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, OCTOBER 28, 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.) **Virgil Kirila –** Requests a 3 ft. rear setback variance for construction of a garage (30 ft. x 40 ft.) in a Lake and Stream Protection (P-LS) zoning district. The property is located at 10883 High Bluffs Drive., Grant Township, Section 23, parcel #151-023-200-026-00. A rear setback of 12 feet is required in this zoning district.

2.) **Monica Algate/T.B. Chapman Construction Inc. -** Requests a 26 ft. front setback variance to construct a sunroom addition (30 ft. x 15 ft.) to a dwelling in a Lake and Stream Protection zoning district. The property is located on 6901 Grace St., Tuscarora Township, Section 24, parcel #161-S79-000-008-00. A 40 ft. front setback is required in this zoning district.

3.) **Kim and Sandra Bruns -** Requests a 7 ft. front setback variance to construct a three season room addition (10 ft. x 18 ft.) to a dwelling in a Lake and Stream Protection zoning district. The property is located at 6642 Burchfield Road., Tuscarora Township, Section 24, parcel #161-H21-000-009-00. A 40 ft. front setback is required in this zoning district.

4.) **Joseph Antkoviak/Crystal and Lee Schley –** Requests a use variance for a manufacturing use (manufacturing of ice) in an Agriculture and Forestry Management zoning district. The property is located at 10999 North Extension Road., Munro Township, Section 11, parcel #080-011-200-004-00. Manufacturing is a use which is not permitted by right or with a special use permit in an Agriculture and Forestry Management zoning district.

5.) **William Totten -** Requests a 125 ft. front setback variance to construct an addition to a dwelling and a deck in a Natural Rivers Protection zoning district. The property is located at 5447 Big Sky Trail, Koehler Township, Section 35, parcel #172-P23-000-054-00. A 200 ft. front 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 SEPTEMBER 23, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: Mary Street

Others Present: Scott McNeil, Carl Muscott, Brandon Griffith, Mike Passino, David Dodd, Tony Matelski, Russell Crawford, Cheryl Crawford

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

PLEDGE OF ALLEGIANCE
Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA
The agenda was presented. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to accept the agenda as presented. Motion carried. 4 Ayes

APPROVAL OF MINUTES
Minutes from the August 26, 2015 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

PUBLIC HEARING & ACTION ON REQUESTS
Brandon Griffith – Requests a 22.5 ft. front setback variance for construction of a second story and stairway addition on an existing dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11140 Pells Island View Drive., Munro Township, Section 30, parcel #080-B04-000-034-00. A front setback of 40 feet is required in this zoning district.

Mr. McNeil stated the applicant would like to construct a second story addition on an existing house which sets back 17.5ft. from the ordinary high water mark. Mr. McNeil stated a 22.5ft. front setback variance is required.

Mr. Griffith stated he prefers not to tear this cottage down as it is one of the older cottages on the lake however; it is too small for his family. Mr. Griffith stated the lot is smaller due to erosion over the last 50 years.

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

Mr. Freese stated the dwelling is a legal non-conforming structure and there are issues with the setbacks and the square footage of the dwelling. Mr. Freese stated the addition of a second story would alleviate the non-compliance with regard to minimum square footage requirement. Discussion was held. Mr. Freese asked if the stairway will be external to the building. Mr. Griffith stated that the stairway will be internal. Mr. Moore questioned if there will be a 6ft. addition at the back of the building. Mr. Griffith stated the 6ft. addition is for an internal stairway. Mr. Freese stated this is adding to the footprint of the building. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Moore noted there is a lot of room behind the dwelling for an addition. Mr. Freese stated the only way to alleviate the variance is to move the building back or put up a new building. Mr. Thompson stated the footprint is already there and this is going straight up from what already exists. Mr. Moore questioned if this is the least amount of variance necessary. Mr. Freese stated the proposed second story addition is not increasing or decreasing the existing setback. Mr. Freese and Mr. Moore noted the 6ft. addition will be inside the setback area. Mr. Thompson asked Mr. Griffith what will happen to the plan for the second story if there is no 6ft. addition to the back of the dwelling. Mr. Griffith stated he could still build the second story addition without the 6ft. addition for the stairway. Mr. Freese stated he does not have a problem with the second story addition but he does have a problem with increasing the footprint. Mr. Thompson asked if this will be a permanent residence. Mr. Griffith stated no but the house will be used throughout the year. Mr. Freese asked Mr. Griffith if he is willing to change the request to just building the second story within the existing footprint. Mr. Griffith stated yes.

The Zoning Board of Appeals reviewed the Findings of Fact and revised item 2, "The applicant is proposing to place a

second story addition to an existing dwelling which is located 17.5ft. from the high water mark." The Zoning Board of Appeals added the following to the General Findings:

4. The structure is legal non-conforming due to the setbacks and square footage.
5. The addition of a second story only would result in a building of 906.2sf thus meeting the 720sf requirement for a single family dwelling. The present building has a footprint of 453.25sf.

The Zoning Board of Appeals reviewed the Specific Findings of Fact Under Section 23.5.4 and revised 23.5.4.4, "Due to unique conditions of the property the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district. The addition of the second story will bring the structure into compliance for the required square footage and will not result in any additional incursion into the setback." The Zoning Board of Appeals approved the revised Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

Mike Passino - Requests a 6 ft. side setback variance to construct a lean-to addition to a dwelling and a 9 ft. front setback variance to construct a porch addition to a dwelling in a Commercial Development zoning district. The property is located on 6053 Prospect St., Tuscarora Township, Section 24, parcel #161-I31-006-004-00. A 10 ft. side setback and a 25 ft. front setback are required in this zoning district.

Mr. McNeil stated the applicant is requesting a 6ft. side setback variance to build a lean-to addition on the side of the dwelling. Mr. McNeil stated the applicant is also requesting a 9ft. front setback variance for a porch addition. Mr. McNeil stated this parcel is located in a Commercial Development zoning district where a 25ft. front setback is required and a 10ft. side setback is required.

Mr. Passino stated this is his primary residence and the front entryway is very small and the steps are out of code. Mr. Passino stated the side setback is a continuation of the garage roof.

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

Mr. Freese noted that this is a non-conforming structure that was built prior to zoning. Mr. Freese stated this structure does not meet the front or side setback requirements. Mr. Freese stated the proposed construction will be located in the front setback and side setback but does not extend beyond the existing building. Mr. Freese stated he can see the need for the roof over the front porch. Mr. Freese stated there is plenty of room to build a storage building which would serve the same purpose as the extension of the roof on the garage. Mr. Passino stated his concerns about the grade dropping down in front of the house. Mr. Passino stated the only available location would be by the river. Mr. Passino noted there is a 50ft. front setback requirement and this would move the shed into the side of the hill. Mr. Freese suggested putting the storage shed on the east side where it is not steep. Mr. Freese asked if Mr. Passino would like the Zoning Board of Appeals to look at this as two separate requests or one single request. Mr. Passino stated two separate requests.

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

4. The structure is legal non-conforming.
5. The roof extension for the porch will not extend into the setback any further than the garage which already exists.
6. Sufficient area is available on the lot to provide a site for a temporary storage building.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the variance request for the front porch roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street) **Motion** by Mr. Moore seconded by Mr. Hemmer, to deny the variance request for the extension of the garage roof based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

David Dodd - Requests a 5ft. front setback variance to construct a roof extension in a Commercial Development zoning district. The property is located on 575 West US-23., Beaugrand Township, Section 25, parcel #041-025-100-006-02. A 25ft. front setback is required in this zoning district.

Mr. McNeil stated that Mr. Dodd wishes to place a roof extension in front of his garage door at his existing business. Mr.

McNeil stated the variance request is actually 5ft. as a 25ft. front setback is required in the Commercial Development zoning district.

Mr. Dodd stated this is Commercial property which is on a state highway. Mr. Dodd stated this will be an extension of an existing roof. Mr. Dodd explained that snow and ice comes off of the roof in front of the door which is the only entrance into the shop. Mr. Dodd stated this roof extension will help keep the snow and ice out of entrance to the new door that was put in last year.

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

Mr. Freese stated this parcel is located on a state highway and there is a 150ft. right-of-way. Mr. Freese stated these 150ft. rights-of-way in the county are excessive. Mr. Freese stated this is a problem that he has brought up to the Planning Commission but the Planning Commission has decided it does not come up frequently enough to warrant any action and they do not want to do anything about these right-of-way problems.

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

5. The right-of-way for US 23 is 150ft. which is much wider than the usual 66ft. right-of-way that is on most other highways in the county.
6. The proposed roof extension will not extend into the setback any further than the existing building.
7. The parcel is an extremely narrow triangle with severe limits on the usable building space.
8. The present roof line results in ice and snow build up in front of the vehicle entrance door resulting in water entering the building.

The Zoning Board of Appeals reviewed and approved Specific Findings of Fact Under Section 23.5.4. **Motion** by Mr. Moore seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Moore, Thompson), 0 Nays, 1 Absent (Street)

UNFINISHED BUSINESS
No comments.

NEW BUSINESS
No comments.

ZBA COMMENTS
No comments.

PUBLIC COMMENTS
No comments.

ADJOURN
Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 7:32pm.

_____
Mary Street, Secretary

DRAFT

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

Virgil Kirila

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 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.

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

$100.-

RECEIPT #:	4716
CASH/CHECK:	1006
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
10883 HIGH BLUFFS DR.	CHEBOYGAN	GRANT / 23	
Property Tax I.D. (Parcel) Number: 151-023-200-026-00	Subdivision or Condo. Name / Plat or Lot No.		L & S

APPLICANT

Name	Telephone	Fax
VIRGIL KIRILA	(734) 397 0726	—

Address	City & State	Zip Code	E-Mail
10883 HIGH BLUFFS DR.	CHEBOYGAN MI.	49721	dtw339@yahoo.com

OWNER (If different from applicant)

Name	Telephone	Fax
—	—	—

Address	City & State	Zip Code
—	—	—

Detailed directions to site, including nearest crossroad:

WE ARE AT BOTTOM OF HILL ON THE LAKE BELOW "THE BLUFFS" LOCATED OFF OF DORIVA BEACH ROAD @ 10905 HIGH BLUFFS DRIVE, CHEBOYGAN MI. 49721

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: BACK LOT CANNOT BE SOLD! STAYS WITH FRONT LOT

B. This property is ☐ unplatted, ☒ platted, ☐ will be platted. If platted, name of plat _____

C. Present use of the property is: RESIDENTIAL

D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.

E. Attach a site plan drawn per the attached directions.

PERMIT # GR-0412-23 ISSUED JULY 13, 1995 FOR THIS GARAGE

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.

TO BUILD A GARAGE ON EXISTING CONCRETE FOUNDATION & GARAGE FLOOR. PROJECT STARTED MAY OF 1995 & BUILDING PERMIT ISSUED 7/13/1995.

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.

SEPTIC FIELD & TANKS ARE BEHIND THE GARAGE FLOOR AS IT STANDS NOW. REQUESTING 12' FRONT SETBACK TO A 9' SET BACK WHICH WILL KEEP THE GARAGE PROJECT IN COMPLIANCE.

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

JOHN KIRILA APPLIED FOR & RECEIVED BUILDING PERMIT ON 7/13/1995. HE PASSED AWAY ON 8/25/95 DAY ROOF TRUSSES ARRIVED. HE HAD INSTALLED NEW SEPTIC TANKS & FIELD THAT SUMMER

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

I WAS TRYING TO RESURECT THIS PROJECT BUT NOT AWARE OF SET BACK REQUIREMENTS/PROJECT BEING DOWN SCALED FROM (2) STORY BLDG. TO GARAGE W/10' CEILING.

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.

3' VARIANCE WILL ALLOW GARAGE TO BE CONSTRUCTED. WILL NOT IMPACT THE NEIGHBORS.

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.

A GRANTED VARIANCE SHOULD INCREASE PROPERTY VALUES ONCE GARAGE IS COMPLETED. THE CURRENT FLOOR ORIGINALLY POURED MAY OF 1995.

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 Virgil Kirila **Date** 9/14/15

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:**

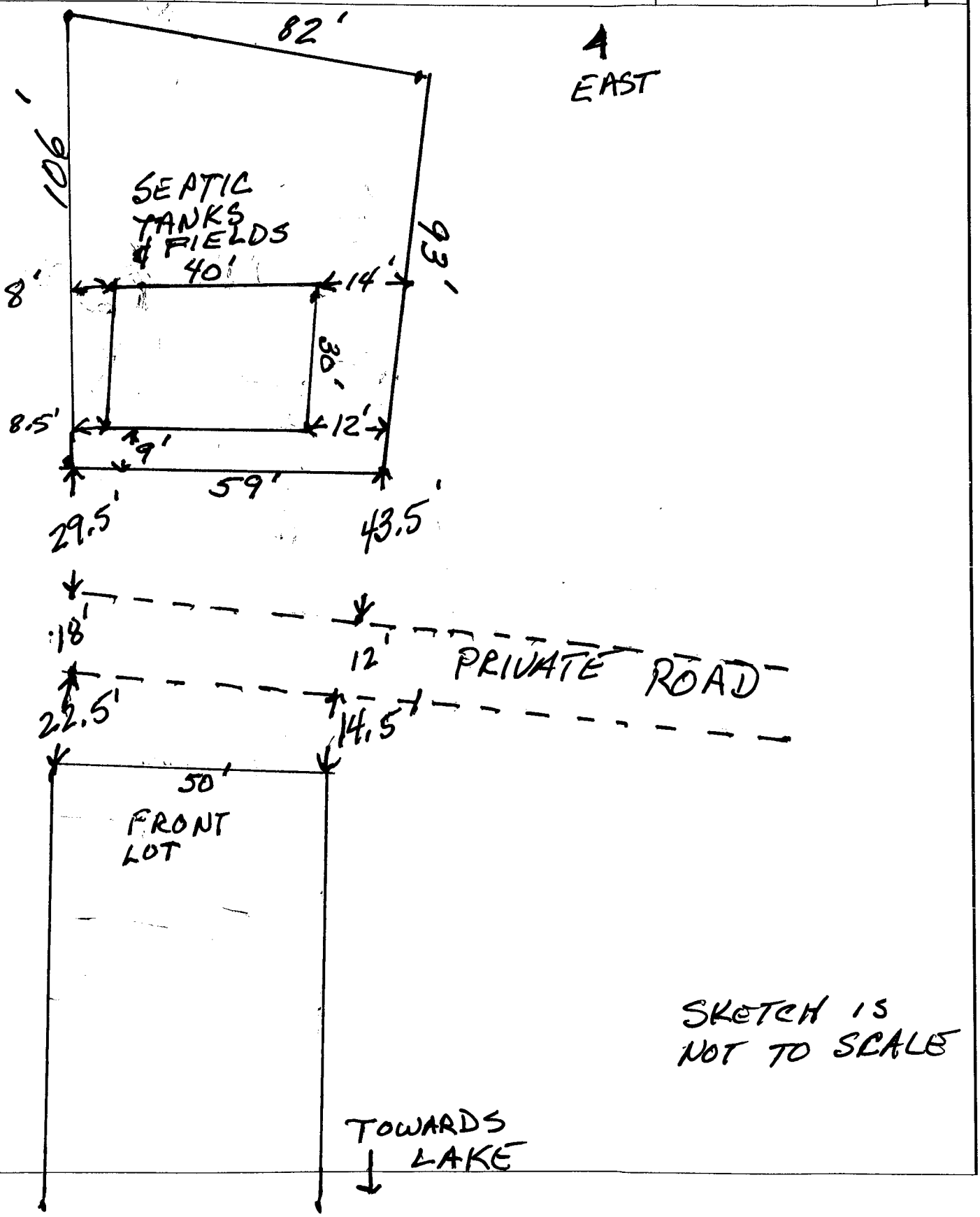
1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.
6. Parcels under separate ownership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

Distance from property line to proposed structure:

Front: 9' Rear: 54' Side: 8.→8.5' Side: 12'-14'

Zoning District:

North:



16-151-023-200-020-00
HARMAN, SANDRA L
5361 WYNDAM LN
BRIGHTON MI 48116-4704

16-151-023-200-021-00
LEPPLER, MABEL
10827 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-022-00
FARHAT, JOYCE & RAYMOND W/H
10843 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-022-01
FARHAT, JOYCE & RAYMOND W/H
10843 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-023-00
FARHAT, JOYCE & RAYMOND W/H
10843 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-024-00
TOMA, PETER III REVOC LIV TRUS
10859 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-025-00
PAKE, JOAN; MICHAEL CORDELL
43161 SINNAMON DR
CLINTON TOWNSHIP MI 48038-2493

16-151-023-200-026-00
KIRILA VIRGIL & CHERYL H/W
5468 MORNING VIEW TERRACE
BRIGHTON MI 48114

16-151-023-200-027-00
WEST, RAY & JUDITH H/W
10899 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-028-00
BLUFFS CAMPGROUND, LLC
10905 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-023-200-029-00
B4 SONS LLC
5045 BROWN RD
OREGON OH 43618

16-151-023-200-030-00
HAUTER, DONALD & JOYCE H/W
406 PARKLANE
WALBRIDGE OH 43465

16-151-023-200-031-00
GREENE, JAMES E
22504 ALEXANDRINE
DEARBORN MI 48124-1002

16-151-023-200-032-00
JOHNSON, JOHN F JR
4245 RIVER RD
TOLEDO OH 43614

16-151-023-200-033-00
SCHULTZ, MARK & MARY H/W
10955 HIGH BLUFFS DR
CHEBOYGAN MI 49721

16-151-024-100-001-00
STATE OF MICHIGAN

LANSING MI 48909

16-151-023-200-021-00
OCCUPANT
10827 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-022-00
OCCUPANT
10843 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-022-01
OCCUPANT
10850 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-023-00
OCCUPANT
10851 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-024-00
OCCUPANT
10859 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-025-00
OCCUPANT
10875 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-026-00
OCCUPANT
10883 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-027-00
OCCUPANT
10899 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-028-00
OCCUPANT
10905 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-029-00
OCCUPANT
10923 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-030-00
OCCUPANT
10931 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-031-00
OCCUPANT
10939 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-032-00
OCCUPANT
10947 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-023-200-033-00
OCCUPANT
10955 HIGH BLUFFS DR
CHEBOYGAN, MI 49721

16-151-024-100-001-00
OCCUPANT
2674 EISENS TRL
CHEBOYGAN, MI 49721

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE STAFF REPORT

Item: Request for a 3 ft. rear setback variance for construction of a garage. The property is zoned Lake and Stream Protection District (P-LS)	**Prepared by:** Scott McNeil
Date: October 20, 2015	**Expected Meeting Date** October 28, 2015

GENERAL INFORMATION

Applicant: Virgil Kirila

Property Owner: Same

Contact person: Same

Phone: 734-397-0726

Requested Action: Allow a 3 ft. rear setback variance from High Bluffs Drive for construction of a 30 ft. x 40 ft. garage on an existing foundation. A rear setback of 12 feet is required from High Bluffs Drive.

BACKGROUND INFORMATION

The subject parcel contains two portions based on a single legal description lying on each side of High Bluffs Drive. The lot lies in a north east to south west direction contrary to the direction indicated on the applicants drawing. An image of the subject site form the mapping system is provided with this report at the end of the proposed findings to illustrate the lay of the land and provide directions.

The property is currently improved with a residence on the south side of High Bluffs Drive. The applicant is seeking to construct a 30 ft. x 40 ft. garage on an+ existing foundation which is located on the portion of the lot lying on the north side of High Bluffs Drive. A 12 ft. rear set back is applied to High Bluffs Drive and the north portion of the lot.

You will note the applicant states that a permit was issued for the garage in 1995 on the first page of the application. On the last page of this report is a copy of a letter found in the permit file dated August 9, 1995 from Robert Meden, Zoning Administrator, which orders work to stop until proper setbacks are maintained.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection District.
South: Same
North: Same
East: Same

Surrounding Land Uses:

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

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

Public Comments:

1. None

VARIANCE CONSIDERTIONS

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

General Findings

1. The property is located in a Lake and Stream Protection (P-LS) zoning district. A 12 foot setback from High Bluffs Drive, a 12 setback is required in this zoning district.
2. High Bluffs Drive is a private road which bisects the subject lot.
3. The applicant is proposing to construct a garage measuring 40 ft. wide and 30 ft. deep on an existing foundation on the portion of the lot lying north easterly of High Bluffs Drive.
4. The applicant is seeking a 3 ft. rear lot line setback variance to construct the garage on the existing foundation.
5. An existing dwelling is located on the portion of the lot located southerly of High Bluffs Drive.
6.
7.

23.5.4. (Rev. 09/11/04, Amendment #36)
A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following;

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

The property is bisected by High Bluffs Drive, 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 is due to High Bluffs Drive bisecting the lot and is not the result of actions of the property owner or previous property owners.

OR, the need for the variance is due to the desire to use an existing foundation and is the result of actions of previous property owners.

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

Due to the location of High Bluffs Drive, the proposed garage to will require a variance and conformity with setback regulations is deemed unnecessarily burdensome.

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

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

Due to the location of High Bluffs Drive, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

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

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

Granting the variance will provide an 9 ft. rear setback contiguous to High Bluffs Drive, 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 9 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.

500 feet
151-014-200-001-00
151-013-102-001-00
151-023-200-001-00
151-023-200-019-01
DORIVA BEACH RD
Doriva Beach Road
High Bluffs Drive
North
151-023-200-018-01
151-023-200-018-00
Drive to The Bluffs
Bar/Restaurant
151-023-200-020-00
151-023-200-019-00
151-023-200-028-00
151-024-100-001-00
151-023-200-020-01
151-023-200-021-00
Subject Lot
HIGH BLUFFS DR
151-023-200-022-00
151-023-200-023-00
Black Lake
151-023-200-024-00
151-023-200-025-00
151-023-200-026-00
151-023-200-027-00

CHEBOYGAN COUNTY
CONSTRUCTION CODE DEPT.

P.O. BOX 70
COUNTY BUILDING
CHEBOYGAN, MICHIGAN 49721
(616) 627-8813

COPY

August 9, 1995

John Kirila
10883 High Bluffs Drive
Cheboygan, Michigan 49721

Dear Mr. Kirila:

Re: Building Permit #GR-C412-23

This letter is a follow up to our telephone conversation of August 9, 1995.

Since I spoke to you, I have obtained information that would indicate to me that your property is two separate descriptions, separated by a County Road. This differs from the information you furnished on your site plan.

The purpose of this letter is to inform you to stop work on this project until such time as proper setbacks are maintained or other corrective measures are taken to bring the building into compliance.

Thanking you in advance for your anticipated cooperation.

Sincerely,

Robert E. Meden,
Zoning Administration

bw

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

Monica Algate / T.B. Chapman Construction, Inc.

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (8 Pages)
4. Mailing List (4 Pages)
5.
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

$100.00 APPLICATION FEE

$100.-

RECEIPT #:	4764
CASH/CHECK:	2820
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
6901 Grace St.	Indian River	tus. / 24	P-LS
Property Tax I.D. (Parcel) Number: 161-S79-000-008-00	Subdivision or Condo. Name / Plat or Lot No.: sturgeon island shores lot 8		

APPLICANT

Name	Telephone	Fax	
Thomas chapman- T.B. Chapman Construction, Inc.	231-420-4477	231-238-9017	
Address	**City & State**	**Zip Code**	**E-Mail**
139 Blue Water Dr.	Indian River, MI	49749	tbchapmanconstruction@msn.com

OWNER (If different from applicant)

Name	Telephone	Fax
Monica Algate	231-238-0959	
Address	**City & State**	**Zip Code**
po box 814	Indian River, MI	49749

Detailed directions to site, including nearest crossroad:
take barbara ave in indian river west from south straits highway. continue to bridge to sturgeon island which is grace st.
continue on grace street and parcel will be 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: _____

B. This property is ☐ unplatted, ☒ platted, ☐ will be platted. If platted, name of plat Sturgeon Island Shores

C. Present use of the property is: Residential

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.
Would like to remove current exterior pergola and add a 35'w x 15'd 4 season conditioned sunroom.

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 requested variance is due to the unique property size and proximity to water.

b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
This variance is not the result of any actions taken by current or previous owners. it's the result of the property depth being 81' to the south and 57' to the north.

c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome
Due to the minimal depth of this property the 40' setback boundary current intersects the house from south to north with the south setback line approx. 10' into the current building footprint.

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.
The requested variance brings the sunroom toward the water only 15' from current 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.
No adverse impact to surrounding property owners would be impacted due to this sunroom addition since the sunroom addition does not block any views or access to adjacent 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 Monica V. Alzate Date 10-3-2015

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 Thomas Chapman- President T.B. Chapman Construction, Inc. Date 10-2-2015

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.
   Would like to remove current exterior pergola and add a 35'w x 15'd 4 season conditioned sunroom.

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 requested variance is due to the unique property size and proximity to water.

   b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
   This variance is not the result of any actions taken by current or previous owners. it's the result of the property depth being 81' to the south and 57' to the north.

   c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome
   Due to the minimal depth of this property the 40' setback boundary current intersects the house from south to north with the south setback line approx. 10' into the current building footprint.

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   The requested variance brings the sunroom toward the water only 15' from current 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.
   No adverse impact to surrounding property owners would be impacted due to this sunroom addition since the sunroom addition does not block any views or access to adjacent 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 see signature previous page Date

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 Thomas Chapman- President T.B. Chapman Construction, Inc. Date 10-2-2015

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

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

Distance from property line to proposed structure:	Zoning District:	North:
Front: 21'1" Rear: 9'3" existing Side: 7'3" existing Side: 11'11"	P-LS	

SEE ATTACHED

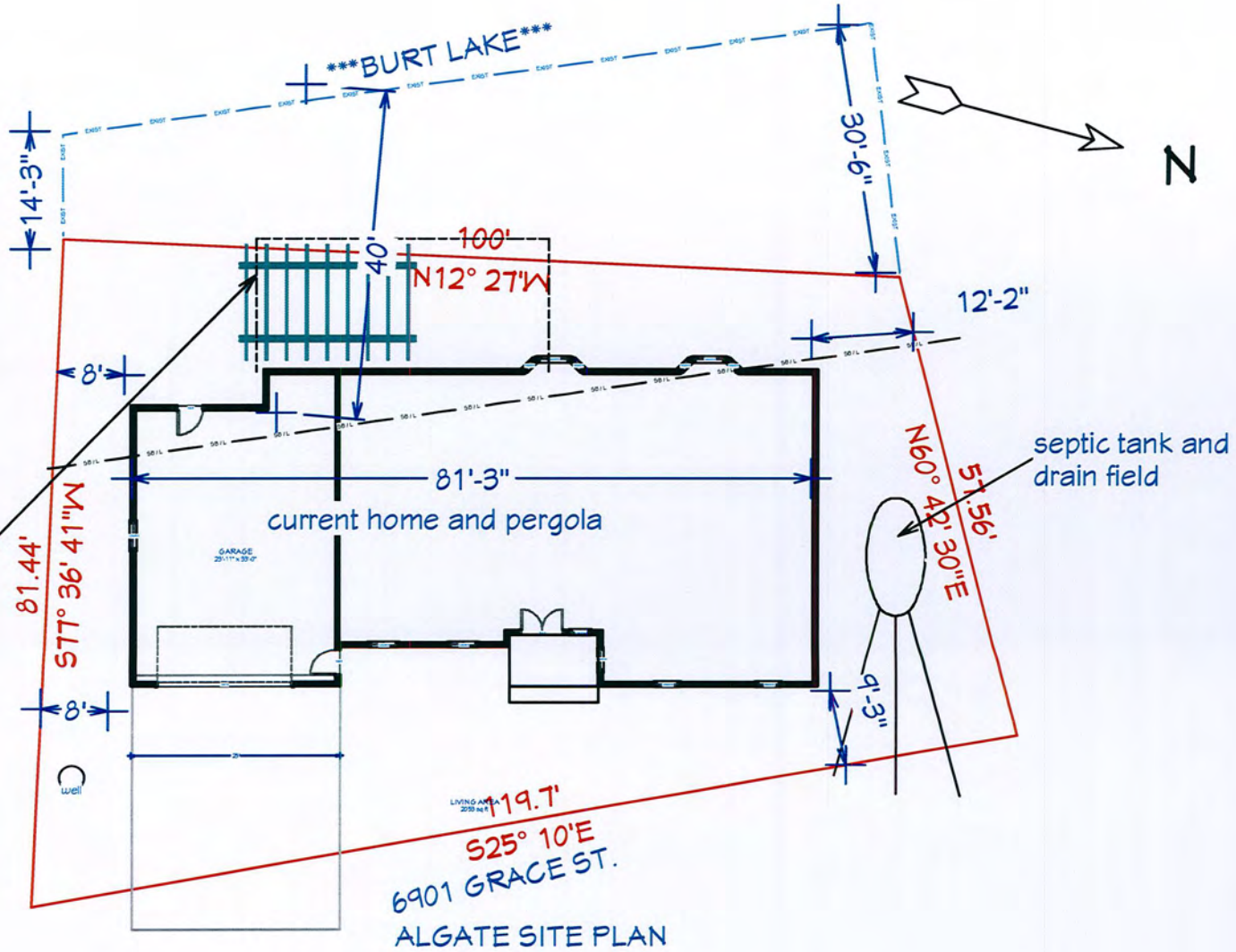
PROPERTY LINE DETAIL
AS PER ATTACHED
SURVEY

*actual lot lines

*set back line
lakeside

exist high water line

proposed 35' x 15' sunroom
addition



ALGATE SITE PLAN

35588

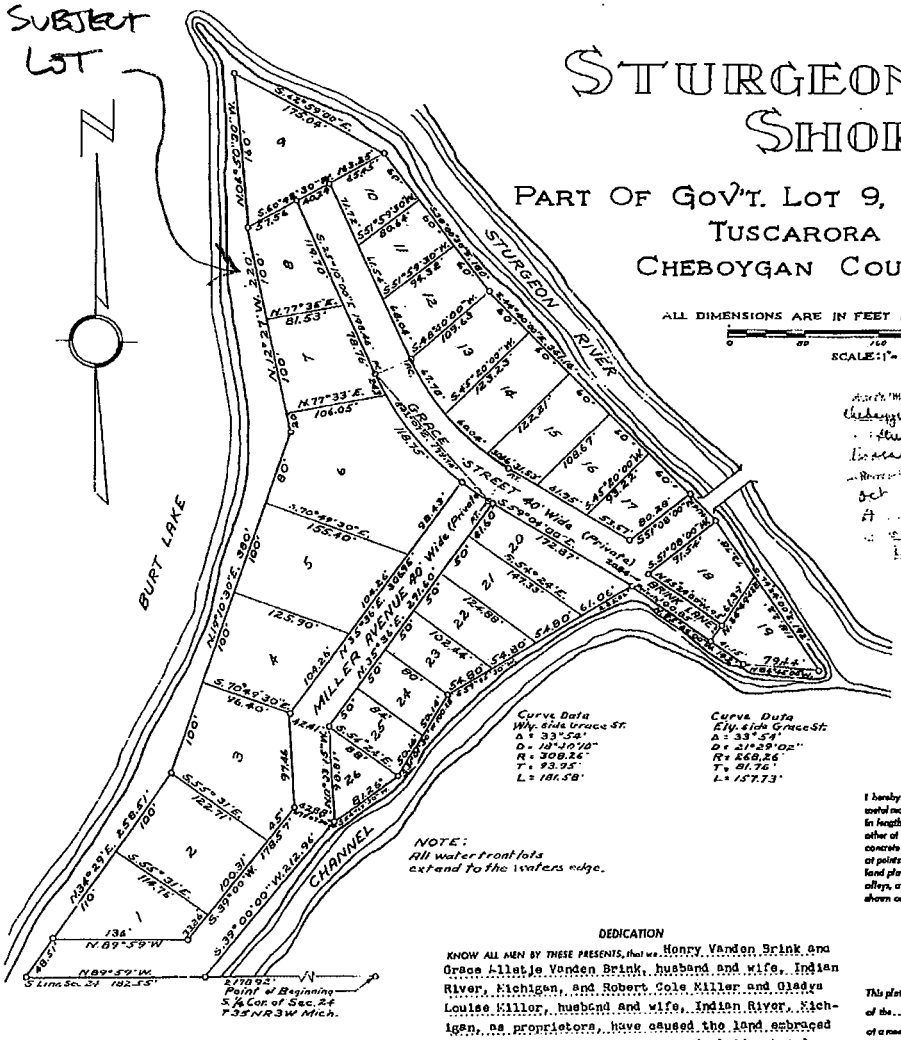
STURGEON ISLAND SHORES

PART OF GOV'T. LOT 9, SEC. 24, T. 35 N., R. 3 W.
TUSCARORA TOWNSHIP
CHEBOYGAN COUNTY, MICHIGAN

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

0 80 160 250 320

SCALE: 1" = 80'



DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of Sturgeon Island Shores, Part of Gov't. Lot 9, Section 24, Town 35 North, Range 3 West, Tuscarora Township, Cheboygan County, Michigan, comprised of 26 lots. All lots extend to the waters edge is described as follows

Commencing at the South 1/4 corner of Section 24, Town 35 North, Range 3 West Michigan; thence North 89 degrees 59 minutes West along the South side of said Section 24, 2178.92 feet to the place of beginning of this description; thence North 89 degrees 59 minutes West 182.55 feet; thence along the shore of Burt Lake North 34 degrees 29 minutes East 258.51 feet; thence North 19 degrees 10 minutes 30 seconds East 380 feet; thence North 12 degrees 27 minutes West 220 feet; thence North 04 degrees 50 minutes 30 Seconds West 160 feet; thence along the bank of the Sturgeon River, South 62 degrees 59 minutes East 175.04 feet; thence South 38 degrees 00 minutes 30 Seconds East 180 feet; thence South 44 degrees 40 minutes East 341.14 feet; thence South 34 degrees 24 minutes East 192 feet; thence along the Channel, North 84 degrees 45 minutes 00 seconds West 79.44 feet; thence North 55 degrees 24 minutes 00 seconds West 142 feet; thence South 59 degrees 45 minutes 30 seconds West 225.46 feet; thence South 31 degrees 01 minutes 30 seconds West 100.28 feet; thence South 54 degrees 17 minutes 30 seconds West 81.26 feet; thence South 39 degrees West 212.96 feet to the place of beginning of this description.

APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 5th day of October 1956 by the Cheboygan County Board of Road Commissioners.

Arnold W. Ostrander (Chairman)

Charles T. Lathers (Member)

Tom Baker (Member)

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we, Henry Vanden Brink and Grace Alletje Vanden Brink, husband and wife, Indian River, Michigan, and Robert Cole Miller and Gladys Louise Miller, husband and wife, Indian River, Michigan, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as Sturgeon Island Shores, part of Gov't. Lot 9, Section 24, Town 35 North, Range 3 West, Tuscarora Township, Cheboygan County, Michigan, and that the Streets as shown on said plat are hereby dedicated to the use of the lot owners only.

Signed and Sealed in the Presence of:

Alice L. Smith (Witness) — Henry Vanden Brink (L.S.)

R. E. Smith (Witness) — Grace Alletje Vanden Brink

Robert Cole Miller

Gladys Louise Miller (L.S.)

ACKNOWLEDGMENT

STATE OF MICHIGAN
County of Cheboygan } ss.

On this 28th day of September A.D. 1954, before me, a Notary Public in and for said county, personally come the above named Henry Vanden Brink and Grace Alletje Vanden Brink, husband and wife, and Robert Cole Miller and Gladys Louise Miller, husband and wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be his free act and deed as such

R. E. SMITH
Notary Public in and for Cheboygan County.
My Commission expires January 13, 1958.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, or shorter bars of not less than one-half inch in diameter topped over each other at least 6 inches with an over-all length of not less than 48 inches, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (.o.) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

Joseph F. Doyle
Registered Land Surveyor or Registered Professional Engineer
Joseph F. Doyle

MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Tuscarora at a meeting held Sept. 23 - 1954.

Bernard King (Clerk)

APPROVAL BY BOARD OF COUNTY AUDITORS

Approved by the Board of County Auditors of Cheboygan County, Michigan, this 28th day of Sept. 1954.

Roland C. Parks (Chairman)

George D. Nimmo

William H. Donboy

APPROVAL BY COUNTY PLAT BOARD

This plat was approved on the 28 day of September 1954.

Anna R. Fisher (County Register of Deeds)

Ardis I. Hancock (County Clerk)

Donald R. McRae (County Treasurer)

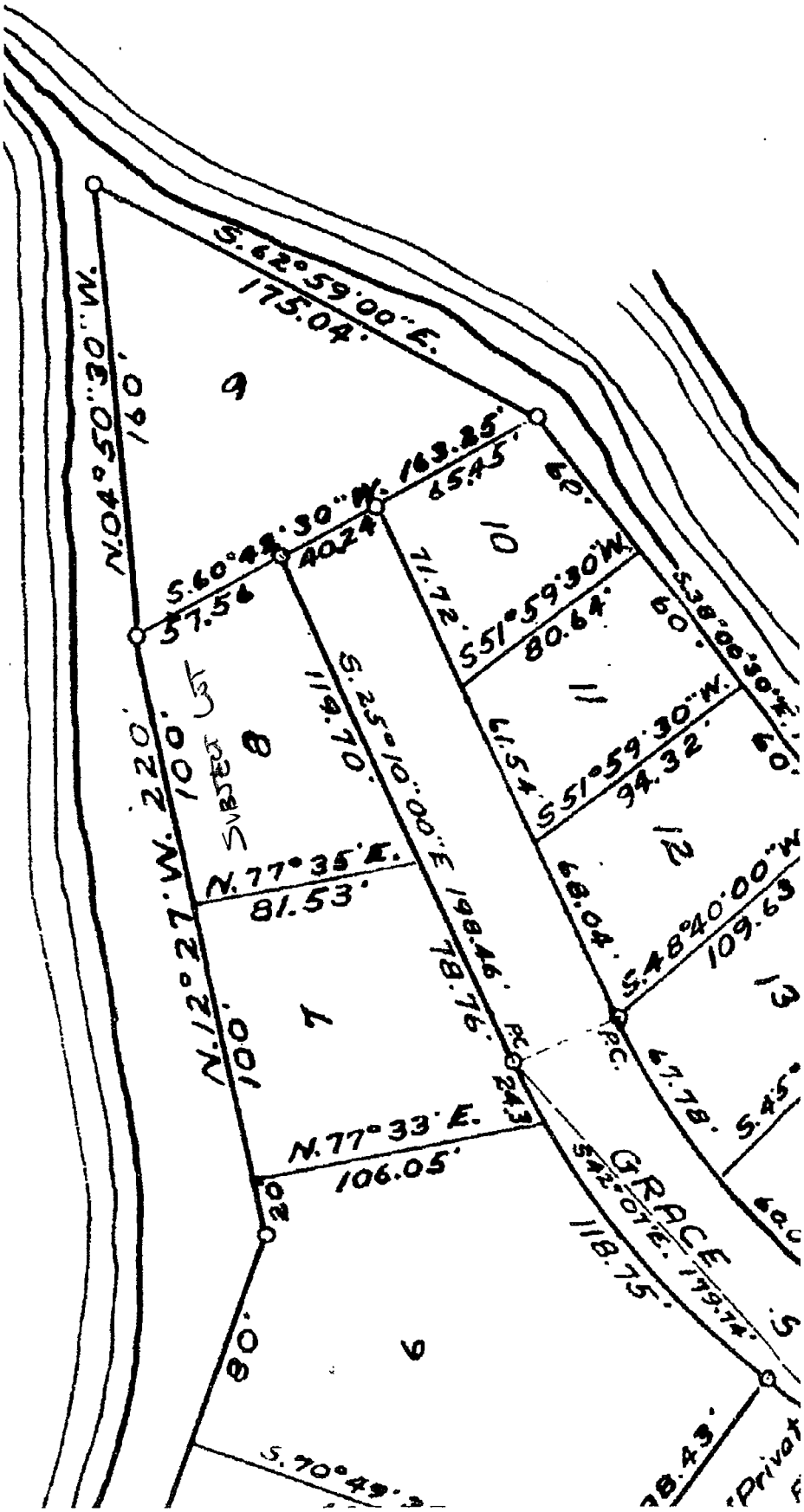
COUNTY TREASURER'S CERTIFICATE

Office of County Treasurer, Cheboygan County.

I hereby certify, that there are no tax liens or titles held by the State on the lands described hereon, and that there are no tax liens or titles held by individuals on said lands, for the five years preceding the 28 day of Sept. 1954, and that the taxes for said period of five years are all paid, as shown by the records of this office.

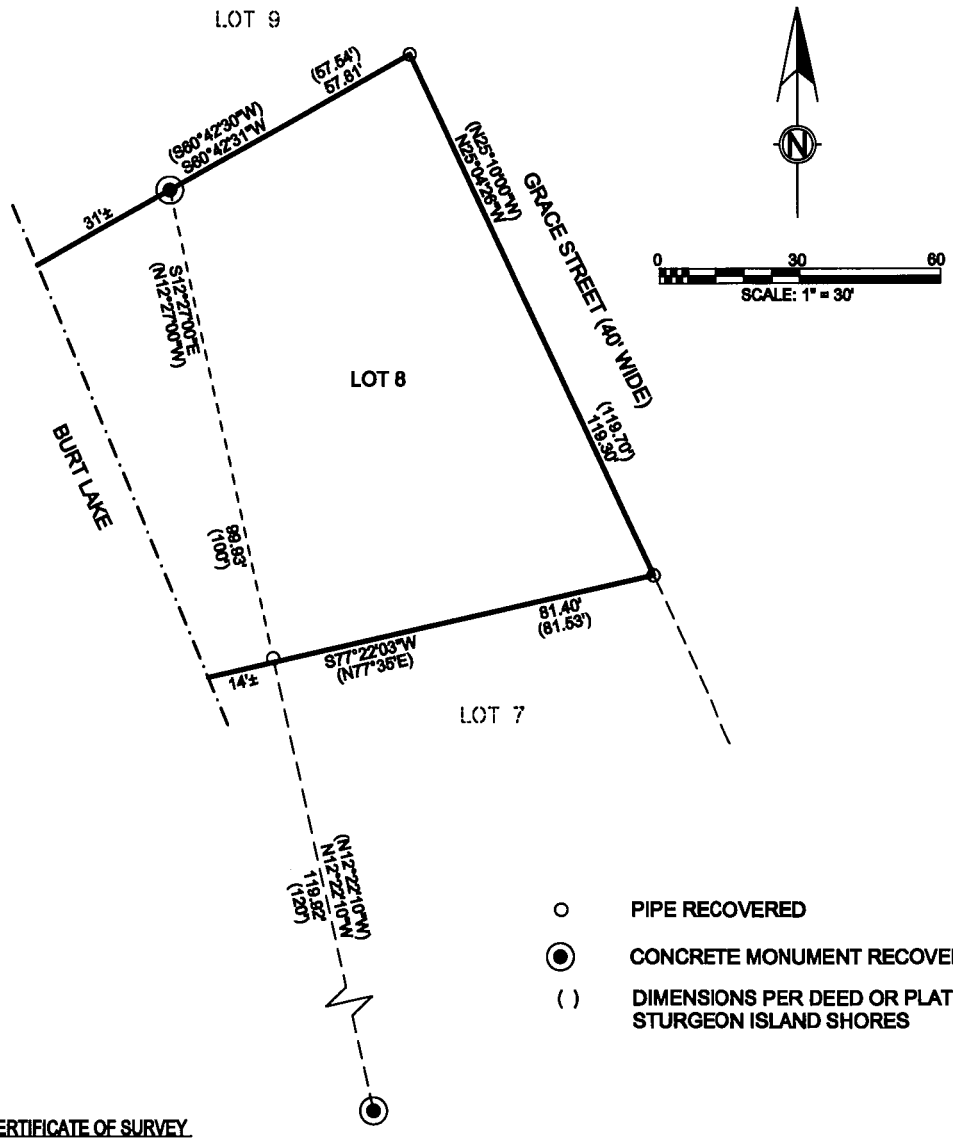
This certificate does not apply to taxes, if any, now in process of collection by township, city or village collecting officers.

Donald R. McRae (County Treasurer)


S.62°59'00"E.
175.04'
N.04°50'30"W.
160'
9
S.60°48'30"W.
163.25'
65.45'
40.24
57.56
60'
10
71.72'
S.51°59'30"W.
80.64'
S.38°00'30"E.
60'
11
61.54'
S.51°59'30"W.
94.32'
60'
12
S.25°10'00"E
119.70'
198.46'
78.76'
8
SUBJECT LOT
N.12°27'W.
220'
100'
N.77°35'E.
81.53'
7
100'
68.04'
S.48°40'00"W
109.63
13
P.C.
P.C.
24.3
67.78'
S.45°
N.77°33'E.
106.05'
20
GRACE
S.42°07'E.
179.74'
118.75'
80'
6
S.70°49'
Privat

CERTIFICATE OF SURVEY

LOT 8, STURGEON ISLAND SHORES, SECTION 24, T35N-R3W, TUSCARORA TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



○ PIPE RECOVERED

◉ CONCRETE MONUMENT RECOVERED

( ) DIMENSIONS PER DEED OR PLAT OF STURGEON ISLAND SHORES

CERTIFICATE OF SURVEY

I, THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL OF LAND, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NO GREATER THAN 1 IN 5,000 AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF P.A. 132 OF 1970 AS AMENDED.

BRIAN K. FULLFORD
PROFESSIONAL SURVEYOR
REGISTRATION NO. 41099

FOR:	SEC.24 T35N, R3W FB: TUSC-15	DRAWN: JLE CHECK: BKF	PROJECT NO. 07-048S
NATHAN BECK	FULLFORD SURVEYING & MAPPING, P.C. PO BOX 969 5097 S. STRAITS HIGHWAY, SUITE A INDIAN RIVER, MI 49749 PHONE: 231-238-9199 FAX: 231-238-9195		

16-161-024-300-316-00
ERIKSEN, BONNIE M, TRUSTEE
PO BOX 117
INDIAN RIVER MI 49749

16-161-024-300-317-00
DIAMOND PROPERTIES OF MICHIG
13676 HILLTOP DR W
PLYMOUTH MI 48170-5376

16-161-024-300-322-00
ERIKSEN, BONNIE M, TRUSTEE
PO BOX 117
INDIAN RIVER MI 49749

16-161-024-300-323-00
MOTLEY, RICHARD W & JUDY H/W
620 S SILVERY LN
DEARBORN MI 48124

16-161-024-300-324-00
HATFIELD, WILLIAM L/EWPTS &
PO BOX 419
INDIAN RIVER MI 49749

16-161-B02-000-001-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-002-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-003-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-004-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-005-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-006-00
BARRIS, JENNIFER JANE
4169 MOUNTAIN VIEW CT
FREELAND MI 48623

16-161-B02-000-007-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-008-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-009-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-010-00
PRAITHER, WILLIAM & DIAN H/W
5570 CRENTON DR
WESTERVILLE OH 43081

16-161-B02-000-011-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-012-00
HAMILTON, KERRY & WAVE H/W
13808 ROCKY RIDGE
HARTLAND MI 48353

16-161-B02-000-013-00
ZIMMERMAN, VIRGINIA
6281 E STATE RD, 114-92
ROANOKE IN 46783

16-161-B02-000-014-00
REINECKER, WAYNE & JOYCE, CO-
4252 WALSH RD
WHITMORE LAKE MI 48189-9629

16-161-B02-000-015-00
VANDERVEEN, EVELYN E
1866 CASCADE FARMS SE
GRAND RAPIDS MI 49546

16-161-B02-000-016-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-017-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-018-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-019-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-020-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-021-00
SAWAYA, GEORGE JR & CYNTHIA
6338 BALMORAL CT
WESTLAND MI 48185

16-161-B02-000-022-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-023-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-024-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-025-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-026-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-027-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-028-00
BROWN, WILLIAM & JAYNE H/W
819 WEST OLIVER ST
OWOSSO MI 48867

16-161-B02-000-029-00
STOCK, ALBERT M & BARBARA A
735 E GRAND RIVER, PO BOX 575
FOWLERVILLE MI 48836

16-161-B02-000-030-00
KUBIAK, RONALD & MARGARET H/
12934 BERSFORD DR
STERLING HEIGHTS MI 48313

16-161-B02-000-031-00
FALQUET, LARRY & MARY H/W
5945 BERRY LN
INDIAN RIVER MI 49749

16-161-B02-000-032-00
PFEFFER, JOHN & KRISTIN H/W
225 E GRAND RIVER
BRIGHTON MI 48116

16-161-B02-000-033-00
CROWLEY, PAUL & GERTRUDE H/
2 BUFFALO CT
LE CLAIRE IA 52753

16-161-B02-000-034-00
BURT LAKE MARINA, INC
PO BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-035-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-036-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-037-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-038-00
CRAMTON, MICHAEL
3936 DORIS AVE
INDIAN RIVER MI 49749

16-161-B02-000-039-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-040-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-041-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-042-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-043-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-044-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-B02-000-045-00
BURT LAKE MARINA, INC
BOX 550
INDIAN RIVER MI 49749

16-161-S79-000-004-01
FISHER, JOHN & JULIE H/W
1414 CRESCENT DR
MIDLAND MI 48640

16-161-S79-000-005-00
FISHER, JOHN & JULIE H/W
1414 CRESCENT DR
MIDLAND MI 48640

16-161-S79-000-006-00
EARLOON LLC
2540 KOALA DR
EAST LANSING MI 48823

16-161-S79-000-007-00
WEILER, TIMOTHY & KENDRA CLE
3558 DARCY DR
BLOOMFIELD HILLS MI 48301

16-161-S79-000-008-00
ALGATE, MONICA U
PO BOX 814
INDIAN RIVER MI 49749

16-161-S79-000-009-00
REARDON, MICHAEL ET UX
PO BOX 2160
INDIAN RIVER MI 49749

16-161-S79-000-010-00
EOLL, GREGORY, EST OF PI
471 SILVER SHANDON DR
SAN MARCOS CA 92078

16-161-S79-000-014-00
MYERS, KIRK & ROBIN
8580 W EATON HWY
GRAND LEDGE MI 48837

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

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

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

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

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

16-161-024-300-316-00
OCCUPANT
6911 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-024-300-317-00
OCCUPANT
6923 BARBARA AVE
INDIAN RIVER, MI 49749

16-161-024-300-322-00
OCCUPANT
6905 BARBARA AVE
INDIAN RIVER, MI 49749

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

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

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

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

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

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

16-161-S79-000-009-00
OCCUPANT
6908 GRACE ST
INDIAN RIVER, MI 49749

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

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

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

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

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

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

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

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE
STAFF REPORT

Item: A 26ft. front setback variance request to allow construction of a sun room. The property is zoned Lake and Stream Protection District (P-LS)	**Prepared by:** Scott McNeil
Date: October 20, 2015	**Expected Meeting Date:** October 28, 2015

GENERAL INFORMATION

Applicant: T.B. Chapman Construction

Property Owner: Monica Algate

Contact person: Tom Chapman

Phone: 231-420-4477

Requested Action: Approve a 6 ft. front setback variance to allow a 34 ft. front setback for construction of a new deck addition.

BACKGROUND INFORMATION

The applicant is seeking a 26 ft. front setback variance to construct a 15 ft. x 35 ft. sunroom addition to an existing dwelling structure. The existing dwelling is located within the front setback from Burt Lake. A pergola currently exists in the location where the sunroom is proposed. I find no permits for a pergola or similar structure on the computerized permit system.

A 40 ft. front setback is required for waterfront property in this zoning district.

Surrounding Zoning:

North: P-LS, Lake and Stream Protection District.
West: Same
South: Same
East: Same

Surrounding Land Uses:

Residential land uses surround subject property.

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

The site does not contain any known sensitive areas. The subject site is located on Burt Lake.

Public Comments:

None

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Lake and Stream Protection (P-LS) zoning district.
2. A front setback of 40 feet is required per Section 17.1.
3. The applicant is seeking a 26 ft. front setback variance to allow construction of a 15 ft. x 35 ft. sunroom addition to an existing dwelling to be located 14 ft. from the front lot line and high water mark of Burt Lake..
5. The existing dwelling structure is located within the front setback.
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 existing dwelling structure is located with the front setback which is a unique physical condition.

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).

Regarding side setback:

The need for the variance is due to unique circumstances relative to the location of the existing dwelling structure and is not the result of action of the property owner or previous property owners.

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

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

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

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

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

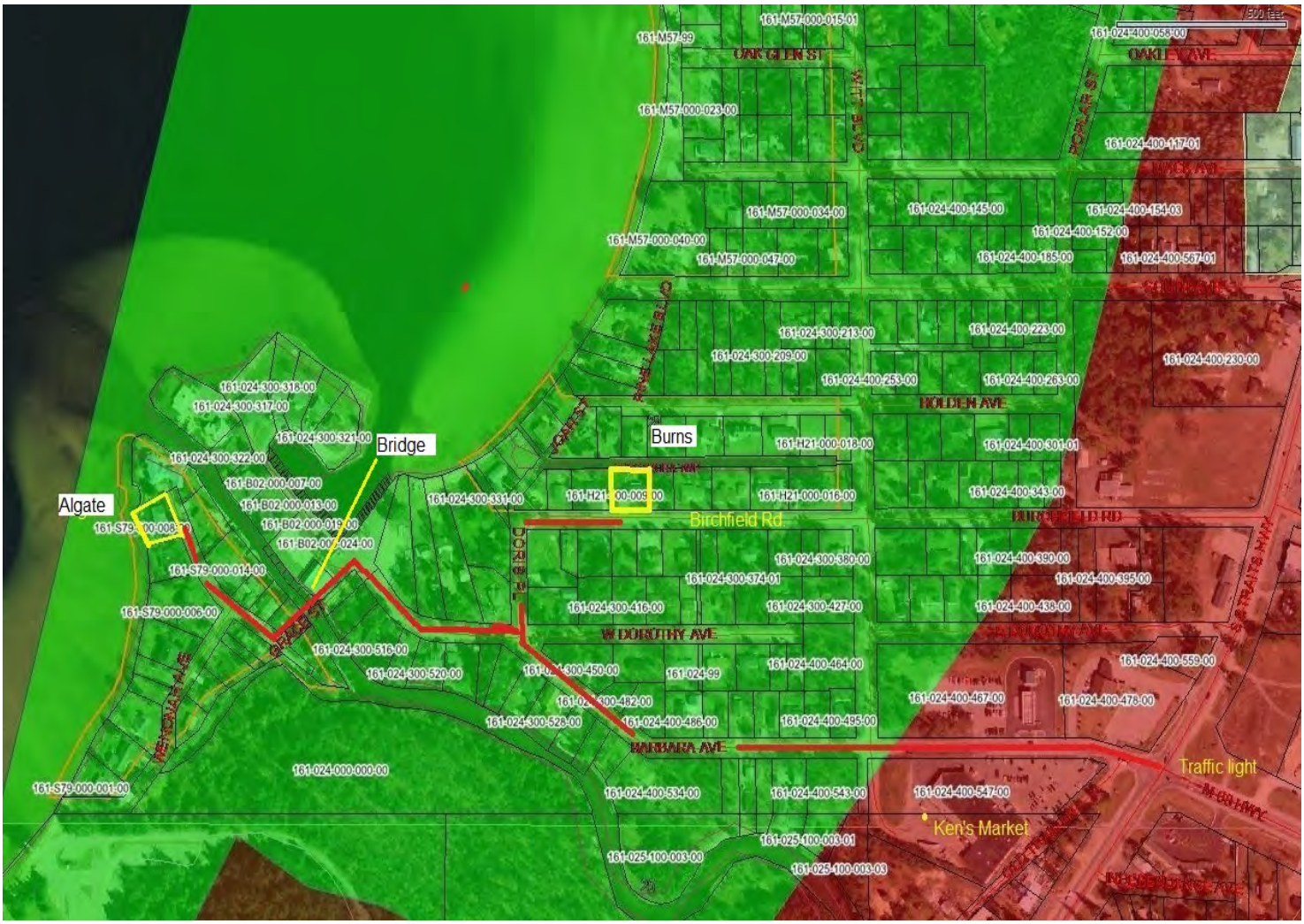
Due to the location of the existing dwelling structure, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

OR, The variance request does not represent the minimum necessary to grant reasonable relief and other options exist **and/or** granting the variance will not do substantial justice to other property owners in the district

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

Granting a variance to allow a 14 ft. front setback will not cause an adverse impact on surrounding property, property values and/or the use and enjoyment of property in the neighborhood or zoning district due to like conditions in the neighborhood.

OR, Granting a variance to allow a 14 ft. front setback variance will cause an adverse impact on surrounding property and/or property values and/or the use and enjoyment of property in the neighborhood



Algate
Bridge
Burns
Birchfield Rd
Traffic light
Ken's Market
OAK GLEN ST
OAKLEY AVE
HOLDEN AVE
BIRCHFIELD RD
W DOROTHY AVE
BARBARA AVE
DORIS PL
GRACE ST
WENONAH AVE
POPLAR ST
161-M57-99
161-M57-000-015-01
161-M57-000-023-00
161-M57-000-034-00
161-M57-000-040-00
161-M57-000-047-00
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161-024-400-152-00
161-024-400-185-00
161-024-400-567-01
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161-024-400-223-00
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161-B02-000-019-00
161-B02-000-024-00
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161-S79-000-006-00
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161-024-400-390-00
161-024-400-395-00
161-024-400-438-00
161-024-300-516-00
161-024-300-520-00
161-024-300-450-00
161-024-99
161-024-400-464-00
161-024-400-559-00
161-024-300-482-00
161-024-400-467-00
161-024-400-478-00
161-024-300-528-00
161-024-400-486-00
161-024-400-495-00
161-024-000-000-00
161-S79-000-001-00
161-024-400-534-00
161-024-400-543-00
161-024-400-547-00
161-025-100-003-01
161-025-100-003-00
161-025-100-003-03

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

Kim and Sandy Bruns

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Mailing List (4 Pages)
5.
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

$100.00 APPLICATION FEE

$100.—

RECEIPT #:	4780
CASH/CHECK:	4129
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
6642 BURCHFIELD RD.	INDIAN RIVER	TUSC.	P-LS
Property Tax I.D. (Parcel) Number: 16-161-H21-000-009-00	Subdivision or Condo. Name / Plat or Lot No.: HARBOR SHORES 8/9		

APPLICANT

Name	Telephone	Fax	
KIM AND SANDY BRUNS	616-295-4406 616-648-9410	N/A	
Address	**City & State**	**Zip Code**	**E-Mail**
6642 BURCHFIELD RD	INDIAN RIVER	49749	SANDYSNURR@GMAIL.com

OWNER (If different from applicant)

Name	Telephone	Fax
SAME		
Address	**City & State**	**Zip Code**

Detailed directions to site, including nearest crossroad:
STMAITS TO BURCHFIELD

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

I. **Property Information**

A. List all known deed restrictions: NONE

B. This property is ☐ unplatted, ☒ platted, ☐ will be platted. If platted, name of plat _____

C. Present use of the property is: RESIDENTIAL

D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.

✓ E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

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

Build 3 SEASON ROOM ATOP EXISTING DECK
3 SEASON ROOM DIMS 10' x 18'.
DECK IS 10' x 30'

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.

Deck is existing and installed before current zoning regulations

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

see 2a Above

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

Desire to use existing structure

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.

House does not leave room for a porch.

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.

House is situated similarly like other properties in neighborhood.

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 Kim A. Burns **Date** Oct. 8, 2015

AFFIDAVIT

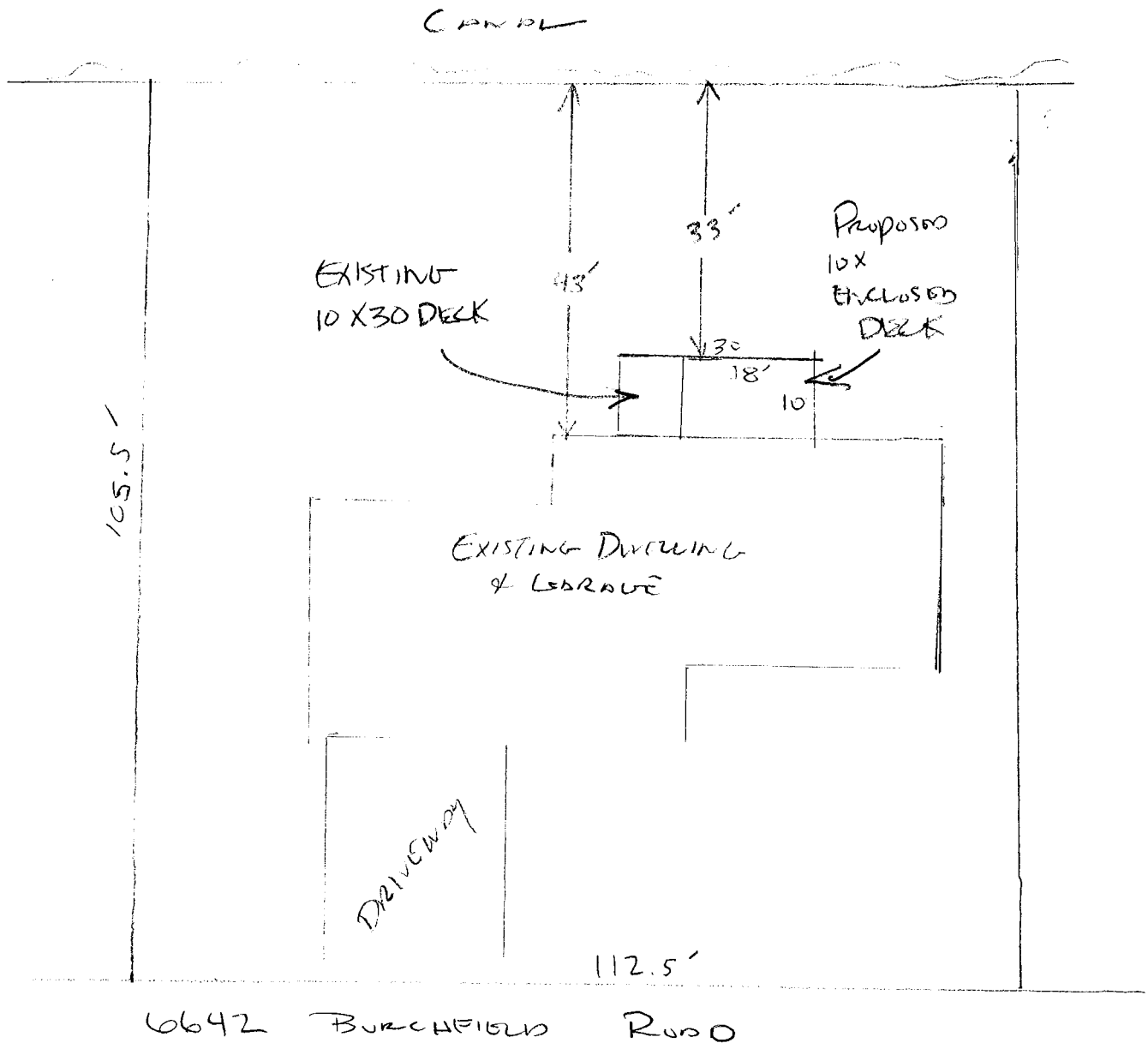
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature _____ **Date** _____

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

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

Distance from property line to proposed structure:	**Zoning District:**	**North:**
Front: _____ Rear: _____ Side: _____ Side: _____	PLS	↑



6642 BURCHFIELD ROAD

16-161-024-300-201-00
HYATT, GRANT & MICHELLE H/W
13676 HILLTOP DR WEST
PLYMOUTH MI 48170

16-161-024-300-205-00
HENDERSON, HARRY & ELIZABET
33721 FERNWOOD
WESTLAND MI 48186

16-161-024-300-206-00
EICHHORN, THERESE
4525 PRINCE ALBERT WAY
LEXINGTON KY 40515

16-161-024-300-238-00
PITTMAN, BILLY & JOYCE H/W
PO BOX 485
INDIAN RIVER MI 49749

16-161-024-300-239-00
DURHAM, DAVID & JOANNE H/W
PO BOX 522
INDIAN RIVER MI 49749

16-161-024-300-240-00
HEAD, MARGARET JANE
PO BOX 775
INDIAN RIVER MI 49749

16-161-024-300-241-00
PITTMAN, BILLY F & JOYCE H/W
PO BOX 485
INDIAN RIVER MI 49749

16-161-024-300-242-00
HENDERSON, HARRY & ELIZABET
33721 FERNWOOD
WESTLAND MI 48186

16-161-024-300-363-00
GROVER, LEANNE, TTEE
24002 ROBINWOOD ST
LEESBURG FL 34748

16-161-024-300-365-00
DORFFER, MARGARET V
2973 N WEST LEBANON RD
DALTON OH 44618

16-161-024-300-366-00
MCGRAW, PATRICK & SUSAN H/W
5220 OVERHILL DR
SAGINAW MI 48603-1727

16-161-024-300-368-00
SPOHN, DANIEL & MARGO H/W
9346 W SCENIC LAKE DR
LAINGSBURG MI 48848

16-161-024-300-370-00
WEBER, WILLIAM & PATRICIA H/W
120 EAST GLOUCESTER DR
SAGINAW MI 48609

16-161-024-300-371-00
MATTS, BETTY LOU
6619 BURCHFIELD RD
INDIAN RIVER MI 49749

16-161-024-300-373-00
MATTS, BETTY LOU
6619 BURCHFIELD RD
INDIAN RIVER MI 49749

16-161-024-300-374-01
FAY, JANE DAVIS TRUST
11848 ROCK LANDING DR, STE 101
NEWPORT NEWS VA 23606-4427

16-161-024-300-412-00
KIER, THOMAS & KELLY H/W
PO BOX 213
INDIAN RIVER MI 49749

16-161-024-300-414-00
DAMMANN, TERRI L (PETERSON) &
415 W BUSH ST
SAGINAW MI 48604

16-161-024-300-416-00
MCCUBBIN, ROBERT & JEAN H/W
598 CHURCHGROVE RD
FRANKENMUTH MI 48734

16-161-024-300-418-00
MCCUBBIN, ROBERT & JEAN H/W
598 CHURCHGROVE RD
FRANKENMUTH MI 48734

16-161-024-300-420-00
ODETTE, DONALD & CATHY H/W
6614 W DOROTHY AVE
INDIAN RIVER MI 49749

16-161-024-300-421-00
CLEMENT, DAVID
20549 SHAW ST
ONAWAY MI 49765

16-161-H21-000-001-00
FORSBERG , T A , INC
2422 JOLLY RD, STE 200
OKEMOS MI 48864

16-161-H21-000-002-00
FORSBERG, T A, INC
2422 JOLLY RD, STE 200
OKEMOS MI 48864

16-161-H21-000-003-00
JOHNSTON, GLEN; BONNIE ALANS
PO BOX 442
INDIAN RIVER MI 49749

16-161-H21-000-004-00
JOHNSTON, GLEN; BONNIE ALANS
PO BOX 442
INDIAN RIVER MI 49749

16-161-H21-000-005-00
PAPPAS, EDWARD TRUST
3162 TOPVIEW CT
ROCHESTER HILLS MI 48309

16-161-H21-000-006-00
PAPPAS, EDWARD TRUST
3162 TOPVIEW CT
ROCHESTER HILLS MI 48309

16-161-H21-000-007-00
NAUMANN, WILLIAM & ANNE H/W
7287 GREEN MEADOW LN
CANTON MI 48187

16-161-H21-000-009-00
BRUNS, KIM & SANDRA H/W
2137 APPLEGATE DR
WALKER MI 49534

16-161-H21-000-010-00
MATTIMIRO, ROBERTA
1234 DEVILS BACKBONE RD
CINCINNATI OH 45233

16-161-H21-000-011-00
FORSYTHE, TERRY & JANICE H/W
11774 LISA LORI LN
SOUTH LYON MI 48178

16-161-H21-000-013-00
MILLER, JAMES & JOHNETTA, TTE
904 DEERFIELD CT
MIDLAND MI 48640

16-161-H21-000-022-00
JACKSON, JAIME & BONNIE H/W
1775 W BUELL
OAKLAND MI 48363

16-161-H21-000-023-00
VANBRKOM, TREVOR & JOANNE H
1604 WOODSTREAM RD
PERRYSBURG OH 43551

16-161-H21-000-025-00
MURRAY, JOHN C L/E AND
6627 HOLDEN AVE
INDIAN RIVER MI 49749

16-161-H21-000-026-00
AUNE, NICHOLAS & KAREN H/W
6641 HOLDEN AVE
INDIAN RIVER MI 49749-2026

16-161-H21-000-027-00
MCELREATH, JAMES & NANETTE H
2394 PEBBLE BEACH DR
OAKLAND MI 48363

16-161-H21-000-028-00
DENNEHY, JOAN M
836 HARCOURT
GROSSE POINTE MI 48230

16-161-024-300-201-00
OCCUPANT
3816 PINE LAKE BLVD
INDIAN RIVER, MI 49749

16-161-024-300-205-00
OCCUPANT
6585 SOUTH AVE
INDIAN RIVER, MI 49749

16-161-024-300-206-00
OCCUPANT
SOUTH AVE
INDIAN RIVER, MI 49749

16-161-024-300-238-00
OCCUPANT
3836 PINE LAKE BLVD
INDIAN RIVER, MI 49749

16-161-024-300-239-00
OCCUPANT
3844 PINE LAKE BLVD
INDIAN RIVER, MI 49749

16-161-024-300-240-00
OCCUPANT
3856 PINE LAKE BLVD
INDIAN RIVER, MI 49749

16-161-024-300-241-00
OCCUPANT
6632 HOLDEN AVE
INDIAN RIVER, MI 49749

16-161-024-300-363-00
OCCUPANT
3919 DORIS PL
INDIAN RIVER, MI 49749

16-161-024-300-365-00
OCCUPANT
6671 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-366-00
OCCUPANT
6657 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-368-00
OCCUPANT
6647 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-370-00
OCCUPANT
6629 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-371-00
OCCUPANT
6619 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-373-00
OCCUPANT
6599 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-374-01
OCCUPANT
6573 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-024-300-412-00
OCCUPANT
3921 DORIS PL
INDIAN RIVER, MI 49749

16-161-024-300-414-00
OCCUPANT
6664 W DOROTHY AVE
INDIAN RIVER, MI 49749

16-161-024-300-416-00
OCCUPANT
6648 W DOROTHY AVE
INDIAN RIVER, MI 49749

16-161-024-300-418-00
OCCUPANT
6630 W DOROTHY AVE
INDIAN RIVER, MI 49749

16-161-024-300-420-00
OCCUPANT
6614 W DOROTHY AVE
INDIAN RIVER, MI 49749

16-161-024-300-421-00
OCCUPANT
6600 W DOROTHY AVE
INDIAN RIVER, MI 49749

16-161-H21-000-001-00
OCCUPANT
3872 JOAN ST
INDIAN RIVER, MI 49749

16-161-H21-000-002-00
OCCUPANT
3886 JOAN ST
INDIAN RIVER, MI 49749

16-161-H21-000-003-00
OCCUPANT
CAROL ST
INDIAN RIVER, MI 49749

16-161-H21-000-004-00
OCCUPANT
3904 DORIS PL
INDIAN RIVER, MI 49749

16-161-H21-000-005-00
OCCUPANT
6682 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-006-00
OCCUPANT
6670 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-007-00
OCCUPANT
6662 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-009-00
OCCUPANT
6642 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-010-00
OCCUPANT
6628 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-011-00
OCCUPANT
6614 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-013-00
OCCUPANT
6578 BURCHFIELD RD
INDIAN RIVER, MI 49749

16-161-H21-000-022-00
OCCUPANT
6577 HOLDEN AVE
INDIAN RIVER, MI 49749

16-161-H21-000-023-00
OCCUPANT
6584 HOLDEN AVE
INDIAN RIVER, MI 49749

16-161-H21-000-025-00
OCCUPANT
6627 HOLDEN AVE
INDIAN RIVER, MI 49749

16-161-H21-000-026-00
OCCUPANT
6641 HOLDEN AVE
INDIAN RIVER, MI 49749-2026

16-161-H21-000-027-00
OCCUPANT
6651 HOLDEN AVE
INDIAN RIVER, MI 49749

16-161-H21-000-028-00
OCCUPANT
6661 HOLDEN AVE
INDIAN RIVER, MI 49749

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

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

DIMENSIONAL VARIANCE
STAFF REPORT

Item: A Variance Request to allow a 7 ft. front setback variance for an addition to a dwelling. The property is zoned Lake and Stream Protection District (P-LS)	**Prepared by:** Scott McNeil
Date: October 20, 2015	**Expected Meeting Date:** October 28, 2015

GENERAL INFORMATION

Applicant: Kim and Sandra Burns

Property Owner: Same

Contact person: Same

Phone: 616-295-4406 or 616-448-9410

Requested Action: Allow a 7 ft. front setback (33 ft. front setback) for construction of a 10 ft. x 18 ft. three season room addition to a dwelling proposed to be located on an existing deck. A front setback of 40' from the ordinary high water mark is required.

BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. The subject property is a plated water front lot measuring approximately 105.5 ft. deep and 112.5 ft. wide. The subject property is described as Lot 9 and east ½ of lot 8, Plat of Harbor Woods. The subject lot contains water frontage on a canal which connects to Burt Lake. An image from the mapping system is included in this report after the proposed findings.

.

The applicant is seeking to build at 10 ft. x 18 ft. three season room addition to a dwelling on an existing deck. The addition is proposed to be located 33 ft. from the waterfront lot line which is also the location of the existing deck.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection
East: P-LS, Lake and Stream Protection
South: P-LS, Lake and Stream Protection
North: P-LS, Lake and Stream Protection

Surrounding Land Uses:

Residential land uses surround the subject site,

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

The subject site fronts on a canal which is connected to Burt Lake.

Public Comments:

None

VARIANCE CONSIDERTIONS

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

General Findings

1. The property is in a Lake and Stream Protection (P-LS) zoning district. A front setback of 40 feet from the ordinary high water mark is required.
2. The applicant is proposing to place a there season room addition on an existing deck 33 ft. from a canal and front lot line.
3. A 7 ft. front setback variance is required per the applicant's request.
4.
5.

23.5.4. **(Rev. 09/11/04, Amendment #36)**
A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

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

The subject parcel possesses unique physical conditions relative to construction on an existing deck and location of the dwelling and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions and the variance request is 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 unique physical condition of the property was not the result of actions by the property owner or previous owners, and is not self-created.

OR, the physical condition is the result of current or previous property owners

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

Due to the unique condition of the parcel and the location of the dwelling to the canal, strict compliance with the requirements would prevent the property owner from reasonable use of the property for the permitted purpose.

Or, strict compliance with the requirements would not prevent the owner from reasonable use of the property for the permitted use.

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.

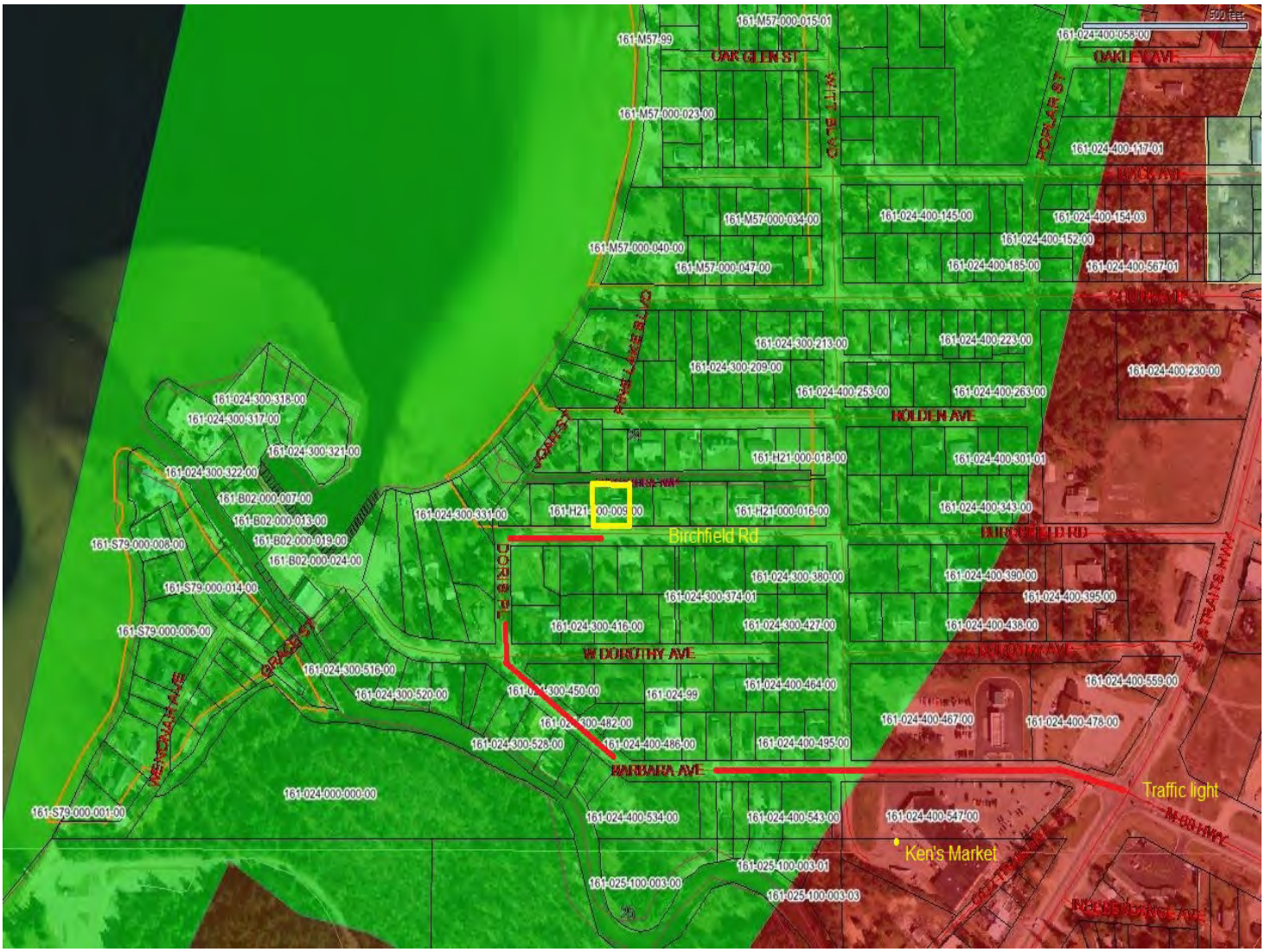
Do to conditions of the property and proposed construction on an existing deck, the variance is the minimum necessary to grant the applicant reasonable relief and will do substantial justice to other property owners in the district.

OR, the variance request does not represent the minimum necessary to grant the owner 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.

The variance will not cause an adverse impact on surrounding property due to like conditions in the area.

OR, the variance will cause an adverse impact on surrounding property.



500 feet
161-M57-000-015-01
161-M57-99
OAK GLEN ST
161-024-400-058-00
OAKLEY AVE
161-M57-000-023-00
WITT BLVD
POPLAR ST
161-024-400-117-01
161-M57-000-034-00
161-024-400-145-00
161-024-400-154-03
161-024-400-152-00
161-M57-000-040-00
161-M57-000-047-00
161-024-400-185-00
161-024-400-567-01
161-024-300-213-00
161-024-400-223-00
161-024-300-209-00
161-024-400-230-00
161-024-400-253-00
161-024-400-263-00
HOLDEN AVE
161-024-300-318-00
161-024-300-317-00
161-024-300-321-00
161-H21-000-018-00
161-024-400-301-01
161-024-300-322-00
161-B02-000-007-00
161-B02-000-013-00
161-024-300-331-00
161-H21-000-016-00
161-024-400-343-00
161-B02-000-019-00
161-S79-000-008-00
161-B02-000-024-00
Birchfield Rd
BIRCHFIELD RD
DORIS PL
161-024-300-380-00
161-024-400-390-00
161-S79-000-014-00
161-024-300-374-01
161-024-400-395-00
161-S79-000-006-00
161-024-300-416-00
161-024-300-427-00
161-024-400-438-00
W DOROTHY AVE
E DOROTHY AVE
GRACE ST
161-024-300-516-00
161-024-300-520-00
161-024-400-464-00
161-024-400-559-00
161-024-99
161-024-400-467-00
161-024-400-478-00
161-024-300-528-00
161-024-400-486-00
161-024-400-495-00
BARBARA AVE
Traffic light
161-024-000-000-00
161-S79-000-001-00
161-024-400-534-00
161-024-400-543-00
161-024-400-547-00
Ken's Market
161-025-100-003-01
161-025-100-003-00
161-025-100-003-03

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

Crystal and Lee Schley / Joseph Antkoviak

Exhibit List

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

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

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

USE VARIANCE APPLICATION

$100.00 APPLICATION FEE

$100.—

RECEIPT #:	4778
CASH/CHECK:	Cash
ACTION /DATE:	

App due: 10/8
Hearing 10/28

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
10999 N. Extension RD	Levering	/	

Property Tax I.D. (Parcel) Number	Subdivision or Condo. Name / Plat or Lot No.
080-011-200-004-00	E 1/2 of N.E 1/4, Sec 11, T37N, R3W2, Lying NE Ly of highway 175 522/047

APPLICANT

Name	Telephone	Fax
Crystal & Lee Schley	231-420-9896	

Address	City & State	Zip Code	E-Mail
3703 Bennett RD	Cheboygan, MI	49721	michiganpureice agmail.com.

OWNER (If different from applicant)

Name	Telephone	Fax
Joseph Antkoviak	231-420-4007	

Address	City & State	Zip Code
6587 Antkoviak rd	Levering, mi	49755

Detailed directions to site, including nearest crossroad:

1-75 to Seashell City Exit, turn right onto N. Extension RD. Down approximatly 1 1/4 miles. Building on right hand Side.

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: well drilling business.

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.

michiganpureice@gmail.com

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.

Light manufacturing of ice.

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

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

This particular piece of property is already set up with a facility, Driveway, well and power. No changes to this property would be necessary to conduct our business.

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

Our business is not any different than the bussiness that is currently there, as no changes would have to be made.

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

Because we are wholesale, there will be no additional traffic, in conjunction to our business. Some of our trucks are smaller than the current business in place.

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

Michigan pure Ice Intends to only use the structure as is. all activity happens inside the Building, not effecting the purpose or objective of the zoning plan.

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

Michigan pure Ice uses only water to conduct business. No chemicals or waste are a problem.

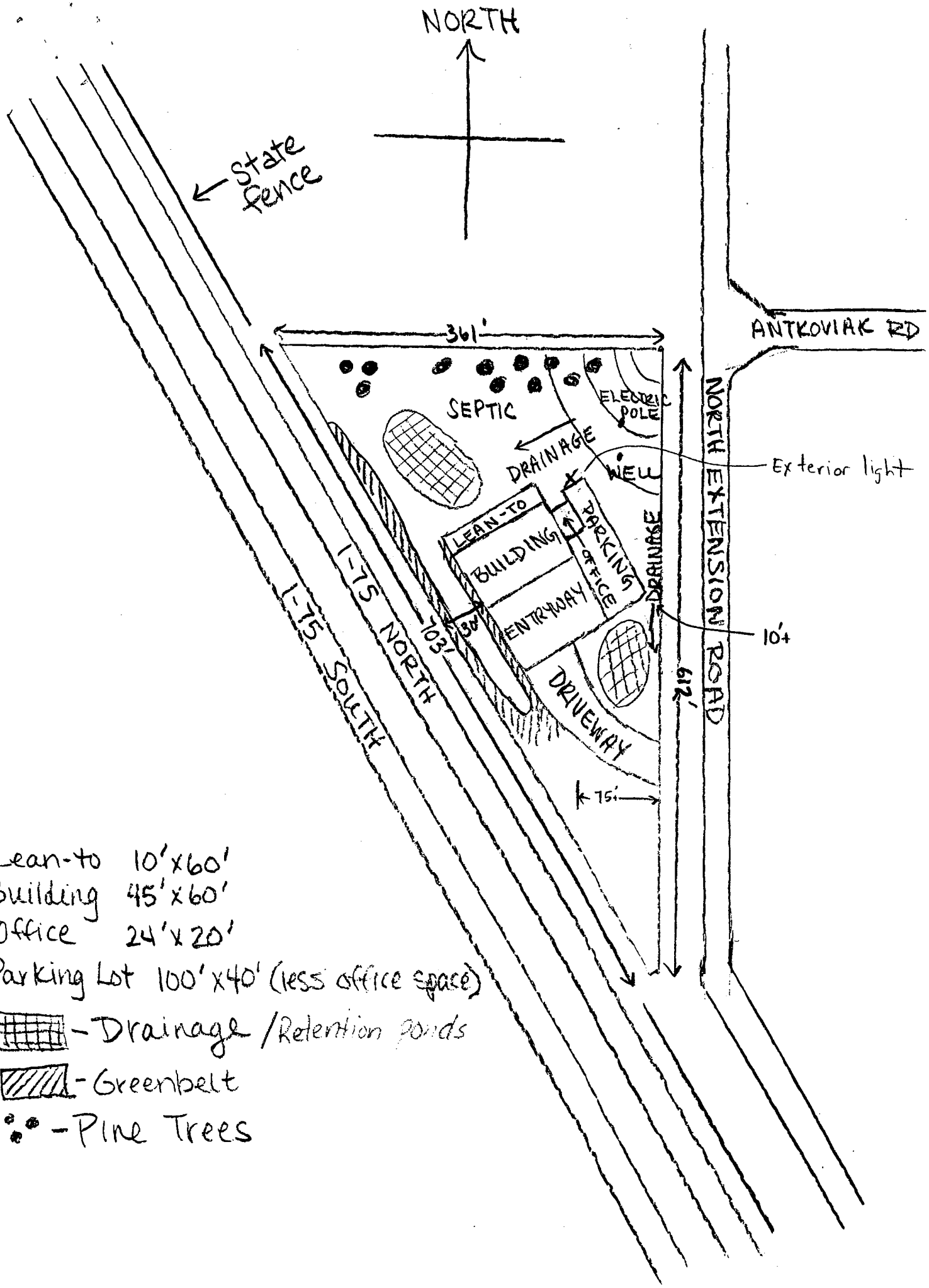
The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. **Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?**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

Owner's Signature Joseph J. Antkowiak **Date** 10-8-15

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 Krystal L. Sokley **Date** 10-8-15


NORTH
state fence
361'
ANTKOVIAK RD
SEPTIC
ELECTRIC POLE
DRAINAGE
WELL
Exterior light
LEAN-TO
BUILDING
PARKING
OFFICE
ENTRYWAY
DRAINAGE
10'+
30'
103'
I-75 NORTH
I-75 SOUTH
DRIVEWAY
612'
NORTH EXTENSION ROAD
75'
Lean-to 10'x60'
Building 45'x60'
Office 24'x20'
Parking Lot 100'x40' (less office space)
-Drainage /Retention ponds
-Greenbelt
-Pine Trees

16-080-001-300-001-03
ANTKOVIAK, STANLEY&MAUREE
11022 N EXTENSION RD
LEVERING MI 49755

16-080-002-200-006-00
STATE OF MICHIGAN

LANSING MI 48909

16-080-002-402-003-00
MCKERVEY, PAUL & STACEY H/W
11045 N EXTENSION RD
LEVERING MI 49755

16-080-011-200-003-00
STATE OF MICHIGAN
PO BOX 30448
LANSING MI 48909

16-080-011-200-004-00
ANTKOVIAK, JOSEPH
6587 ANTKOVIAK RD
LEVERING MI 49755

16-080-012-100-001-00
CAMPBELL, FREDERICK J &
11955 WEADOCK RD
LEVERING MI 49755

16-080-012-100-005-00
STATE OF MICHIGAN

LANSING MI 48909

16-080-001-300-001-03
OCCUPANT
11022 N EXTENSION RD
LEVERING, MI 49755

16-080-002-402-003-00
OCCUPANT
11045 N EXTENSION RD
LEVERING, MI 49755

16-080-011-200-004-00
OCCUPANT
10999 N EXTENSION RD
LEVERING, MI 49755

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/

USE VARIANCE
STAFF REPORT

Item: Use Variance Request to allow a Manufacturing use in an Agriculture and Forestry Management (M-AF) zoning district	**Prepared by:** Scott McNeil
Date: October 19, 2015	**Expected Meeting Date:** October 28, 2015

GENERAL INFORMATION

Applicant: Crystal and Lee Schley

Property Owner: Joseph Antkoviak

Contact person: Crystal or Lee Schley

Phone: 231-420-9896

Requested Action: Allow a use variance for a manufacturing use (Ice making) in an Agriculture and Forestry Management zoning district.

BACKGROUND INFORMATION

The applicant is requesting a use variance for an Ice making manufacturing use in an Agriculture and Forestry Management (M-AF) zoning district. The current use of the subject property is for a well drilling contractor. The current use is a nonconforming use. Although a well drilling business could fall under a contractors yard use and contractors yards are allowed with a special use permit in the M-AF district per section 9.3.20., there are additional requirements with regard to lot size, setbacks and the use on a lot occupied by the owner which cause the current use to be nonconforming. The provisions are listed under section 9.3.20 which reads as follows;

9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
9.3.20.1. Minimum 10 acre parcel.
9.3.20.2. Minimum 330' of road frontage / lot width.
9.3.20.3. Minimum Setbacks: 100' front; 75'side; 100' rear.
9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence

The subject property is in a triangle shape and contains 3 acres with approximately 380 feet depth on the north lot line and approximately 600 feet on the east lot line which is common to North Extension Road. The lot is contiguous to I-75. An image of the subject property is included at the end this report. The subject is improved with a structure currently used in conjunction with the well drilling business.

Manufacturing is a use which requires a special use permit within Commercial Development District (D-CM), if the Planning Commission finds that the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust. Manufacturing is also a use which requires a special use permit in Light Industrial Development District (D-LI) and in the General Industrial Development District (D-GI).

Section 23.5.3.4. requires the Zoning Board of Appeals to find that "The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County" in order to grant a use variance. The Zoning Plan is found beginning on page 28 of The Cheboygan County Master Plan states as follows regarding the Zoning Plan;

> The Zoning Plan is an important part of a Master Plan. It explains how the land use categories on the Future Land Use Map relate to the zoning districts as well as how the Goals and Objectives relate to improvements needed in the zoning ordinance. The importance of a Zoning Plan is to facilitate immediate action to accomplish the goals of the Master Plan.

The following recommendations are found in the Zoning Plan regarding the Agriculture and Forestry Management District;

- It is proposed that land used for agricultural purposes be identified and those lands used for forestry purposes be identified separately. Based on this information, it is possible that the Planning Commission will want to create two separate zoning districts.

- Near areas zoned residential, a D-RC zoning district may be more appropriate and compatible with residential areas.

- For some areas that are currently M-AF and near D-CM, this (Commercial – Office, Research & Development) is intended to be an appropriate transitional zoning district.

There are no other recommendations in the Zoning Plan relative to the Agriculture and Forestry Management zoning district.

The subject property is in an area projected for Forest/Agricultural land use on the Cheboygan County Master Plan Future Land Use Map .

Under Future Land Use Considerations, the Master Plan states the following relative to the Forest/Agricultural land use;

> **Forest / Agricultural**
> The Forest / Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include

forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use.

Mapping system image of the subject site

Current Zoning: M-AF, Agriculture and Forestry Management.

Surrounding Zoning:

West: I-75
East: M-AF, Agriculture and Forestry Management.
South: I-75
North: M-AF, Agriculture and Forestry Management and Residential Development

Surrounding Land Uses:

Vacant to the east. I-75 to the south and west. Residential to the north.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) There are no known environmentally sensitive areas on the subject site.

VARIANCE CONSIDERTIONS

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

General Findings:

1. The subject property is located in an Agriculture and Forestry Management zoning district.
2. The applicant is seeking a use variance to allow a call Ice making manufacturing use.
3. The subject property is improved with a structure formerly used in conjunction with an existing welling drilling business.
4. The existing well drilling business is a nonconforming use.
5.
6.
7.

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

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

The property and structure use is for a nonconforming well drilling business which is unique.

Or, The property and existing structure can be uses for conforming uses that will allow it to be used as other properties in the same district.

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

The subject property is located contiguous to I-75 as other commercial uses are located near the subject site at the intersection of Levering Road and I-75, and the variance is necessary of the preservation of a substantial property right possessed by others in the vicinity.

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

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

The appellant is seeking the use variance only for the property as described in exhibit 3 and the existing structure located on the same which is under control of the owner who has signed the use variance application form. (see exhibit 3) The use variance will be under control of the applicant only if approved

Or, the property is not currently under control of the applicant.

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

A use variance for an Ice making manufacturing use on a parcel with a nonconforming well drilling business and will not adversely affect the purposes or objectives of the Zoning Plan of the County.

Or, A use variance for an Ice making manufacturing use is not constant with the Zoning Plan or the Cheboygan County Master Plan Future Land Use Map and will adversely affect the purposes or objectives of the Zoning Plan.

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

The granting of a variance for an Ice making manufacturing use will not be detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

Or, The granting of a use variance for a Ice making manufacturing use will be detrimental to the public welfare and/or will be detrimental to the other property or improvements in the district in which the property is located.

CHEBOYGAN COUNTY
ZONING BOARD OF APPEALS

William Totten

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Mailing List (1 Page)
5. Elevation Drawings (4 Pages)
6. Cross Section Drawing (1 Page)
7. Vicinity Map (1 Page)
8. Floor Plan (1 page)
9. Foundation Plan (1 Page)
10. Site Plan (1 Page)
11. Detail Site Plan (1 Page)
12.
13.
14.
15.
16.
17.
18.
19.

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

$100.00 APPLICATION FEE

	$100.00
RECEIPT #:	4782
CASH/CHECK:	Cash
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec.	Zoning District
5447 BIG SKY TRAIL	INDIAN RIVER	KO, 35	
Property Tax I.D. (Parcel) Number: 172-P23-000-054-00	Subdivision or Condo. Name / Plat or Lot No.: PIGEON RIVER WOODS #2 #54		

APPLICANT

CELL 989-370 4371

Name	Telephone	Fax	
WILLIAM R TOTTEN	989-732 6561	989 732-1680	
Address	**City & State**	**Zip Code**	**E-Mail**
2471 W DIXON LK RD	GAYLORD MI	49735	BILL@TBS HOME.NET

OWNER (If different from applicant)

Name	Telephone	Fax
Address	**City & State**	**Zip Code**

Detailed directions to site, including nearest crossroad:

TAKE HWY M68 EAST 4 MILES FROM I75 TO OLD ONAWAY RD NORTH .8 MILES RT TO BIG SKY TRAIL RT TO 5447 DRIVEWAY LFT

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: 0

B. This property is ☐ unplatted, ☐ platted, ☐ will be platted. If platted, name of plat _____

C. Present use of the property is: RESIDENTIAL CABIN

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.

SOUTH SIDE OF HOUSE TWO STORY ADDITION. NEW CONSTRUCTION WITH IN 200FT OF RIVER

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 HOME IS WITH IN 200FT OF RIVER NO PLACE TO ADD ON REAR - RAISED SEPTIC SYSTEM IN THE WAY

   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 JUST TO SMALL 26 x 28 1040 SQ FT

   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

   NOT BIG ENOUGH, NO STORAGE PLAN ON RETIREING THERE

   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.

   NEW ADDITION WILL NOT CAUSE RUN OFF OF SEDIMENT TOWARDS RIVER. WILL NOT CAUSE ANY BANK EROSION OR ANY OTHER MATERIAL DEGRADATION

   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.

   RUNNING PARALLEL WITH RIVER NOT ANY CLOSER TO RIVER NO TREE OR SHRUB REMOVAL NEEC.

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 [signature] **Date** 9-28-13

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** 9-28-13

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

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

Distance from property line to proposed structure:	**Zoning District:**	**North:**
Front: 84 FT Rear: 886 FT Side: 134.15 FT Side: 65' FT		

16-171-035-100-001-01
LITTLE TRAVERSE CONSERVANCY
3264 POWELL RD
HARBOR SPRINGS MI 49740

16-171-035-100-001-06
LITTLE TRAVERSE CONSERVANCY
3264 POWELL RD
HARBOR SPRINGS MI 49740

16-171-035-100-001-07
LITTLE TRAVERSE CONSERVANCY
3264 POWELL RD
HARBOR SPRINGS MI 49740

16-171-035-300-001-00
BASSO, JOHN J TRUSTEE
1330 E SQUARE LAKE RD
BLOOMFIELD HILLS MI 48304

16-172-P23-000-052-00
ZELIASKO, STEVEN & SHIRLEY ZE
5381 BIG SKY TRL
INDIAN RIVER MI 49749

16-172-P23-000-053-00
KWIERANT, RONALD & KATHLEEN
5415 BIG SKY TRL
INDIAN RIVER MI 49749

16-172-P23-000-054-00
TOTTEN, WILLIAM & LYNNEADAIR
2471 WEST DIXON LAKE DR
GAYLORD MI 49735-9115

16-172-P23-000-055-00
JANKOWSKI, JOHN & JUANITA H/W
4148 STURGEON
INDIAN RIVER MI 49749

16-172-P23-000-056-00
SHAW, KENNETH & MELVENA H/W
5515 BIG SKY TRL
INDIAN RIVER MI 49749

16-172-P23-000-066-00
ELFELT, STEPHEN M
116 SPRUCE AVE
ALTOONA PA 16601

16-172-P23-000-067-00
ELFELT, STEPHEN M
116 SPRUCE AVENUE
ALTOONA PA 16601

16-172-P23-000-052-00
OCCUPANT
5381 BIG SKY TRL
INDIAN RIVER, MI 49749

16-172-P23-000-053-00
OCCUPANT
5415 BIG SKY TRL
INDIAN RIVER, MI 49749

16-172-P23-000-054-00
OCCUPANT
5447 BIG SKY TRL
INDIAN RIVER, MI 49749

16-172-P23-000-055-00
OCCUPANT
5481 BIG SKY TRL
INDIAN RIVER, MI 49749

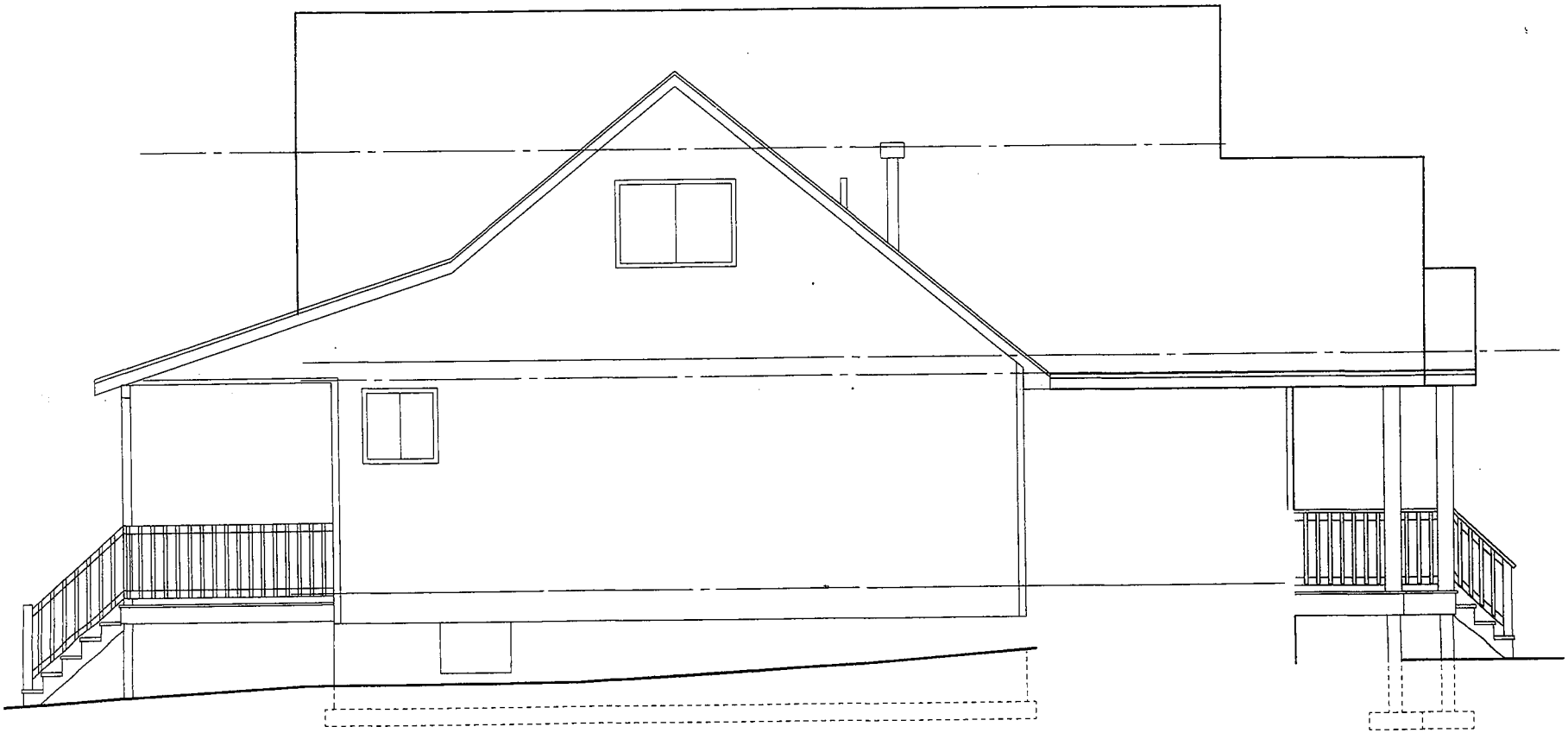
16-172-P23-000-056-00
OCCUPANT
5515 BIG SKY TRL
INDIAN RIVER, MI 49749

LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

Proposed RENOVATION to:
TOTTEN'S CABIN

Sheet N



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

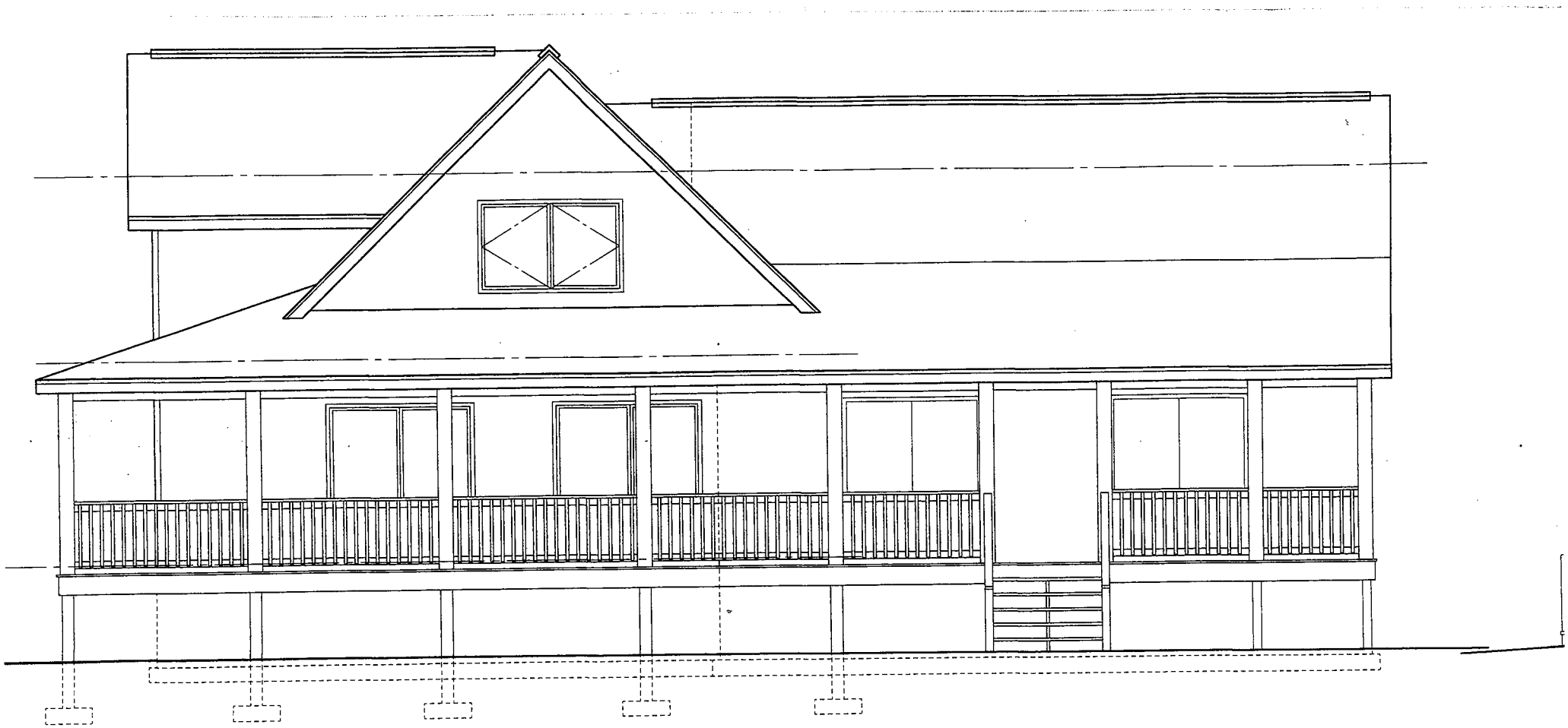
Countryside Buildin
your Design-Build
3281 Nina Road Gaylord, I
Ph. 989-732-3236 email: countrys

Issued Date

Project Name

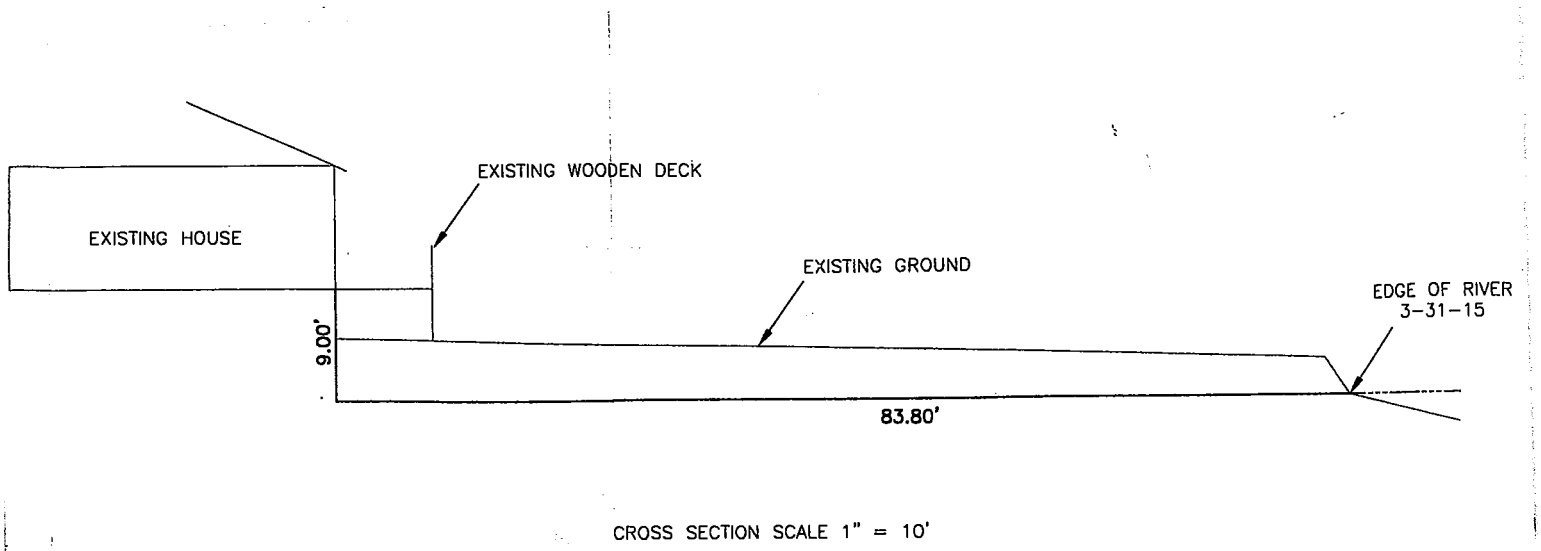
REAR ELEVATION (ROAD SIDE)

SCALE: 1/4" = 1'-0"

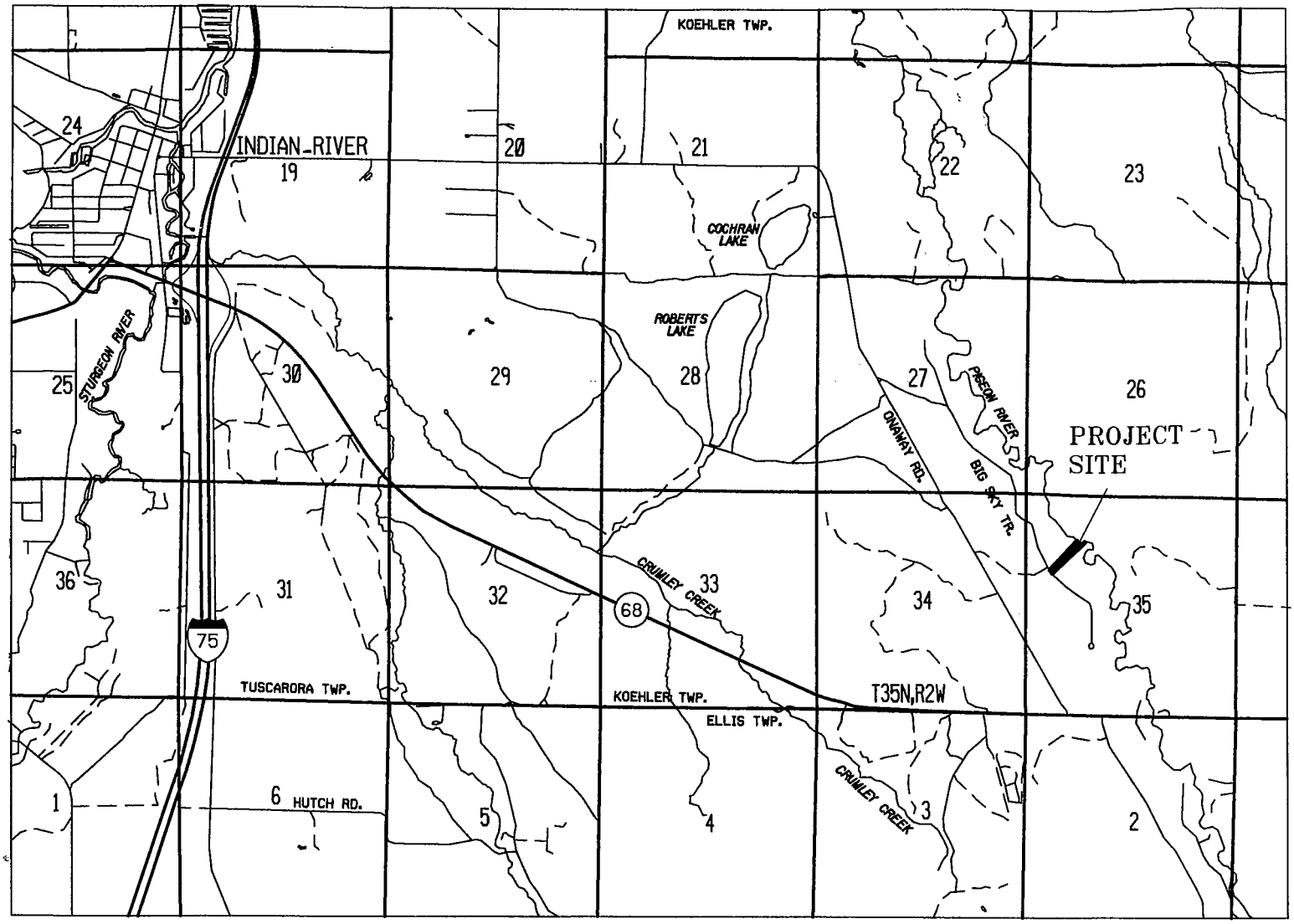


FRONT ELEVATION (RIVER SIDE)

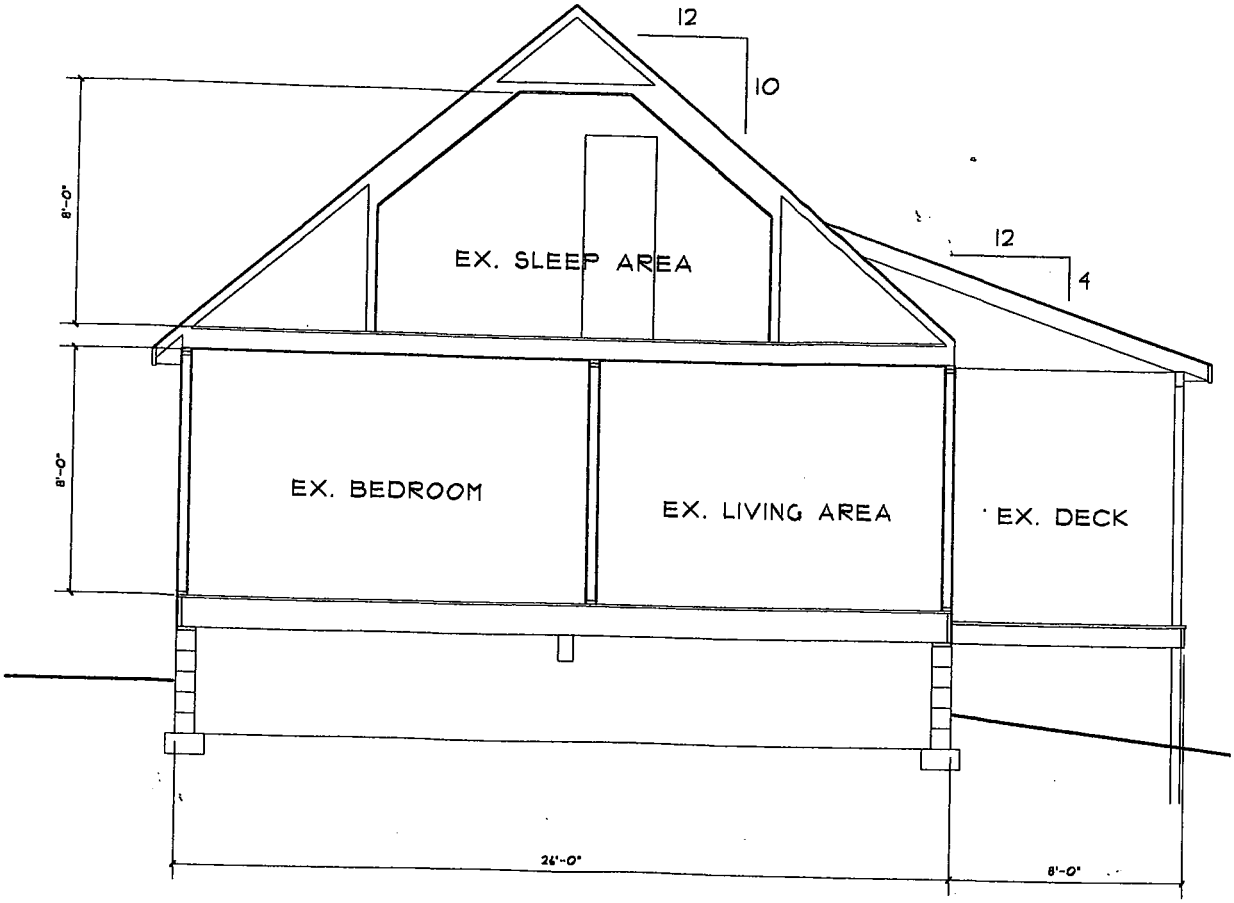
SCALE: 1/4" = 1'-0"

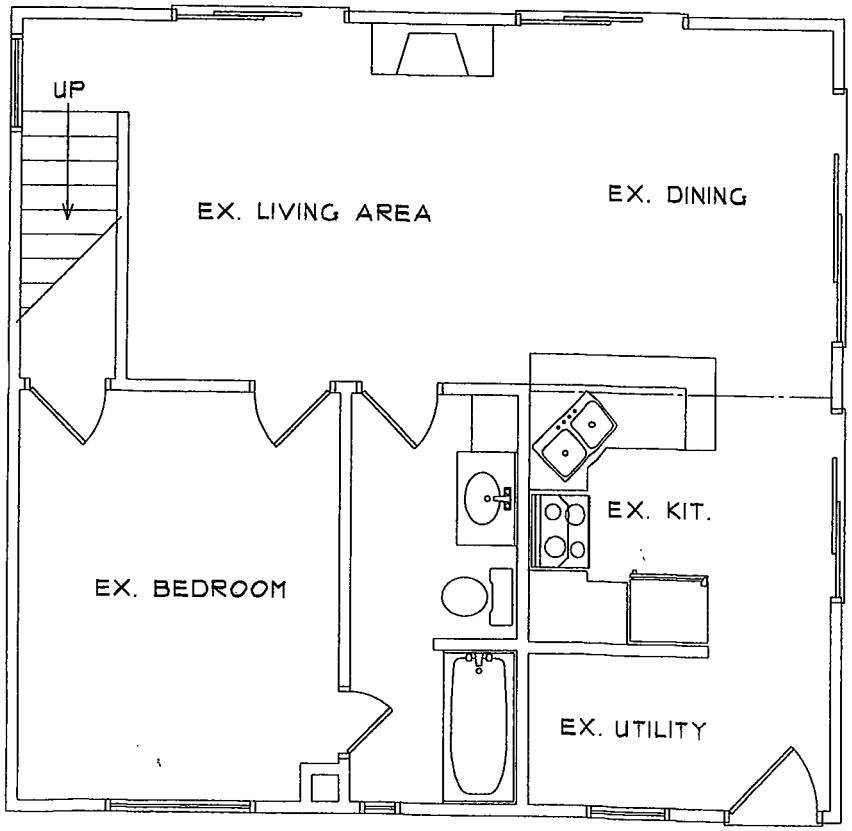


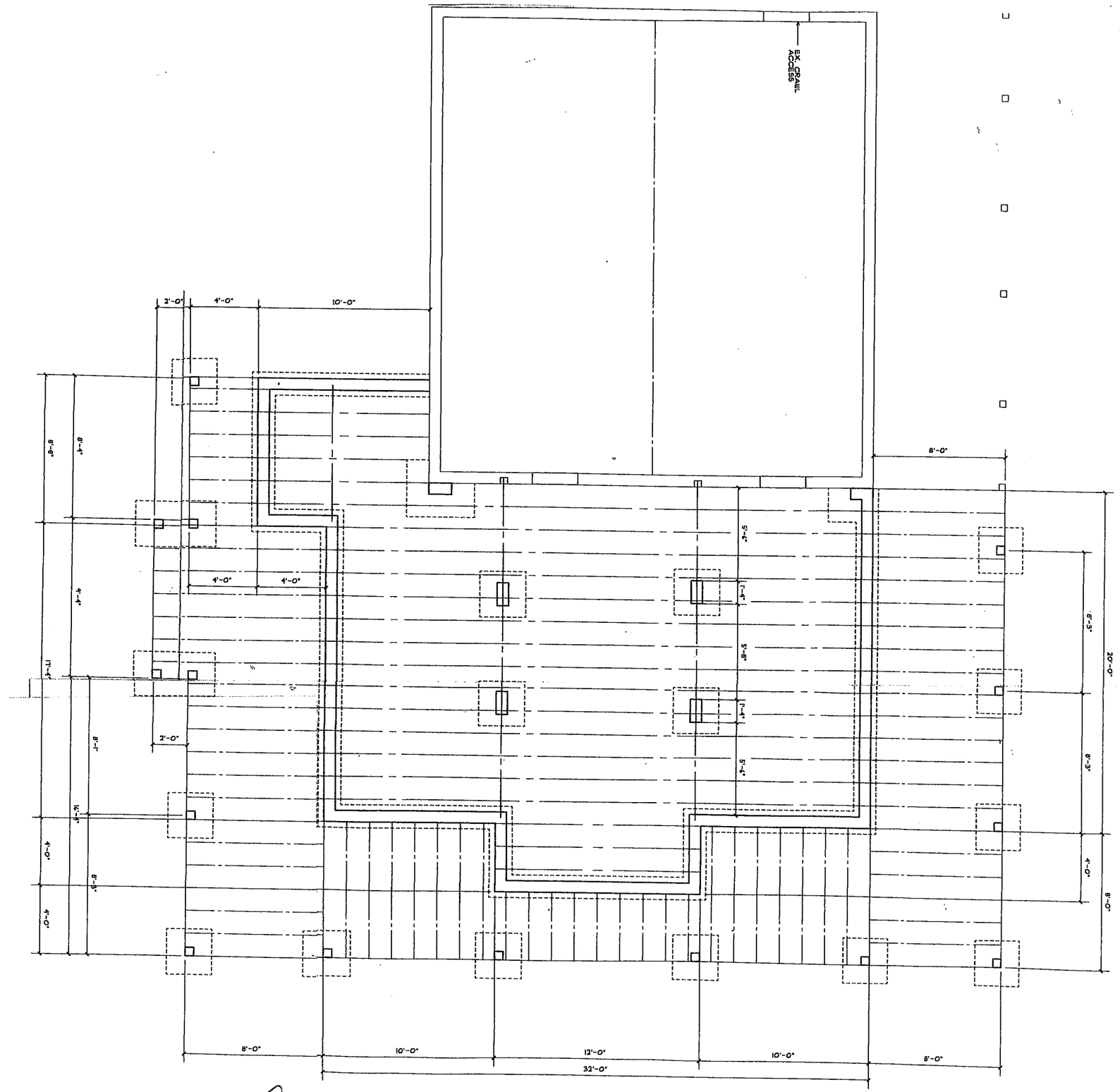
CROSS SECTION SCALE 1" = 10'



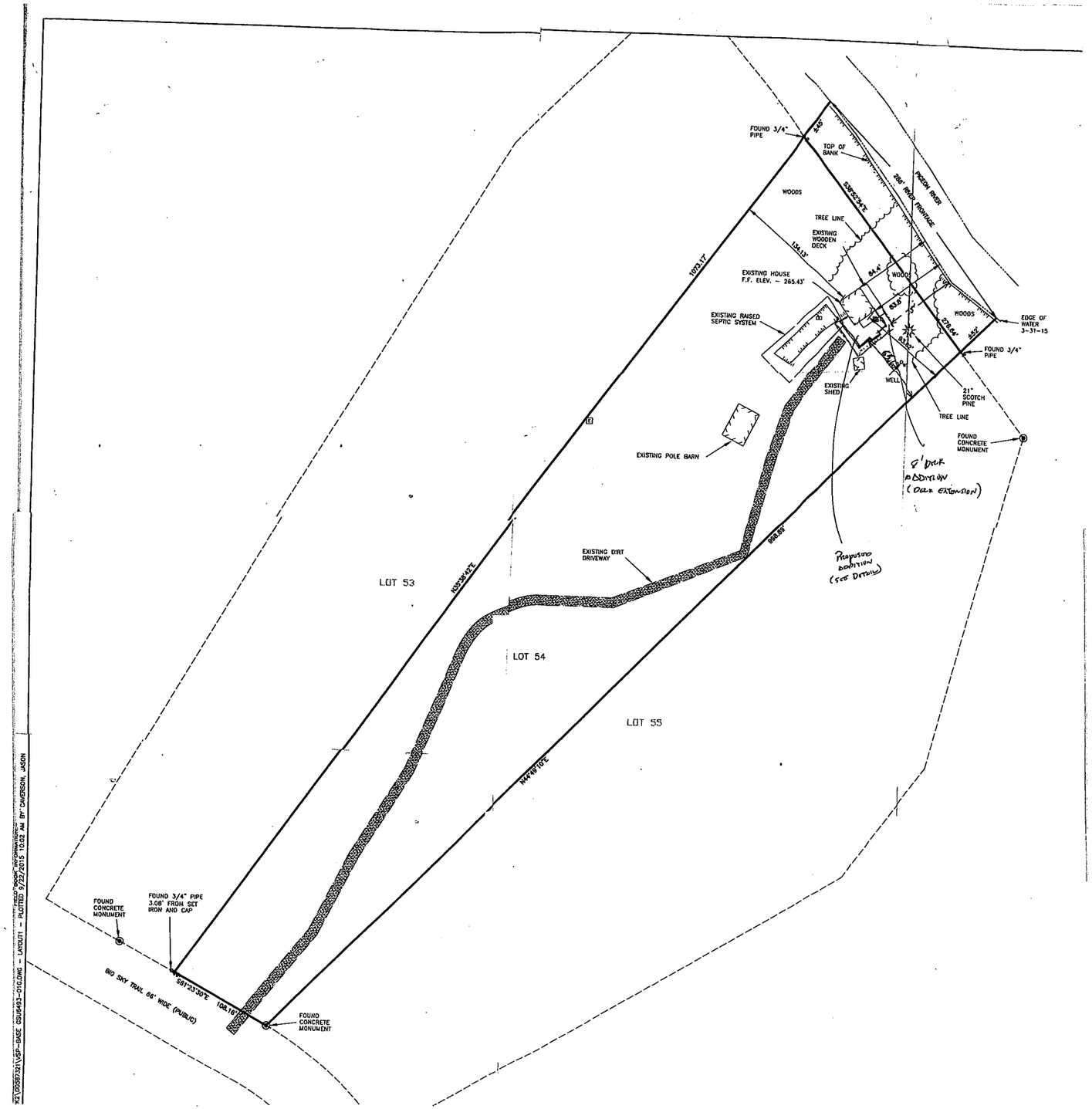
VICINITY MAP – NOT TO SCALE


12
10
12
4
8'-0"
8'-0"
EX. SLEEP AREA
EX. BEDROOM
EX. LIVING AREA
EX. DECK
24'-0"
8'-0"

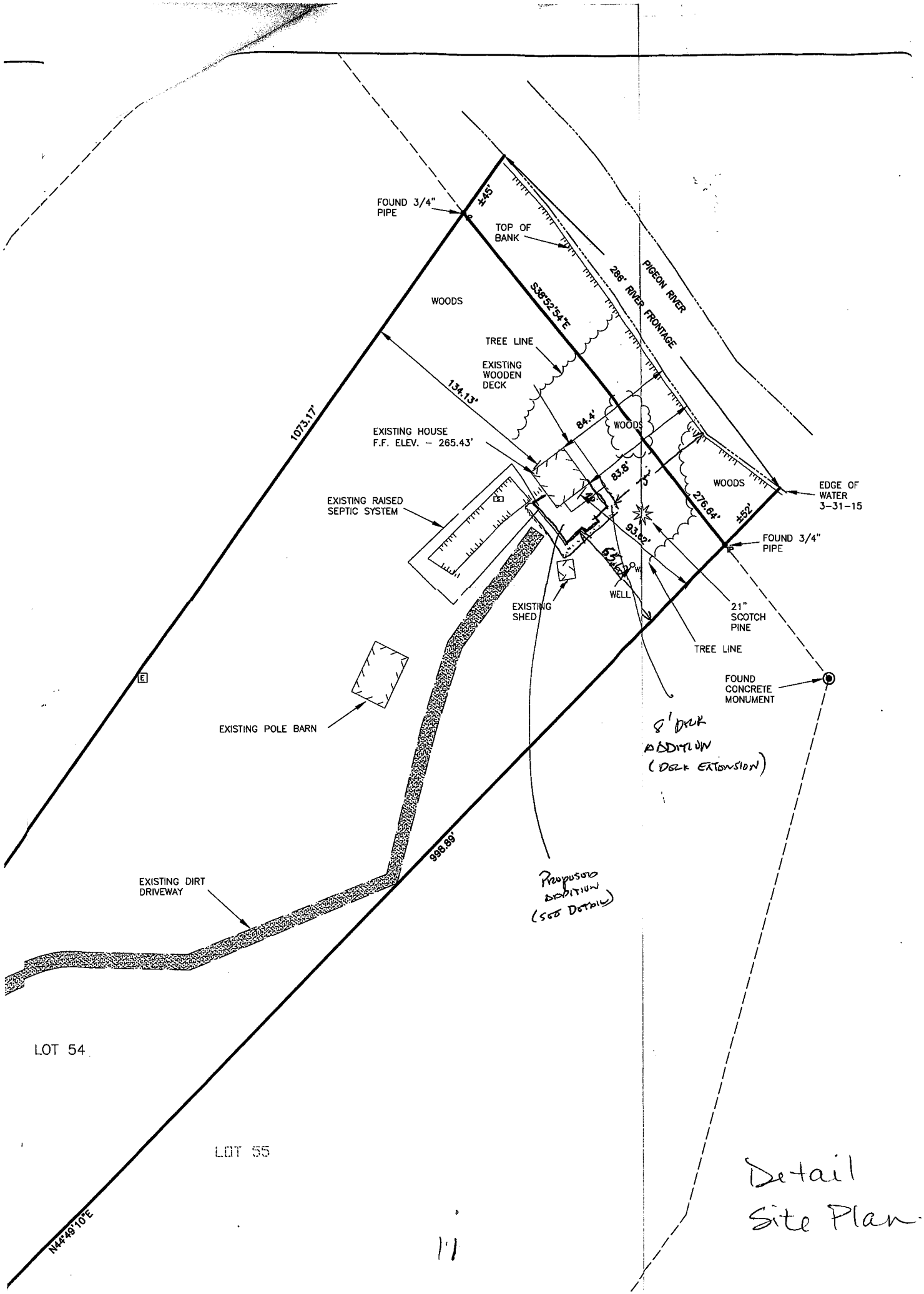

UP
EX. LIVING AREA
EX. DINING
EX. KIT.
EX. BEDROOM
EX. UTILITY



Foundation Plan


FOUND 3/4" PIPE
TOP OF BANK
PIGEON RIVER
WOODS
TREE LINE
EXISTING WOODEN DECK
EXISTING HOUSE F.F. ELEV. – 265.43'
EXISTING RAISED SEPTIC SYSTEM
EXISTING SHED
WELL
EDGE OF WATER 3-31-15
FOUND 3/4" PIPE
21" SCOTCH PINE
FOUND CONCRETE MONUMENT
EXISTING POLE BARN
EXISTING DIRT DRIVEWAY
LOT 53
LOT 54
LOT 55
FOUND CONCRETE MONUMENT
FOUND 3/4" PIPE 3.08' FROM SET IRON AND CAP
BIG SKY TRAIL 66' WIDE (PUBLIC)
FOUND CONCRETE MONUMENT

Site Plan



Detail Site Plan

11

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:	**Prepared by:**
A request to allow a 125 ft. setback variance from the water's edge of the Pigeon River for an addition dwelling. The property is zoned Natural Rivers Protection District (P-NR)	Scott McNeil
Date:	**Expected Meeting Date:**
October 19, 2015	October 28, 2015

GENERAL INFORMATION

Applicant: William Totten

Property Owner: William Totten

Contact person: William Totten

Phone: 989-732-6561

Requested Action: Allow a 75 ft. setback from the water's edge of the Pigeon River for a dwelling and deck addition. 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 54 of the plat of Pigeon River Woods #2. The applicant proposes construction of a 729 square foot addition to an existing dwelling and a 704 square foot addition to an existing deck. The existing dwelling and deck are located within the 200 ft. front setback from the water's edge of the river in the Natural Rivers Protection zoning district. The parcel contains approximately 286 ft. of frontage on the Pigeon River with approximately 1,074 ft. of depth on the north side lot line and approximately 999 ft of depth on the south side lot line. The lot is currently improved with a dwelling and accessory building. A front setback of 200 ft. from the water's edge is required per section 11.3.1.

The board granted a 140 foot front setback variance for an addition to a dwelling which existed within the front setback in the Natural Rivers Protection District on April 25, 2012. A copy of the findings are attached.

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

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 applicant is proposing construction of an addition to an existing dwelling and deck within 75 ft. of the water's edge of the Pigeon River
2. The subject property where construction is proposed is located is in a Natural Rivers Protection (P-NR) zoning district.
3. A setback of 200 ft. from the water's edge of the Pigeon River is required per sections 11.2. and 11.3.1.
4. The applicant is seeking a 125 ft. setback variance from the water's edge of the Upper Black River.
5. The existing improvements which comprise of a dwelling and deck are located within the required front setback and are located 75 feet of the water's edge of the Pigeon River.
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 location of the existing improvements within the required front setback creates a unique physical condition and is not due to the applicant's personal or economic difficulty.

Or, The nonconforming nature of the existing improvements do not constitute a unique circumstance.

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 location of the existing improvements within the required front setback and is not the result of actions of the property owner or previous property owners.

Or. The location of the existing dwelling and deck are the result of actions of previous property owners.

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

Due to location of the existing improvements within the required front setback and any new construction related thereto will require a variance and conformity with setback regulations is deemed unnecessarily burdensome.

Or, Use of the property with the dwelling and deck at it existing size will not prevent the property owner from using the property for the permitted purpose of a single family dwelling and thus, will not render conformity with setback regulations unnecessarily burdensome.

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

Due to the location of the existing improvements within the required front setback, 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, Addition to the dwelling can be placed in a location with a larger front setback.

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 75 ft. setback from the water's edge where a structure currently exists. 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, Grant a 75 ft. front setback variance will cause an adverse impact on the surrounding property and/or property values and/or use and enjoyment of the property in the neighborhood of zoning district.