



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, NOVEMBER 25, 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.) **Luke Klotz** - Requests a 33.5 ft. front setback variance and a 18 ft. setback variance from a boat well for construction of an accessory structure to a dwelling and a 25 ft. front setback variance and a 5 ft. side setback variance for ground decking in a Lake and Stream Protection (P-LS) zoning district. The property is located at 3350 Nabanois Trail, Tuscarora Township, Section 19, parcel #162-I41-006-004-00. A 40ft front setback and a 25 ft. setback from a boat well for a structure and a 25 ft. front setback and a 5 ft. side setback for ground decking are required for the subject lot in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Luke Klotz

Exhibit List

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

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

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

\$100.00 APPLICATION FEE

RECEIPT #:	4825
CASH/CHECK:	1201
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <i>3350 NABANDIS</i>	City / Village <i>INDIAN RIVER</i>	Township / Sec. <i>1</i>	Zoning District
Property Tax I.D. (Parcel) Number <i>162-141-006-004-00</i>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <i>LUKE KLOTZ</i>	Telephone <i>517-937-5649</i>	Fax	
Address <i>500 E. PEARL</i>	City & State <i>JACKSON, MI</i>	Zip Code <i>49201</i>	E-Mail <i>LUKE@LAAUTO.COM</i>

COMCAST@2.NET

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

ON THE INDIAN RIVER OFF ONAWAY RD

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: *40' WATERS EDGE, 25' BOAT WELL, 5' SIDE SETBACK*
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: *SECOND HOME*
- D. A previous appeal has (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.
- E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

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

COVER OVER TABLE.

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.

NARROW AND SHALLOW LOT SIZE.

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

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

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

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

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

Owner's Signature

Date

10-15-15

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

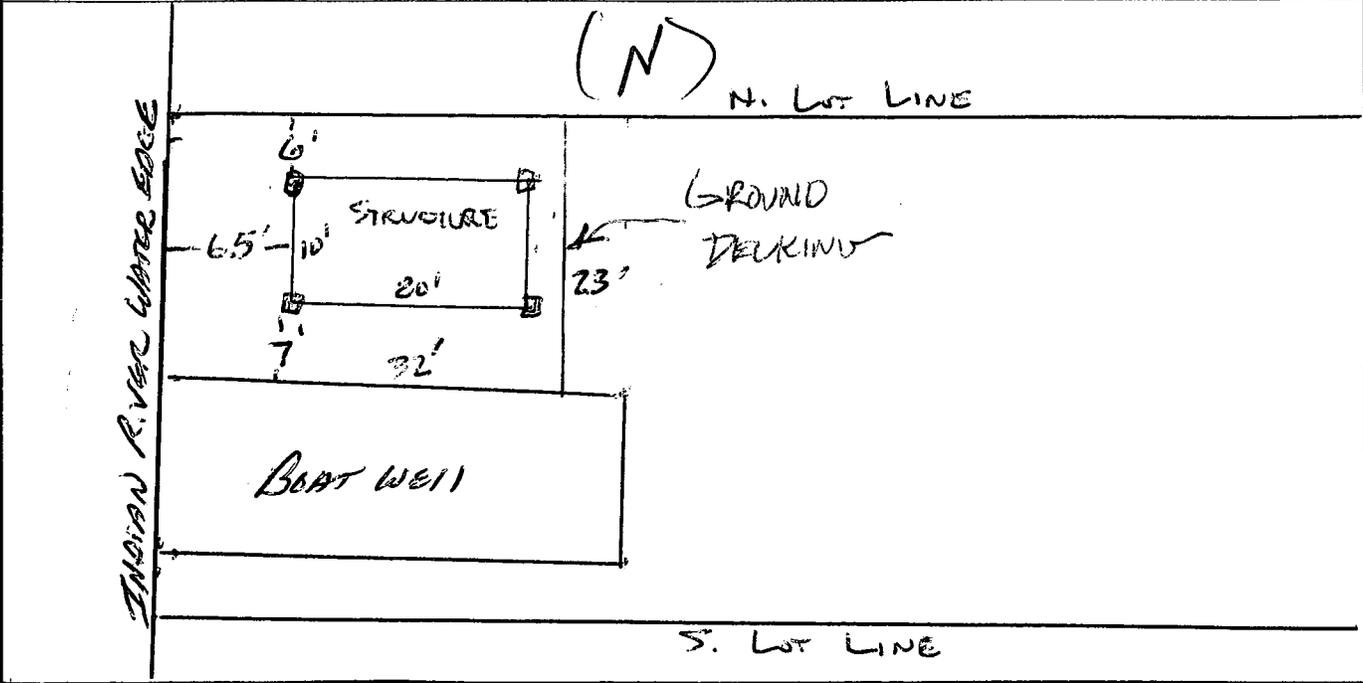
Date

10-15-15

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

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

Distance from property line to proposed structure: Front: _____ Rear: _____ Side: _____ Side: _____	Zoning District: _____	North: _____
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* LOT LINE DESIGNATIONS,
 MEASUREMENTS AND STRUCTURE LABELS BY S.E. McNEIL
 11/5/15
 REMAINDER OF DRAWING BY LUKE KLOTZ

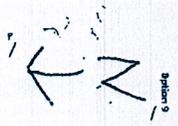
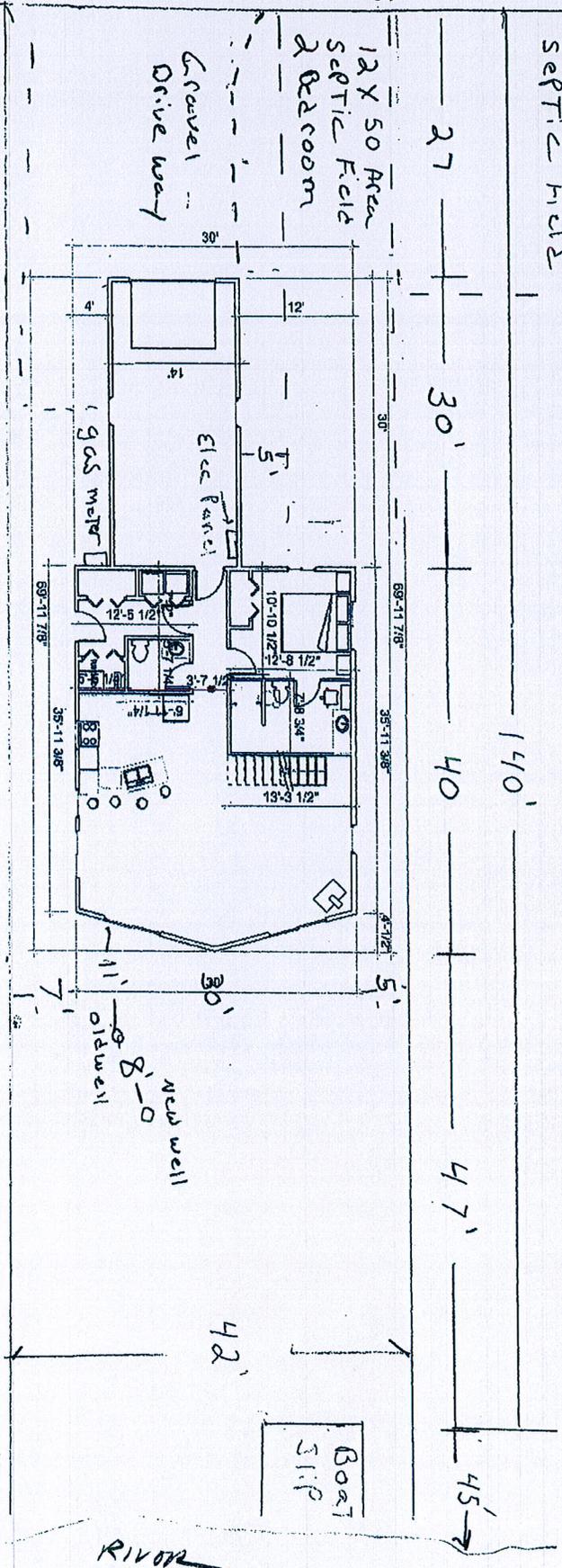
LOT LAYOUT 1-10-2010

Neighbors
septic field

Nebraska
Trail

12 X 50 Area
septic field
& Bedroom

Gravel
Drive way



The
Indian River

RIVER

Boat
Slip

New well
8'-0"
old well
11'

140'

27

30'

40

47'

45'

30'

42'

69'-11 7/8"

35'-11 3/8"

7'

69'-11 7/8"

35'-11 3/8"

5'

8'

4'

12'

30'

7'

Section 2

16-161-I31-005-011-00
WALDRON, JULIE & CRAIG TTEES
3878 MCMICHAEL RD, PO BOX 4206
BURT LAKE MI 49717

16-162-I41-003-035-00
ROBERTS, COREY & KRISTEN, TTE
23 ARROWHEAD DR
COLDWATER MI 49036

16-162-I41-006-004-00
KLOTZ, LUKE
500 EAST PEARL ST
JACKSON MI 49201

16-161-I31-006-001-01
HANLON, TIMOTHY J TRUST
PO BOX 684
INDIAN RIVER MI 49749

16-162-I41-003-037-01
REEB, DAVID
3401 HAMMERSLY RD
INDIAN RIVER MI 49749

16-162-I41-006-005-00
HOFFMAN, MARK & CORRINE HOF
6384 KINGS PTE RD
GRAND BLANC MI 48439

16-162-019-100-034-00
PURTILL, JAMES & MARILYN SPOE
3247 N CLUB RD
INDIAN RIVER MI 49749

16-162-I41-004-013-00
ROSE, GLENN & GLORIA H/W
718 E TYLER
ALMA MI 48801

16-162-I41-006-006-00
WEBER, WILLIAM & DENISE H/W L/
405 WOODSTONE DR
WATERFORD MI 48329

16-162-019-100-035-00
WALDRON, JULIE & CRAIG TTEES
PO BOX 4206
BURT LAKE MI 49717

16-162-I41-004-015-00
SMITH, WILLARD & MARGARET SO
1765 ELDON DR
WICKLIFFE OH 44092-1532

16-162-I41-006-007-00
BOCK, GREG & KELLY (STACKPOL
14534 CARROLL RD.
BLISSFIELD MI 49228

16-162-I41-003-008-00
MARY M LLC
3188 W COON LAKE RD
HOWELL MI 48843

16-162-I41-004-018-00
SUTTON, KENNETH
857 BOSHAU
ATTICA MI 48412

16-162-I41-007-001-00
HOWE INTERLAKES MARINE, INC
PO BOX 516
INDIAN RIVER MI 49749

16-162-I41-003-020-00
HATFIELD, JOHN & NANCY TRUST
PO BOX 516
INDIAN RIVER MI 49749

16-162-I41-004-025-00
TUSCARORA, TOWNSHIP OF
3546 S STRAITS HWY
INDIAN RIVER MI 49749

16-162-I41-003-027-00
STACKPOLE-BOCK, KELLY
14534 CARROLL RD.
BLISSFIELD MI 49228

16-162-I41-004-028-00
ROSE, GLENN & GLORIA H/W
718 E TYLER
ALMA MI 48801

16-162-I41-003-030-00
STACKPOLE-BOCK, KELLY
14534 CARROLL RD
BLISSFIELD MI 49228

16-162-I41-005-002-00
TUSCARORA, TOWNSHIP OF
3546 S STRAITS HWY
INDIAN RIVER MI 49749

16-162-I41-003-031-00
HATFIELD, JOHN & NANCY H/W
PO BOX 516
INDIAN RIVER MI 49749

16-162-I41-005-009-00
SMITH, WILLARD W AND
1765 ELDON DR
WICKLIFFE OH 44092-1532

16-162-I41-003-033-00
ROBERTS, COREY & KRISTEN, TTE
23 ARROWHEAD DR
COLDWATER MI 49036

16-162-I41-006-003-00
HOLT, EDNA
5490 128TH AVENUE
FENNVILLE MI 49408

16-161-I31-006-001-01
OCCUPANT
6005 PROSPECT ST
INDIAN RIVER, MI 49749

16-162-I41-003-037-01
OCCUPANT
3401 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-006-006-00
OCCUPANT
3336 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-019-100-034-00
OCCUPANT
3281 GRATIOT ST
INDIAN RIVER, MI 49749

16-162-I41-004-013-00
OCCUPANT
3412 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-006-007-00
OCCUPANT
3328 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-019-100-035-00
OCCUPANT
3307 GRATIOT ST
INDIAN RIVER, MI 49749

16-162-I41-004-015-00
OCCUPANT
3398 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-007-001-00
OCCUPANT
3312 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-008-00
OCCUPANT
3450 ALDEN TRL
INDIAN RIVER, MI 49749

16-162-I41-004-025-00
OCCUPANT
3397 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-020-00
OCCUPANT
3360 ALDEN TRL
INDIAN RIVER, MI 49749

16-162-I41-004-028-00
OCCUPANT
3419 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-027-00
OCCUPANT
3283 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-005-002-00
OCCUPANT
3386 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-030-00
OCCUPANT
3305 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-005-009-00
OCCUPANT
3370 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-031-00
OCCUPANT
3353 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-006-003-00
OCCUPANT
3356 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-033-00
OCCUPANT
3367 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-006-004-00
OCCUPANT
3350 NABANOIS TRL
INDIAN RIVER, MI 49749

16-162-I41-003-035-00
OCCUPANT
3381 HAMMERSLY RD
INDIAN RIVER, MI 49749

16-162-I41-006-005-00
OCCUPANT
3342 NABANOIS TRL
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: Request for a 33.5 ft. front setback variance and a 18 ft. setback variance from a boat well for construction of an accessory structure to a dwelling and a 25 ft. front setback variance and a 5 ft. side setback variance for ground decking in a Lake and Stream Protection (P-LS) zoning district.	Prepared by: Scott McNeil
Date: November 17, 2015	Expected Meeting Date: November 25, 2015

GENERAL INFORMATION

Applicant: Luke Klotz

Property Owner: Same

Contact person: Same

Phone: 517-937-5649

Requested Action: Requests a 33.5 ft. front setback variance and a 18 ft. setback variance from a boat well for construction of an accessory structure to a dwelling and a 25 ft. front setback variance and a 5 ft. side setback variance for ground decking in a Lake and Stream Protection (P-LS) zoning district.

BACKGROUND INFORMATION

The zoning district is P-LS, Lake and Stream Protection District. A 40ft front setback from the high water mark if the Indian River and a 25 ft. front setback and a 5 foot side setback for decking which is less than 30 inches above the ground and without railings is required for the subject lot per section 10.4.7. A 25 ft. setback from a boat well for a structure and decking is required per section 10.4.6.

The applicant has built an accessory structure to a dwelling in the water front and boat well setback and ground decking in the waterfront, boat well and side lot setback area. (see drawing in exhibit 3) This request is being brought to the board as a result of enforcement action.

As a result there are five (5) variance considerations with this application. Relative to the accessory structure, variances are being sought regarding front setback and setback from the boat

well. Relative to the ground decking, variances are being sought for front and side setback as well a setback from the boat well.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection District

East: Same

South: Same

North: Same

Surrounding Land Uses: Residential uses surround the subject site.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) The subject site is located on the Indian River. There are no other environmentally sensitive areas on the subject site.

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 zoned Lake and Stream Protection (P-LS)
2. The subject lot is 42 feet wide.
3. A front setback of 40 feet and side setback of 5 feet is required for structures in the subject lot in a P-LS zoning district per Section 17.1.
4. Ground decking which is less than thirty (30) inches above the natural grade at the deck building line may extend into the front setback area but not nearer to the shoreline than twenty five (25) feet per section 10.4.7.
5. Permanent structures shall observe and minimum setback from a boat well of 25 feet per section 10.4.6.
6. The applicant is seeking a 33.5 foot front setback variance and an 18 foot setback variance from a boat well for construction of an accessory structure to a dwelling and a 25 foot front setback variance, a 25 foot setback variance from a boat well, and a 5 foot side setback variance for ground decking.
- 7.
- 8.

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

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

Regarding accessory structure front setback

The accessory structure at the proposed location is necessary due to location of a boat slip and narrow width of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of the accessory structure.

Regarding accessory structure boat well setback

The accessory structure at the proposed location is necessary due to location of a boat slip and narrow width of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of the accessory structure.

Regarding ground decking front setback

The ground decking at the proposed location is necessary due to location of a boat slip and narrow width of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of the accessory structure in the front setback and/or other options exist regarding walkways in the setback area.

Regarding ground decking side setback

The ground decking at the proposed location is necessary due to location of a boat slip and narrow width of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of the accessory structure in the side setback.

Regarding ground decking boat well setback

The ground decking at the proposed location is necessary due to location of a boat slip and narrow width of the lot.

OR, there are no unique circumstances or physical conditions of the property relative to the placement of the accessory structure in the required setback from the boat well and/or other options exist regarding walkways in the setback area.

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 accessory structure front setback

The need for the variance is due to unique physical conditions of lot and the need for the requested variance is not self created

OR, other options for location of the accessory structure exist and the requested variance is the result of actions of the applicant and the need for the requested variance is self created.

Regarding accessory structure boat well setback

The subject parcel possesses unique physical conditions relative to limited area created by the boat well and narrow lot and the need for the requested variance is not self created

OR, other options exist for location of the accessory structure exist and the requested variance is the result of actions of the applicant and the need for the requested variance is self created.

Regarding ground decking front setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, and or and narrow lot the need for the variance request is not self created.

OR, other options for location of the ground structure exist and/or other modifications can be made to the ground decking to meet setback requirements. The need for the variance request is self created.

Regarding ground decking side setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, and narrow lot the need for the variance request is not self created.

OR, other modifications can be made to the ground decking to meet setback requirements. The need for the variance request is self created.

Regarding ground decking boat well setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, and narrow lot the need for the variance request is not self created.

OR, other options for location of the ground structure exist and/or other modifications can be made to the ground decking to meet setback requirements. The need for the variance request is self created.

23.5.4.3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will

unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Regarding accessory structure front setback

Due to placement of the boat well and/or like uses in the neighborhood and/or the narrow lot conformity with setback regulations would be unnecessarily burdensome.

OR, there are no unique circumstances or physical conditions and conformity with setback requirements is not unnecessarily burdensome.

Regarding accessory structure boat well setback

The subject parcel possesses unique physical conditions relative to limited area created by the boat well and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions and conformity with setback requirements is not unnecessarily burdensome.

Regarding ground decking front setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, conformity with setback regulations would be unnecessarily burdensome.

OR, other modifications can be made to the ground decking to meet setback requirements and ground decking setback requirements are not unnecessarily burdensome.

Regarding ground decking side setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, conformity with setback regulations would be unnecessarily burdensome.

OR, other modifications can be made to the ground decking to meet setback requirements and ground decking setback requirements are not unnecessarily burdensome.

Regarding ground decking boat well setback

Due to placement of the boat well located at the water's edge and/or like uses in the neighborhood, conformity with setback regulations would be unnecessarily burdensome.

OR, other modifications can be made to the property and ground decking to meet setback requirements and ground decking setback requirements are not unnecessarily burdensome.

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

Regarding accessory structure front setback

Do to conditions of the lot 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, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

Regarding accessory structure boat well setback

Do to the width of the lot and the location of the boat well, 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, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

Regarding ground decking front setback

Do to 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.

OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

Regarding ground decking side setback

Do to 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.

OR, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

Regarding ground decking boat well setback

Do to the width of the lot and the location of the boat well, 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, other options exist for the applicant and the variance request does not represent the minimum necessary to grant the owner reasonable relief and will not do substantial justice to other property owners in the district.

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

Regarding accessory structure front setback

Granting the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property.

OR, granting the variance will cause adverse impacts on the neighboring property.

Regarding accessory structure boat well setback

Granting the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property

OR, granting the variance will cause adverse impacts on the neighboring property.

Regarding ground decking front setback

Granting the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property

OR, granting the variance will cause adverse impacts on the neighboring property.

Regarding ground decking side setback

Granting the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property

OR, granting the variance will cause adverse impacts on the neighboring property.

Regarding ground decking boat well setback

Granting the variance will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property

OR, granting the variance will cause adverse impacts on the neighboring property.