Freese explained that one of the questions that the Zoning Board of Appeals will ask is if the situation is self-created. Mr. Daymon stated yes it is self-created. Mr. Freese stated that this one statement will result in the variance request being denied. Mr. Freese stated that the building could be moved to the edge of the stairs. Mr. Freese stated that this would allow for a 6ft. side setback. Mr. Freese stated that the setback requirement is 6.2ft. Mr. Freese stated the Zoning Board of Appeals may consider a .2ft. setback variance. Mr. Freese asked Mr. Daymon if he is willing to accept a lesser variance if the Zoning Board of Appeals determines it to be acceptable. Mr. Daymon stated yes. Discussion was held. Mr. McNeil stated this building is large enough to fall under the building code and a 5ft. separation between the two buildings is required. Mr. Freese stated this would mean a variance of 1.6ft. is necessary. Mr. Daymon stated he talked with the adjacent property owners and they have no issues with this building as it is not permanent. Mr. Moore explained that non-permanent buildings with a maximum of 150sf are allowed. Mr. Moore stated this building is larger than 150sf. Mr. Freese noted that three letters in objection to this request have been submitted. Mr. Moore noted that another question that the Zoning Board of Appeals will ask is if this is the smallest variance possible. Mr. Moore stated it is not the smallest variance possible if the building can be moved even a foot. Mr. Freese asked if Mr. Daymon is willing to accept a lesser variance. Mr. Daymon stated yes.

The Zoning Board of Appeals reviewed the General Findings and added the following:

4. The presently existing storage building is separated from the entrance stairway by approximately 5ft.
5. The applicant is willing to accept a lesser variance than the 5.2ft.

The Zoning Board of Appeals changed General Finding #3 to “The applicant is willing to accept a lesser variance and proposed by the Zoning Board of Appeals is 2.2ft.”

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

**Donald Maust** - Requests a waiver from the 6 foot high solid fence or hedge requirement for construction of a private storage building within 30 feet of a side lot line in a Lake and Stream Protection (P-LS) zoning district. The property is located at 15444 Lakeview Dr., Nunda Township, Section 22, parcel #251-W23-000-218-00. Section 17.18.6. for the Cheboygan County Zoning Ordinance #200 states as follows: "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Section 17.23.1.d. regarding standards for private storage buildings in the Lake and Stream Protection zoning district states as follows: If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.

Mr. McNeil stated that Mr. Maust is proposing a storage building in a Lake and Stream Protection Zoning District. Mr. McNeil explained that the use of the building will be private storage. Mr. McNeil that section 17.23.1d requires a 6ft. high solid wood fence or hedge if the private storage building is within 30ft. of a site lot line. Mr. McNeil read section 17.18.6, "The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens." Mr. McNeil stated that the applicant is asking the Zoning Board of Appeals for a waiver for the screening requirement.

Mr. Freese asked if any correspondence has been submitted. Mr. McNeil stated that an updated exhibit list with correspondence has been distributed to the Zoning Board of Appeals members. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Maust stated that he comes up north for the outdoor atmosphere. Mr. Maust stated he talked with neighbors to the left and they do not want him to put up a fence. Mr. Maust stated that he was not able to talk to the property owners of the adjacent lot because it is vacant. Mr. Maust stated he would like to keep the area woody looking.

The Zoning Board of Appeals reviewed the General Findings and revised 2, "The applicant proposes to construct a private storage building six (6) feet from a side lot line." The Zoning Board of Appeals added "The adjacent lot has been cleared directly adjacent to the pole barn location for a possible future dwelling location and could possibly adversely impact that home without adequate screening." as 5.

Mr. Freese stated that he would look more favorably toward an evergreen buffer rather than a solid fence. Mr. Moore noted that requirement allows for a fence or solid hedge. Mr. Maust asked if the evergreen buffer must be 6ft. when it is planted. Mr. Freese stated that since no one is currently building on the adjacent lot, he would consider 3-4ft. pine trees every 8ft. as this would fill in quickly. Mr. McNeil noted that the aerial photo will be added as exhibit 6. Mr. Moore agreed that pine trees are appropriate for the area.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, that the greenbelt requirement be modified to require a staggered row of 3ft. high pine trees, 8ft. apart and 4ft. past each end of the building. Motion carried unanimously.

**Francis Zurawski** - Requests a 5ft. side setback variance for construction of a garage in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 7461 South Extension Rd., Munro Township, Section 25, parcel #080-025-400-001-01. A 10 ft. side setback is required in this zoning district.

Mr. McNeil stated the applicant is proposing to build a garage that would be an accessory to a dwelling. Mr. McNeil stated the side setback requirement is 10ft. in the Agriculture and Forestry Management Zoning District. Mr. McNeil stated that Mr. Zurawski is requesting a 5ft. side setback variance.

Mr. Zurawski presented a drawing showing the topography of the property. Mr. Zurawski explained the change in elevation between his parcel and the adjacent parcel. Mr. Zurawski noted that he has moved the driveway 12ft. closer to the dwelling.

Mr. Freese referred to the site plan and noted that if there is a distance of 9ft. from the proposed garage to the 8ft. driveway, then there should be another 24ft. between the south edge of the driveway and the north projection of the house. Mr. Freese stated if the driveway is moved over 5ft., there would be 19ft. between the house and the south edge of the driveway. Mr. Freese stated there is approximately 2ft. of cut on the back of the proposed garage and there would be approximately 18 inches of fill for the south of driveway if it is moved over the extra 5ft.

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

The Zoning Board of Appeals reviewed the Findings of Fact and added "The distance from the northern most side of the house to the south side of the driveway is approximately 24ft." as 4.

Mr. Moore suggested installing the garage doors on the east end of the building. Mr. Moore stated that the building could easily be moved 5ft. without affecting the driveway at all. Mr. Moore stated another option is to make the garage 28ft. wide and leave the garage doors on the south side. Mr. Moore stated 28ft. is adequate. Mr. Moore stated that he drives a suburban and his garage is 28ft. deep and he has 4ft. behind his vehicle. Mr. Moore stated the footprint of the building can be expanded to the east or west if additional storage space is needed. Discussion was held. Mr. Moore noted that there are many alternative options available.

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 deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

**Rose Williamson** - Requests a 5 ft. rear setback variance and a 3.5 ft. side setback variance for use of a camper in a Lake and Stream Protection (P-LS) zoning district. The property is located at 9275 Hudson Drive, Benton Township, Section 17, parcel #104-017-300-011-00. A 12 ft. rear setback and an 8 ft. side setback are required for the subject property in this zoning district.

Mr. McNeil stated that Ms. Williamson is requesting a 3.5ft. side setback variance and a 5ft. rear setback variance for the placement of a camper trailer. Mr. McNeil referred to Section 17.7 of the Zoning Ordinance and stated that campers are allowed for use on this property in Lake and Stream Protection Zoning District for three different periods of 30 consecutive days in a calendar year. Mr. McNeil stated that this can be put together to allow 90 days of use in a calendar year. Mr. McNeil stated that standard setbacks must also be met. Mr. McNeil stated that in the Lake and Stream Protection Zoning District there is a 12ft. rear setback requirement and an 8ft. side setback requirement. Mr. McNeil stated that the applicant is requesting a 5 ft. rear setback variance and a 3.5 ft. side setback variance.

Mr. Moore asked if Hudson Drive is a private road. Ms. Williamson stated yes. Mr. Moore asked if Hudson Drive is an easement that has been granted. Mr. McNeil stated yes and it is a 24ft. wide easement. Ms. Williamson stated that she is not sure where the center of the road actually is located.

Mr. Freese asked if any correspondence has been submitted. Mr. McNeil stated that the correspondence is included in the exhibit list. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Ms. Williamson stated there wasn't a tent and camper ordinance when the camper was brought to the property. Ms. Williamson stated that there is a big hill and that the camper is located in this area for her mother and father who visit 3 times a year. Ms. Williamson stated that they stay for a week each time. Ms. Williamson stated that no one uses the camper the rest of the time. Ms. Williamson stated that she talked to the adjacent neighbors prior to purchasing the camper and they did not have any issues. Ms. Williamson stated that they pay for the snow plowing. Ms. Williamson stated that there have not been any issues with snow plowing. Ms. Williamson noted the location of the drain field and the dwelling.

Mr. Freese stated that the camper can be moved approximately 2ft. towards the driveway. Mr. Freese stated the camper can be moved back 13ft. towards the slope. Ms. Williamson noted that there are a slide-out and an awning on the camper. Ms. Williamson asked how far back should the camper be moved. Mr. Freese stated the camper should be moved back 5ft. and over towards the edge of the blacktop. Discussion was held. Mr. Freese stated a side variance of 1.5ft. may be needed. Mr. Moore suggested a 2ft. variance.

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

6. Approximately 13ft. of level ground is available on the southeast side of the present camper location before the hillside rises sharply to the east.
7. Approximately 2ft. is available to the northeast for locating the camper without seriously restricting the blacktop parking area used for other vehicle parking.
8. The applicant proposes to meet the rear setback.

The Zoning Board of Appeals revised #4, "The applicant is seeking a 2 ft. side lot line variance for use of a camper."

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. Thompson, 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**

Mr. Moore referred to the variance request for Brent Mosley and stated that the canal is not waterfront property. Discussion was held.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 8:13pm.

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John Thompson, Secretary

DRAFT

# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Jeff Jakeway

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (4 Pages)
5. Aerial Photo (1 Page)
6. Mailing List (2 Pages)
7. Site Plan (1 Page)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

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

## NOTICE

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING  
WEDNESDAY, AUGUST 24, 2016 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Jeff Jakeway/The Jakeway Family Trust/Daniel Gearhart Family Living Trust** – Requests a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures and a 2 stacking parking space variance for a fast food restaurant drive through in a Commercial Development (D-CM) zoning district. The property is located at 4104 South Straits Highway, 4104 South Straits Highway, 4092, South Straits Highway, 4082 South Straits Highway and 4062 South Straits Highway, Tuscarora Township, Section 25, parcel #161-025-200-007-00, #161-025-200-007-01, #161-025-200-008-00 and #161-025-200-009-00. A rear setback of 10 feet is required in this zoning district and a minimum of 5 stacking parking spaces for a fast food restaurant drive through are required under section 17.6 of the Cheboygan County Zoning Ordinance #200.
- 2.) **Johnson Outdoor Digital/Indian River Hotel Real Estate LLC** - Requests a 75 ft. height variance and a variance to provide a 4<sup>th</sup> 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 free standing sign is 25 feet and maximum number of free standing signs per parcel is 3 in this zoning district.

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

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

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

**DIMENSIONAL VARIANCE APPLICATION**

\$110.00 APPLICATION FEE

RECEIPT #:	5187
CASH/CHECK:	CASH
ACTION / DATE:	8/24/16

**PLEASE PRINT**

**PROPERTY LOCATION**

Address 4104 S. Straits Hwy.	City / Village Indian River	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number 161-025-200-008-00 161-025-200-007-00 & 161-025-200-007-01	Subdivision or Condo. Name / Plat or Lot No.		

**APPLICANT** 161-025-200-009-00

Name Jeff Jakeway	Telephone 231-420-2651	Fax 231-525-8313
Address 12130 Bilder Rd	City & State Wolverine, Mi	Zip Code 49799
		E-Mail Jeff@northstargardens.com

**OWNER (If different from applicant)**

Name THE JAKEWAY Family Trust	Telephone 231-420-2651	Fax
Address 12130 Budson Rd.	City & State	Zip Code 49799

Detailed directions to site, including nearest crossroad:

Downtown Indian River in front of Ken's Market on  
M-68

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

**I. Property Information**

- A. List all known deed restrictions: NONE KNOWN
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat \_\_\_\_\_
- C. Present use of the property is: Garden Center
- D. A previous appeal has has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date \_\_\_\_\_, nature of action requested \_\_\_\_\_, and the decision \_\_\_\_\_.
- E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

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

I intend to remove Three buildings that are outside setback restrictions and I am looking to add on to the existing building.

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 property is narrow and has roads on the East and west side of property that restricts Building envelope

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

Existing roads and site

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

Due to size of property, parking is causing the Building envelope to be squeezed.

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.

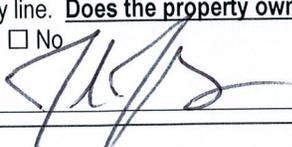
Given that the "Alleyway" between Ken's Market and my property is hardly used, it would be to both of our advantages so my customers don't use his parking.

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 already have buildings outside of restricted area. The site plan shows how we are proposing less building square footage outside of area given.

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



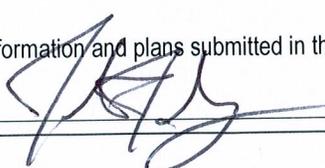
Date

8-2-16

**AFFIDAVIT**

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

Applicant's Signature



Date

8-2-16

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

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

**Distance from property line to proposed structure:**

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

**Zoning District:**

**North:**

SEE ATTACHED



161-025-200-002-00  
KENS VILLAGE MARKET INC  
4090 OLD TRAIL LN

161-025-200-009-00  
GEARHART, DANIEL FAMILY LIV TRUST  
4062 S STRAITS HWY

161-025-200-008-00  
JAKEWAY FAMILY TRUST, THE  
4082 S STRAITS HWY

**OLD TRAIL LN**

161-025-200-007-00  
JAKEWAY FAMILY TRUST, THE  
4092 S STRAITS HWY

161-025-200-001-00  
JANKOWSKI, JOHN L/EWPTS  
4152 OLD TRAIL LN

161-025-200-007-01  
JAKEWAY FAMILY TRUST, THE  
4104 S STRAITS HWY

**S STRAITS HWY**

161-025-200-001-00  
JANKOWSKI, JOHN L/EWPTS  
4152 OLD TRAIL LN

161-025-200-014-00  
HOLSTEIN, GARY, TRUSTEE  
4085 S STRAITS HWY

Exhibit 5

161-025-200-013-00  
WAKEFIELD, HAROLD & BETTY H/W  
4095 S STRAITS HWY

16-161-024-400-467-00  
KENS VILLAGE MARKET  
PO BOX 2009  
INDIAN RIVER MI 49749

16-161-025-200-011-00  
TOWNSEND, KURT; MICHAEL TOW  
4501 DEVONSHIRE AVE  
LANSING MI 48910

16-161-024-400-478-00  
CITIZENS NATIONAL BANK  
PO BOX 10  
CHEBOYGAN MI 49721

16-161-025-200-012-00  
SHEPARD, CHRISTOPHER J  
5251 PLEASANT HILL DR  
FENTON MI 48430

16-161-024-400-547-00  
KENS VILLAGE MARKET  
PO BOX 2009  
INDIAN RIVER MI 49749

16-161-025-200-013-00  
WAKEFIELD, HAROLD & BETTY H/  
70 BROWN RD  
STANTON MI 48888

16-161-025-200-001-00  
JANKOWSKI, JOHN L/EWPTS  
4148 S STRAITS HWY  
INDIAN RIVER MI 49749

16-161-025-200-014-00  
HOLSTEIN, GARY, TRUSTEE  
2301 FAIRWOOD AVE  
COLUMBUS OH 43207

16-161-025-200-002-00  
KENS VILLAGE MARKET INC  
PO BOX 2009  
INDIAN RIVER MI 49749

16-161-025-200-015-00  
BOWEN, DONALD  
6109 INDEPENDENCE AVE  
INDIAN RIVER MI 49749

16-161-025-200-007-00  
JAKEWAY FAMILY TRUST, THE  
12130 BILDER RD  
WOLVERINE MI 49799

16-161-025-200-016-00  
KASETA, WILLIAM & MARY H/W  
32933 HEES ST  
LIVONIA MI 48150

16-161-025-200-007-01  
JAKEWAY FAMILY TRUST, THE  
12130 BILDER RD  
WOLVERINE MI 49799

16-161-025-200-017-00  
WALDRON, ANNA M  
6008 ARLINGTON DR  
FRISCO TX 75035

16-161-025-200-008-00  
JAKEWAY FAMILY TRUST, THE  
4104 S STRAITS HWY  
INDIAN RIVER MI 49749

16-161-025-200-018-00  
WIBBY, JAMES & SANDRA H/W  
PO BOX 786  
PETOSKEY MI 49770

16-161-025-200-009-00  
GEARHART, DANIEL FAMILY LIV T  
12154 BILDER RD  
WOLVERINE MI 49799

16-161-025-200-021-00  
WATER STREET LIMITED  
220 WATER ST  
CHEBOYGAN MI 49721

16-161-025-200-010-00  
JANKOWSKI, JOHN L/EWPTS  
4148 S STRAITS HWY  
INDIAN RIVER MI 49749

16-161-025-200-022-00  
DON BOWEN, INC  
PO BOX 340  
INDIAN RIVER MI 49749

16-161-024-400-467-00  
OCCUPANT  
6406 BARBARA AVE  
INDIAN RIVER, MI 49749

16-161-025-200-011-00  
OCCUPANT  
4139 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-024-400-478-00  
OCCUPANT  
3990 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-012-00  
OCCUPANT  
4105 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-024-400-547-00  
OCCUPANT  
6433 BARBARA AVE  
INDIAN RIVER, MI 49749

16-161-025-200-013-00  
OCCUPANT  
4095 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-001-00  
OCCUPANT  
4152 OLD TRAIL LN  
INDIAN RIVER, MI 49749

16-161-025-200-014-00  
OCCUPANT  
4085 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-002-00  
OCCUPANT  
4090 OLD TRAIL LN  
INDIAN RIVER, MI 49749

16-161-025-200-015-00  
OCCUPANT  
6109 INDEPENDENCE AVE  
INDIAN RIVER, MI 49749

16-161-025-200-007-00  
OCCUPANT  
4092 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-016-00  
OCCUPANT  
6091 INDEPENDENCE AVE  
INDIAN RIVER, MI 49749

16-161-025-200-007-01  
OCCUPANT  
4104 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-017-00  
OCCUPANT  
6085 INDEPENDENCE AVE  
INDIAN RIVER, MI 49749

16-161-025-200-008-00  
OCCUPANT  
4082 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-018-00  
OCCUPANT  
6079 INDEPENDENCE AVE  
INDIAN RIVER, MI 49749

16-161-025-200-009-00  
OCCUPANT  
4062 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-021-00  
OCCUPANT  
4071 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-010-00  
OCCUPANT  
4179 S STRAITS HWY  
INDIAN RIVER, MI 49749

16-161-025-200-022-00  
OCCUPANT  
3999 S STRAITS HWY  
INDIAN RIVER, MI 49749



*S. STRAITS Hwy.*

Exhibit 7

JOB # 18-00041 SHEET	PROJECT	NORTHSTAR GARDENS	
	CONCEPTUAL SITE PLAN		
<b>SP.1</b>	4104 N. STRAITS HIGHWAY INDIAN RIVER, MI 49749		
	DRAWN BY	D.C.D.	DATE
	CHECKED		
	APPROVED BY		
	DATE	11/9/15	
	PRINT DATE		
 NORTHERN MICHIGAN ENGINEERING INC. <small>111 W. Michigan Street          East Lansing, MI 48825          (517) 337-3177</small>		THOMAS D. ZIMM, P.E. MI LICENSE #56935	
	REVISIONS		



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## DIMENSIONAL VARIANCE STAFF REPORT

<b>Item:</b> A variance request for a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures and a 2 stacking parking space variance for a fast food restaurant drive through in a Commercial Development (D-CM) zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> August 16, 2016	<b>Expected Meeting Date:</b> August 24, 2012

### GENERAL INFORMATION

**Applicant:** Jeff Jakeway

**Property Owner:** Jakeway Family Trust.

**Contact person:** Jeff Jakeway

**Phone:** 231-420-2651

**Requested Action:** A variance request for a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures and a 2 stacking parking space variance for a fast food restaurant drive through in a Commercial Development (D-CM) zoning district.

### BACKGROUND INFORMATION

The applicable zoning district is Commercial Development District (D-CM). The subject site currently has a garden center and landscape supply business and a single family dwelling. The applicant is proposing redevelopment of the site to include new structures for the garden/landscape supply business and a new coffee shop. The single family dwelling is proposed to be torn down.

The applicant is seeking a 7.3. ft. rear setback variance in order to construct a new structure for the garden center/landscape supply business and an additional 4.9 ft rear setback variance for

construction of a coffee shop. The applicant is also proposing a drive through window for the coffee shop. A rear setback of 10 feet is required in this zoning district per section 17.1.

Based on the site plan submitted by the applicant 3 staking spaces are provided on the subject lot. A minimum of 5 stacking parking spaces for a fast food restaurant drive through are required under section 17.6 requiring 2 stacking parking space variance.

Site plan review approval by the Planning Commission will be required for this project.

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

**Surrounding Zoning:**

**West:** Commercial Development District

**East:** Same

**South:** Same

**North:** Same

**Surrounding Land Uses:**

Land use to the north, south and east is commercial. Property to the west is commercial and residential.

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

The parcel lying west of the subject property which will be used in conjunction with the subject building contains a wet land area.

**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 Commercial Development (D-CM) zoning district.
2. A rear setback of 10 feet is required in a D-CM zoning district per Section 17.1.
3. The applicant is requesting a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures.
4. The applicant is proposing a drive through window for one of the commercial structure.
5. Five (5) staking parking spaces are required for a fast food restaurant drive through are required under section 17.6
6. The applicant is seeking a two (2) staking parking space variance for a drive through window.
7. The subject site contains non-conforming structures relative to front and rear setbacks.
- 8.
- 9.
- 10.

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:**

**.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.**

**Relative to 7.3 ft. rear setback variance request.**

- The subject parcel possesses unique physical conditions relative to the existing nonconforming buildings and lot depth and is not due to the applicant's personal or economic difficulty.
- OR, there are no unique circumstances or physical conditions relative to zoning.

**Relative to 4.9 ft. rear setback variance request.**

- The subject parcel possesses unique physical conditions relative to the existing nonconforming buildings and lot depth and is not due to the applicant's personal or economic difficulty.
- OR, there are no unique circumstances or physical conditions relative to zoning.

**Relative to 2 staking parking space variance request.**

- The subject parcel possesses unique physical conditions relative to the lot depth and is not due to the applicant's personal or economic difficulty.
- OR, there are no unique circumstances or physical conditions relative to a drive through widow which is due to the applicants personal and/or economic difficulty.

**.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).**

**Relative to 7.3 ft. rear setback variance request.**

- The unique physical condition relative to the existing nonconforming building and lot depth predates adoption of the zoning, and is not the result of actions by the property owner or previous owners, and is not self-created.
- OR, the physical condition relative to the existing nonconforming building is the result of previous property owners.

**Relative to 4.9 ft. rear setback variance request.**

- The unique physical condition relative to the existing nonconforming building and lot depth predates adoption of the zoning, and is not the result of actions by the property owner or previous owners, and is not self-created.
- OR, the physical condition relative to the existing nonconforming building is the result of previous property owners.

**Relative to 2 staking parking space variance request.**

- The subject parcel possesses unique physical conditions relative to the lot depth and is not due to the actions of the property owner or previous property owners.
- OR, the need for the variance is self created due to economic difficulty.

**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.**

**Relative to 7.3 ft. rear setback variance request.**

- Due to the unique condition relative to the existing nonconforming building, strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose and/or strict compliance with the setback regulations will be unnecessarily burdensome.
- Or, strict compliance with the requirements will not prevent the owner from reasonable use of the property for a permitted purpose and /or conformity with the setback regulations will not be unnecessarily burdensome.

**Relative to 4.9 ft. rear setback variance request.**

- Due to the unique condition relative to the existing nonconforming building, strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose and/or strict compliance with the setback regulations will be unnecessarily burdensome.
- Or, strict compliance with the requirements will not prevent the owner from reasonable use of the property for a permitted purpose and /or conformity with the setback regulations will not be unnecessarily burdensome.

**Relative to 2 staking parking space variance request.**

- The subject parcel possesses unique physical conditions relative to the lot depth and will unreasonably prevent the property owner from using the property for a permitted purpose and/or will render conformity with those regulations unnecessarily burdensome.
- Or, Lack of a drive through window will not unreasonably prevent the property owner from using the property for a permitted purpose and/or will render conformity with those regulations unnecessarily burdensome.

**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.**

**Relative to 7.3 ft. rear setback variance request.**

- The variance represents is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district due to the unique conditions of the site.
- OR, the variance request does not represent the minimum necessary to grant the owner reasonable relief and maybe constructed smaller and accomplish the same utility and/or is not necessary.
- 

**Relative to 4.9 ft. rear setback variance request.**

- The variance represents is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district due to the unique conditions of the site.
- OR, the variance request does not represent the minimum necessary to grant the owner reasonable relief and maybe constructed smaller and accomplish the same utility and/or is not necessary.
- 

**Relative to 2 staking parking space variance request.**

- The variance represents is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district due to the unique conditions of the site.
- OR, the variance request does not represent the minimum necessary to grant the owner reasonable relief and the need for the variance is due to economic difficulty or is not necessary.

**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.**

**Relative to 7.3 ft. rear setback variance request.**

- The variance will not cause an adverse impact on surrounding property as there are nonconformities that exist relative to the existing structures.
- OR, the variance will cause an adverse impact on surrounding property.

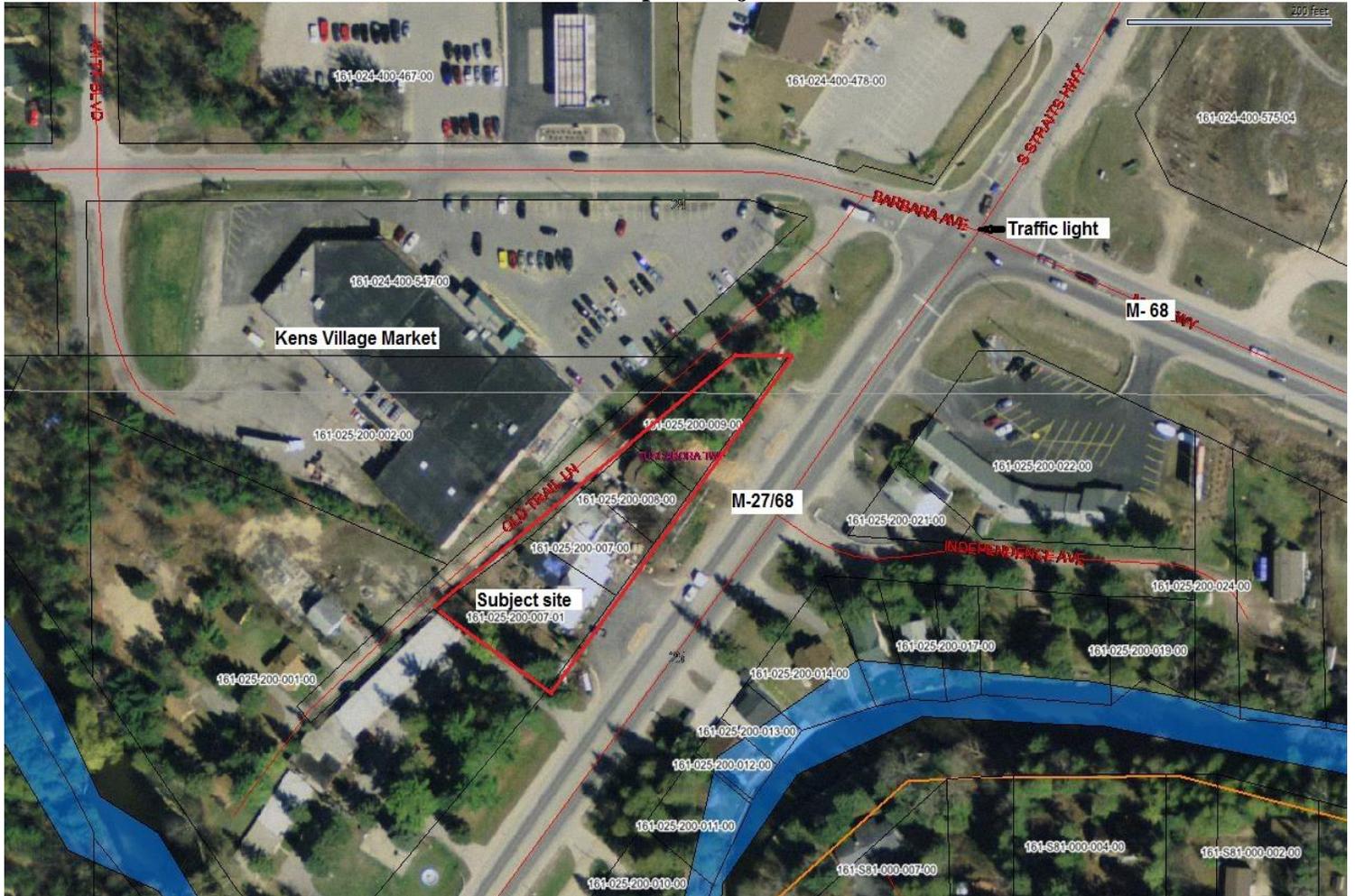
**Relative to 4.9 ft. rear setback variance request.**

- The variance will not cause an adverse impact on surrounding property as there are nonconformities that exist relative to the existing structures.
- OR, the variance will cause an adverse impact on surrounding property.

**Relative to 2 staking parking space variance request.**

- The variance will not cause an adverse impact on surrounding property as there are nonconformities that exist relative to the existing structures.
- OR, the variance will cause an adverse impact on surrounding property due to potential backup encroachments into state highway right of way and local pathway.

# Map to subject site



# CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Johnson Outdoor Digital/Hometown Inn

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Board of Appeals Notice of Public Hearing (1 Page)
4. Variance Application (4 Pages).
5. Mailing List (2 Pages)
6. Site Plan (1 Page)
7. Picture Of Sign With Dimensions (1 Page)
- 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 24, 2016 AT 7:00 P.M.  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **Jeff Jakeway/The Jakeway Family Trust/Daniel Gearhart Family Living Trust** – Requests a 7.3 ft. rear setback variance and a 4.9 ft. rear setback variance for construction of two (2) commercial structures and a 2 stacking parking space variance for a fast food restaurant drive through in a Commercial Development (D-CM) zoning district. The property is located at 4104 South Straits Highway, 4104 South Straits Highway, 4092, South Straits Highway, 4082 South Straits Highway and 4062 South Straits Highway, Tuscarora Township, Section 25, parcel #161-025-200-007-00, #161-025-200-007-01, #161-025-200-008-00 and #161-025-200-009-00. A rear setback of 10 feet is required in this zoning district and a minimum of 5 stacking parking spaces for a fast food restaurant drive through are required under section 17.6 of the Cheboygan County Zoning Ordinance #200.
- 2.) **Johnson Outdoor Digital/Indian River Hotel Real Estate LLC** - Requests a 75 ft. height variance and a variance to provide a 4<sup>th</sup> 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 free standing sign is 25 feet and maximum number of free standing signs per parcel is 3 in this zoning district.

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

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.00

\$110.00 APPLICATION FEE

RECEIPT #:	5188
CASH/CHECK:	1097
ACTION / DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 4375 Brudy Rd.	City / Village Indian River	Township / Sec. T4 / 30	Zoning District D-LI
Property Tax I.D. (Parcel) Number 162-030-100-004-03	Subdivision or Condo. Name / Plat or Lot No. n/a		

APPLICANT

Name Jerry Holmes Johnson Outdoor Digital	Telephone 231-796-8880 231-349-7053	Fax
Address 5555 East Thirteen Mile Rd	City & State Paris MI	E-Mail jerry@johnson outdoordigital.com

OWNER (If different from applicant)

Name Hometown Inn LLC Indian River Hotel Restaurant	Telephone	Fax
Address 4375 Brudy Rd.	City & State Indian River MI	Zip Code 49749

Detailed directions to site, including nearest crossroad:

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

I. Property Information

- A. List all known deed restrictions: \_\_\_\_\_
- B. This property is  unplatted,  platted,  will be platted. If platted, name of plat \_\_\_\_\_
- C. Present use of the property is: Hotel
- D. A previous appeal 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 10/1/97, nature of action requested height variance and the decision approved a 60' variance for 85' height. for sign
- 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'x10' LED sign on existing pole  
(under existing sign); Request 75' variance  
to install sign at 100' height (25' max. height required)

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

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

See Attachments

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

\_\_\_\_\_

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.

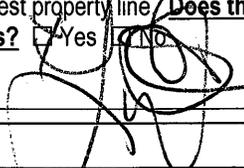
\_\_\_\_\_

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

\_\_\_\_\_

The 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



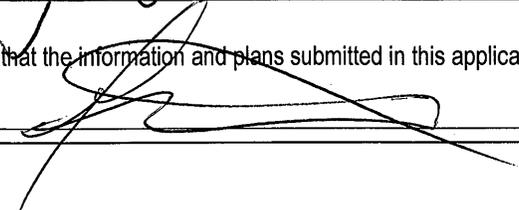
Date

6/3/16

**AFFIDAVIT**

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

Applicant's Signature



Date

7-2-16



DBA of Johnson's Sign Co Maintenance & Consulting LLC

5555 E 13 Mile Rd. Paris, MI 49338 Phone (231)796.8880 Fax (231)796.8889

[www.johnsonoutdoordigital.com](http://www.johnsonoutdoordigital.com)

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**Cheboygan County Zoning Board of Appeals:** Variance needed for Hometown Inn LED sign to be able to put it at 85ft.

**Detailed Request of Justification:**

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

To install a 5' x 10' LED Electronic Message Center sign on the existing pole (under the existing sign) requesting a variance to install sign at 85' height maximum (25' max height required).

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

Topography, 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).**

Is not it is due to nature. (Surrounding tree's)Block the view of the 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 the permitted purpose, or will render conformity with those regulations unnecessarily burdensome.**

Putting the sign at 25' feet, it would be totally blocked by surrounding trees, so moving it to 85' feet enables the owner of Hometown to use and advertise specials for bringing in more to the area which makes everyone happy more traffic brings more revenue.

- 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 no other buildings surrounding the area, the owner of Hometown Inn owns 28 areas or more.

- 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.**

Surrounding properties are 100 ft or more away so this will not inter fear with any surrounding properties and will not affect surrounding property value wise if anything it will help the area to bring in more business during the tourist time of the year because more will see the sign from the Highway which will draw more of the public to the area.

16-162-030-100-004-00  
CHAMPAGNE, PETER; LARRY CHA  
834 TITTABAWASSEE  
SAGINAW MI 48604

16-162-030-300-001-21  
TUSCARORA, TOWNSHIP OF  
PO BOX 220  
INDIAN RIVER MI 49749

16-162-030-100-004-01  
INDIAN RIVER INVESTMENT LTD  
1070 GRAND RIDGE  
PETOSKEY MI 49770

16-162-030-100-004-03  
INDIAN RIVER HOTEL REAL ESTAT  
4098 HOWE ROAD  
WAYNE MI 48184

16-162-030-100-004-04  
WILTSE, GARY A ET UX  
1146 CAMELOT DR  
PINCKNEY MI 48169

16-162-030-100-004-05  
MALLORY, DANIEL & DIANA  
9750 W M-68 HWY  
ALANSON MI 49706

16-162-030-100-005-00  
CRUMLEY CREEK ESTATES, LLC  
PO BOX 847  
INDIAN RIVER MI 49749

16-162-030-300-001-04  
PRECISION FORESTRY, INC  
4285 S COUNTY LINE RD  
ONAWAY MI 49765

16-162-030-300-001-05  
PRECISION FORESTRY, INC  
4285 S COUNTY LINE RD  
ONAWAY MI 49765

16-162-030-300-001-06  
PRECISION FORESTRY, INC  
4285 S COUNTY LINE RD  
ONAWAY MI 49765

16-162-030-300-001-07  
PRECISION FORESTRY, INC  
4285 S COUNTY LINE RD  
ONAWAY MI 49765

16-162-030-100-004-00  
OCCUPANT  
4499 TAHOE LN  
INDIAN RIVER, MI 49749

16-162-030-100-004-03  
OCCUPANT  
4375 BRUDY RD  
INDIAN RIVER, MI 49749

16-162-030-100-004-05  
OCCUPANT  
4400 TAHOE LN  
INDIAN RIVER, MI 49749

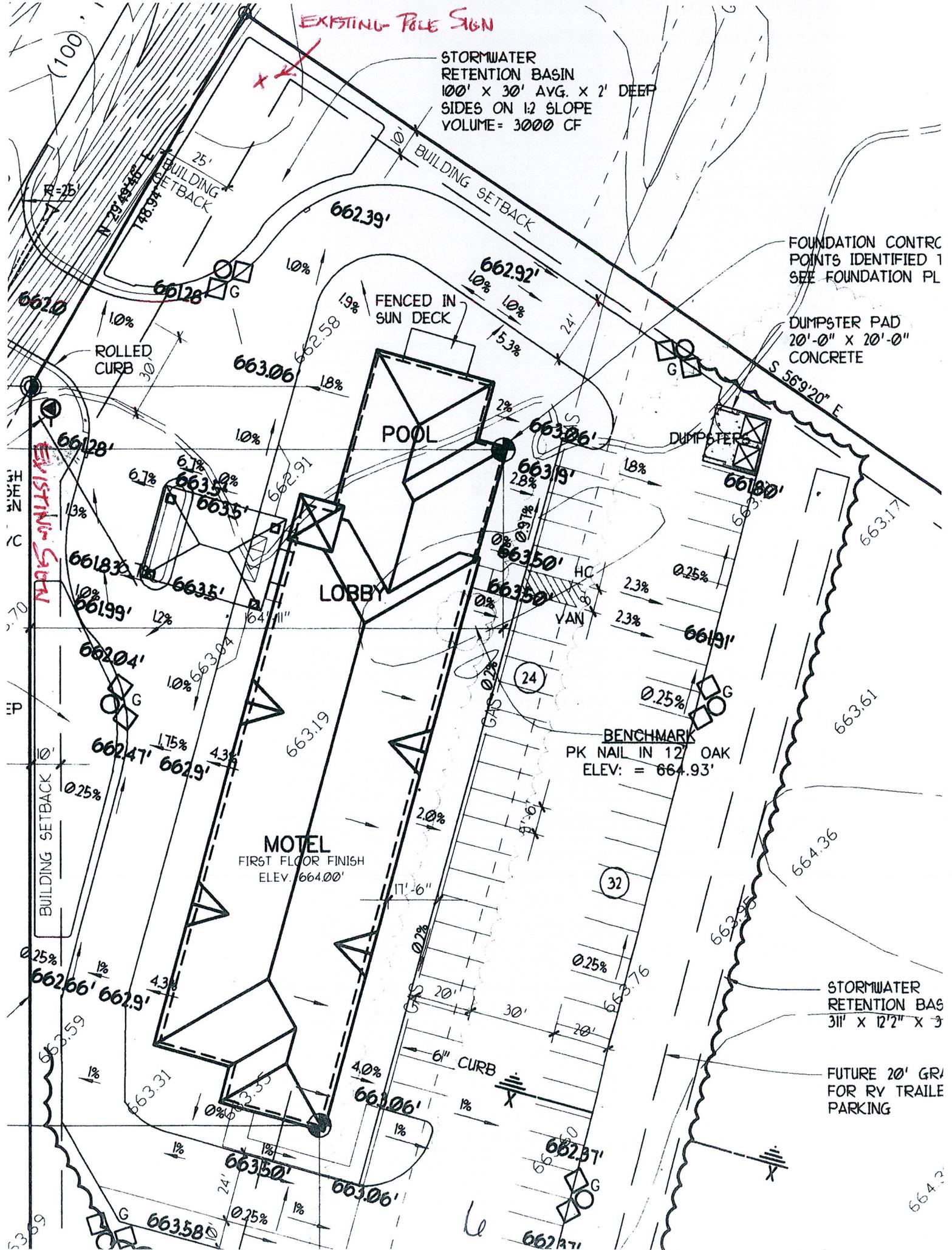
16-162-030-300-001-06  
OCCUPANT  
5708 COMMERCE BLVD  
INDIAN RIVER, MI 49749

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



BENCHMARK  
PK NAIL IN 12 OAK  
ELEV. = 664.93'

STORMWATER RETENTION BAS  
31' X 12' X 3'

FUTURE 20' GR  
FOR RV TRAILER  
PARKING

SH  
SE  
IN  
IC  
70  
EP

BUILDING SETBACK

BUILDING SETBACK

S 56'9"20" E

663.61

664.36

664.2

(100)

25'

BUILDING SETBACK

148.94'

10%

662.39'

662.92'

10%

10%

10%

15.3%

24'

18%

661.80'

663.17

663.61

663.17

663.61

664.36

10%

30'

661.28'

663.06'

18%

662.58'

1.9%

FENCED IN SUN DECK

10%

662.92'

10%

10%

24'

15.3%

18%

661.80'

663.17

663.61

13%

661.28'

663.06'

10%

662.91'

6.7%

663.50'

6.7%

663.50'

2.8%

663.06'

18%

661.80'

663.17

663.61

663.17

663.61

664.36

10%

661.83'

663.50'

10%

662.91'

6.7%

663.50'

6.7%

663.50'

2.8%

663.06'

18%

661.80'

663.17

663.61

663.17

663.61

664.36

10%

661.99'

663.50'

12%

662.91'

6.7%

663.50'

6.7%

663.50'

2.8%

663.06'

18%

661.80'

663.17

663.61

663.17

663.61

664.36

10%

662.04'

663.50'

10%

662.91'

6.7%

663.50'

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663.06'

EXISTING POLE SIGN

BUILDING SETBACK

BUILDING SETBACK

S 56'9"20" E

663.61

664.36

664.2

10%

30'

661.28'

663.06'

18%

662.58'

1.9%

FENCED IN SUN DECK

10%

662.92'

10%

10%

24'

15.3%

18%

661.80'

663.17

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13%

661.28'

663.06'

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661.83'

663.50'

12%

662.91'

6.7%

663.50'

6.7%

663.50'

2.8%

663.06'

18%

661.80'

663.17

663.61

663.17

663.61

664.36

10%



10'

5'



Approx. 65'

65'



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## DIMENSIONAL VARIANCE STAFF REPORT

<b>Item:</b> 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.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> August 16, 2016	<b>Expected Meeting Date:</b> August 24, 2016

### GENERAL INFORMATION

**Applicant:** Jerry Holmes/Johnson Outdoor Digital

**Contact person:** Same

**Phone:** 231-796-8880 or 231-349-7053

**Requested Action:** Approve requests for of a 45 ft. height variance and 1 maximum number per parcel variance for a free standing sign in a Light Industrial Development (D-LI) zoning district.

*Please note that the application calls for sign installation at 100 ft. The sign measurements on the photo provided by the applicant indicates a total height of 70 feet which would require a 55 ft. height variance. The notice states that a 75 ft. height variance is being requested.*

### 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. (see 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.

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 approved a 150 ft. height variance for the existing freestanding structure on October 1, 1997.
4. The applicant is seeking a 1 sign variance to have four (4) freestanding signs on the subject lot.
5. Freestanding signs are limited to three (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.
- 6.
- 7.
- 8.

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.**

**Regarding the variance request for the number of freestanding signs;**

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.

**Regarding the variance request for the height for a freestanding sign;**

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).**

**Regarding the variance request for the number of freestanding signs;**

The variance is due to the location, size and configuration of the lot and is not self created.

Or, The request for an additional freestanding sign is a self created condition.

**Regarding the variance request for the height for a freestanding sign;**

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.**

**Regarding the variance request for the number of freestanding signs;**

Due to the location and available land configuration, compliance with freestanding sign regulations is deemed unnecessarily burdensome.

Or, compliance with freestanding sign 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.

**Regarding the variance request for the height for a freestanding sign;**

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.**

**Regarding the variance request for the number of freestanding signs;**

Due to the location and available land configuration, granting a variance to allow 4 freestanding signs is deemed necessary to grant reasonable relief and do substantial justice to other property owners in the district.

Granting a variance to allow 4 freestanding signs will not do substantial justice to other property owners in the district and is not deemed the minimum necessary to grant reasonable relief.

**Regarding the variance request for the height for a freestanding sign;**

Due to the location and available land configuration allowing a freestanding sign which is 100 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.**

**Regarding the variance request for the number of freestanding signs;**

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.

**Regarding the variance request for the height for a freestanding sign;**

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.

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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**

