



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, MAY 25, 2016 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **John Palmer** – Requests a 42 ft. frontage variance and a 43 ft width variance for a lot with a dwelling. The property is located at 5289 Long Lake Road, Aloha Township, Section 12, parcel #140-012-100-019-00 and is zoned Lake and Stream Protection (P-LS). A lot must have a minimum of 100 feet of frontage and a minimum of 100 feet in width per dwelling in this zoning district pursuant to Section 17.1., note M of the Cheboygan County Zoning Ordinance #200.
- 2.) **Allen Carter** - Requests a 9 ft. front setback variance to construct a garage. (30ft. x 40ft.). The property is located at 2567 Riggsville Road, Inverness Township, Section 15, parcel #091-015-100-005-00 and is zoned Agriculture and Forestry Management. (M-AF). A 50 ft. front setback is required in this zoning district period pursuant to Section 17.1. of the Cheboygan County Zoning Ordinance #200.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, APRIL 27, 2016 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, John Thompson, Nini Sherwood
Members Absent: None
Others Present: Scott McNeil, Tony Matelski, Cal Gouine, Russell Crawford, Cheryl Crawford, Carl Muscott, Mary Smith, Charles Maziasz

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Minutes from the March 23, 2016 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Hemmer, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Warren Alaperet – Requests a 40 foot front setback variance and 25 foot boat well setback variance to alter a non-conforming boat house structure by increasing the roof height in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5836 Bellchase Dr., Tuscarora Township, Section 18, parcel #162-M47-000-011-00. Non-conforming structures in existence or under construction at the time of passage of the zoning ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of the ordinance. A front setback of 40 feet and a setback of 25 feet from a boat well are required in this zoning district.

Mr. McNeil stated that this request is for a variance to increase the height of a non-conforming boathouse structure. Mr. McNeil stated that the structure is non-conforming due to two different setback regulations. Mr. McNeil stated that there is a 40ft. setback requirement from the canal and a 25ft. setback from a boat well. Mr. McNeil stated that the applicant would like to change the nature of the non-conforming structure and as a result would need a variance from each of the setback requirements.

Mr. Alaperet stated that he and his wife purchased this property in September of 2015 and are now full-time residents in Cheboygan County. Mr. Alaperet stated that when they purchased the property they were concerned about the sturdiness and safety of the structure. Mr. Alaperet stated the structure height is so low that he is concerned that someone may hit their head when entering or exiting the structure. Mr. Alaperet noted that Mr. Freese did bump his head when he was inspecting the site. Mr. Alaperet stated the existing structure is an eyesore as there is black, flat, tar paper roof. Mr. Alaperet stated he is asking for a variance to raise and upgrade the existing structure so he can be proud of his property and to make it safe. Mr. Alaperet presented pictures and blueprints for the board to review. Mr. Freese asked if there will be a peaked roof. Mr. Alaperet stated yes.

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

The Zoning Board of Appeals added “There are numerous boathouses in the area.” to the General Findings. The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance requests based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

John Dach - Requests a 19 ft. front setback variance to construct an enclosed porch (10ft. x 16ft.) in a Residential Development (D-RS) zoning district. The property is located at 6515 Mack Ave., Tuscarora Township, Section 24, parcel #161-M57-000-033-00. A 30 ft. front setback is required in this zoning district.

Mr. McNeil stated that Mr. Dach is requesting a front setback variance for a porch addition to a residence. Mr. McNeil stated that in the Residential Development Zoning District a 30ft front setback is required and Mr. Dach wishes to come within 11ft. of the front setback which requires a 19ft. front setback variance.

Mr. Dach stated that his parcel is on the corner of Witt Avenue and Mack Avenue. Mr. Dach explained that he needs more room as he has 5 grandchildren. Mr. Dach stated that he has two septic tanks on the property and it would be difficult to build anywhere other than the front. Mr. Dach stated that he is only asking to come out 2 ft. further than the existing porch.

Mr. Freese stated there are no homes on the same side of the street that extend as far out as Mr. Dach is intending for the proposed enclosed porch Mr. Dach stated that the Zoning Board of Appeals members should look at the houses on the corner (yellow home and log sided home). Mr. Dach stated that he submitted a photograph that would show what the enclosed porch would look like. Mr. Dach noted that an addition was built three years ago on a home directly across from his home. Mr. Dach stated that he does not believe that it will meet the setback requirements. Mr. Freese stated that he did not see any structures that come as close as Mr. Dach is proposing to come. Mr. Dach stated that all 4 of the homes on the corner, with the exception of his home, have porches added on that would not comply with the setback requirements. Discussion was held regarding an aerial photo of the area. Mr. Freese explained that Mr. Dach's existing porch is 5ft. into the setback already. Mr. Freese stated that this is a legal non-complying structure and now Mr. Dach is proposing to enclose the existing 5ft. and add on another 5ft. Mr. Thompson stated the neighbor with the log sided home will lose his lake view if this enclosed porch is approved. Mr. Dach stated he has a letter from the neighbors stating that they have no objections to the proposed enclosed porch.

Mr. Moore asked what is the side setback requirement. Mr. McNeil stated that it is 8ft. Mr. Freese and Mr. Moore explained that a variance will not be necessary if the screen porch is built by the back door. Mr. Moore further explained that only an 8ft. side setback is required off of Witt Boulevard. Mr. Freese stated there are other options available for the location of the enclosed porch. Mr. Dach stated that he thought it would fit better if located off of the living room.

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

The Zoning Board of Appeals held a discussion regarding additional options being available for the location of the enclosed porch.

The Zoning Board of Appeals added "No other structures on the same side of the street extend anywhere near as far into the setback as to what is proposed in the application." as General Finding 5. The Zoning Board of Appeals reviewed the Findings of Fact and the Specific Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Request for interpretation - The Cheboygan County Zoning Administrator is requesting an interpretation from the Zoning Board of Appeals to clarify zoning district boundaries relative to lakes, watercourses and streams.

Relevant sections of Zoning Ordinance #200

3.9.2. Zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses.

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the case of streams, such boundaries shall be considered to follow the center line of the streams. Where shorelines of lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

SECTION 3.12. ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a useable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

Mr. McNeil stated it appears clear to the zoning administrators that the zoning district boundaries follow the shore of the lake. Mr. McNeil referred to section 3.12 and read "No use on any lake or stream shall be allowed which does not

conform to the ordinance provisions on the property from which said use emanates.” Mr. McNeil stated that he is asking for clarification from the board, with regards to lakes, that the zoning districts run out into the lake or that they run along the shore of the lake.

Ms. Sherwood asked for an example of where this would be an issue. Mr. McNeil stated that people have asked if zoning covers activities that take place on a dock or on a boat. Mr. McNeil stated that to this point they have said no that it is not zoning’s jurisdiction and that it is the ACOE and DEQ’s jurisdiction.

Mr. Freese stated that he does not see where there is a problem. Mr. Freese stated that we are looking at two sections of the ordinance; one section is regarding boundaries and the other is regarding fill. Mr. Freese stated that if you fill an area with the proper permits you are changing the land. Mr. Freese stated that if you dike an area and fill it, that is new land and the question is who own’s it. Mr. Freese explained that it is generally going to be owned by the property owner that is contiguous to that addition to the land. Mr. Freese stated that section 3.12 is talking about filled areas where permission has been granted by the DEQ and ACOE to fill an area. Mr. Freese stated he does not see where the problem lies as we are not talking about something on the end of a dock. Mr. Freese stated that we are talking about the land and the ownership of the land. Mr. Freese stated that one section is talking about the establishment of the boundary of the property which could be a surveyed line or a metes and bounds description. Mr. Freese stated if there is a surveyed set of points and the stream cuts through it doesn’t make any difference as the survey stakes govern. Mr. Freese stated the use of the land is governed by section 3.12.

Mr. Moore stated he agrees with Mr. Freese, but asked if Mr. McNeil can be more specific on the question. Mr. McNeil stated that this was a question from Mr. Schnell regarding discussions he has had concerning lakefront development in areas that had been filled. Mr. McNeil stated he is asking for clarification with regards to zoning on lakes.

Mr. Freese stated the zoning of the parcel that the fill extends in front of governs the use of the land. Mr. Moore stated that theoretically the sentence is not needed. Mr. Moore stated if he puts 10 yards of fill in front of his property he has altered the shoreline and it is covered under a different section saying the boundary is the shoreline. Discussion was held. Mr. Freese stated there must be a problem that we are not looking at that caused this to be included in the ordinance. Mr. Freese stated there is no problem with the interpretation the way it stands. Mr. Freese stated that section 3.12 says that if you add in front of the property by fill that zoning of the property stays with the fill. Mr. Freese stated that putting a dock out does not give someone extra rights out on the water. Mr. McNeil asked if the sentence causing the concern carries no weight. Mr. Thompson noted that sections 3.9.2 and 3.9.3 cover everything.

Mr. Freese stated if someone wants to build a jetty in front of their property, the mere construction of the structure will change the littoral drift in front of the property and there will be an accretion and scouring action because of the jetty. Mr. Freese stated it can build up a beach for a property owner.

Mr. McNeil asked Mr. Freese if he is saying that zoning follows the shoreline and does not extend into the lake. Mr. Freese stated that is correct. Mr. Freese stated if a fill situation is created that is above the high water mark on a big lake or on an inland lake and it is dry, it is zoned.

Motion by Mr. Moore, seconded by Mr. Thompson, that zoning follows the shoreline and does not extend into a lake and if a fill situation is created that is above the high water mark on a big lake or on an inland lake and it is dry, it is zoned. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Mr. Moore stated that he would like for the Planning Commission to look at corner lots. Mr. Freese stated he will discuss corner lots with the Planning Commission. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott referred to the sentence in section 3.12 and asked why the sentence is in this section. Mr. Muscott stated it

doesn't refer to anything that is filled. Mr. Muscott stated this section addresses something like a dock extending from a property or a pontoon boat floating at a dock. Mr. Freese stated he does not see that it really causes a problem.

Mr. Muscott stated the Planning Commission clarified at the last meeting where the pontoon boat would be located. Mr. Muscott stated it would not be in the river. Discussion was held.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:44pm.

John Thompson, Secretary

DRAFT

Cheboygan County Zoning Board of Appeals

John Palmer

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Cheboygan County Zoning Board of Appeals Meeting & Public Hearing Notice (1 Page)
4. Notice of Appeal Application (4 pages)
5. Mailing List (2 pages)
- 6.
- 7.
- 8.
- 9.

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

NOTICE

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING

WEDNESDAY, May 25, 2016 AT 7:00 P.M.

ROOM 135 – COMMISSIONERS ROOM

CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **John Palmer** – Requests a 42 ft. frontage variance and a 43 ft width variance for a lot with a dwelling. The property is located at 5289 Long Lake Road, Aloha Township, Section 12, parcel #140-012-100-019-00 and is zoned Lake and Stream Protection (P-LS). A lot must have a minimum of 100 feet of frontage and a minimum of 100 feet in width per dwelling in this zoning district pursuant to Section 17.1., note M of the Cheboygan County Zoning Ordinance #200.
- 2.) **Larry Sidell** – Requests a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of empty waste hauling trucks. The property is located at 8627 North Straits Highway, Inverness Township, Section 24, parcel #091-024-200-006-00 and is zoned Commercial Development (D-CM). The Zoning Board of Appeals may permit temporary buildings and uses for periods not exceeding two (2) years, which may be renewed upon request for not more than one (1), one (1) year period pursuant to Section 23.5.2.5. of the Cheboygan County Zoning Ordinance #200.
- 3.) **Allen Carter** - Requests a 9 ft. front setback variance to construct a garage. (30ft. x 40ft.). The property is located at 2567 Riggsville Road, Inverness Township, Section 15, parcel #091-015-100-005-00 and is zoned Agriculture and Forestry Management. (M-AF). A 50 ft. front setback is required in this zoning district period pursuant to Section 17.1. of the Cheboygan County Zoning Ordinance #200.

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

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

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

DIMENSIONAL VARIANCE APPLICATION

\$100.00 APPLICATION FEE

\$100.00

RECEIPT #:	4980
CASH/CHECK:	✓ 3339
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 5289 Long Lake Road	City / Village Cheboygan	Township / Sec. Aloha , 12	Zoning District <i>Lake & Stream</i>
Property Tax I.D. (Parcel) Number 16-140-012-100-019-00	Subdivision or Condo. Name / Plat or Lot No. Part of Govt Lot 5, T.36 N, R. 1 W.		

APPLICANT

Name John L. Palmer	Telephone 231-420-4443	Fax	
Address 5289 Long Lake Road	City & State Cheboygan, MI	Zip Code 49721	E-Mail palmer2007@att.net

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

M-33 to Orchard Beach Road, right on South River Road, right on Long Lake Road, right on Yams Road, turn right on to

 driveway

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: dwelling
- 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 N/A, 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. There are two dwellings on the 158' of lake frontage. We want to take the property and split it to include a dwelling on each parcel. One parcel being 58' and the other being 100' of lake frontage.

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. This property needs to be split in to two parcels due to the fact that there are two dwellings currently on one parcel.

 - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created). Both dwellings were already on the premises when we purchased this property and have been in existence for 30 plus years.

 - 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. By splitting the parcel, it will not be an unnecessary burden, as none of the governing regulations apply to this variance. The two dwellings on the property have been in existence for 30 years. Both houses are 40 feet from the water's edge. No other variances apply.

 - 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. This variance would not interrupt any of the neighbors' properties.

 - 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 requested variance will not affect surrounding properties in any way.

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 John Palmer Date 4-27-16

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

Applicant's Signature John Palmer Date 4-27-16

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

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

Distance from property line to proposed structure:

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

Zoning District:

P-LS

North:

SEE ATTACHED

DOYLE CIVIL ENGINEERS

Property Survey For

George & Judy Merz

October 29, 1986

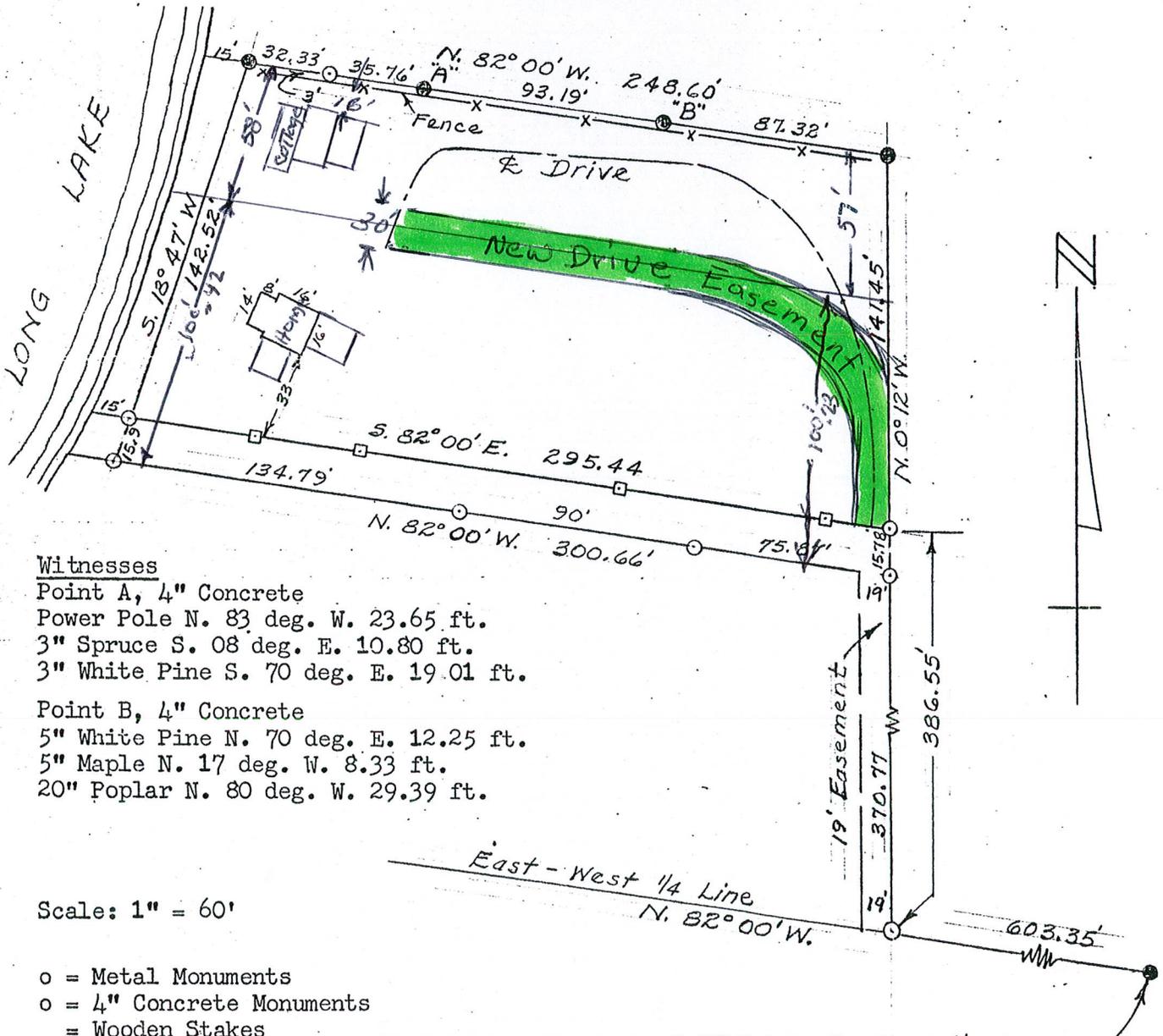
8 Chippewa Court

Saginaw, Mich. 48602

Part of Gov't Lot 5

Sec. 12, T. 36 N., R. 1 W.

Aloha Twp., Cheboygan Co., Mich.



Witnesses

- Point A, 4" Concrete
- Power Pole N. 83 deg. W. 23.65 ft.
- 3" Spruce S. 08 deg. E. 10.80 ft.
- 3" White Pine S. 70 deg. E. 19.01 ft.

- Point B, 4" Concrete
- 5" White Pine N. 70 deg. E. 12.25 ft.
- 5" Maple N. 17 deg. W. 8.33 ft.
- 20" Poplar N. 80 deg. W. 29.39 ft.

Scale: 1" = 60'

- o = Metal Monuments
- o = 4" Concrete Monuments
- = Wooden Stakes

Revised Oct. 1986
 LAND SURVEYING - SUBDIVISIONS - PLANS - MAPS, STRUCTURAL & HIGHWAY DESIGN

Center 1/4 Corner
 Sec. 12, T. 36 N., R. 1 W.

245-86, 86-78, 154-71

Palmer Mailing
List

16-140-012-100-015-00
LAVIGNE, FABIANJR&NANCY H/W
4640 BEACON LN
CHEBOYGAN MI 49721

16-140-012-100-016-00
KOSIER, HELEN, TRUSTEE
2626 STAMFORD DR
TOLEDO OH 43614

16-140-012-100-017-00
BROOKS, VIRGINIA M 1/2 INT &
1327 WRENWOOD DR
TROY MI 48084

16-140-012-100-018-00
BROOKS, VIRGINIA
1327 WRENWOOD DR
TROY MI 48084

16-140-012-100-019-00
PALMER, JOHN & KAREN H/W
5289 LONG LAKE RD
CHEBOYGAN MI 49721

16-140-012-100-021-00
WALLACE, DARRELL & KATHY H/
5285 LONG LAKE RD
CHEBOYGAN MI 49721

16-140-012-100-025-00
SCHNEIDER, EDWARD & TONI H/W
2137 MAPLE GROVE LN
CHEBOYGAN MI 49721

16-140-012-100-015-00
OCCUPANT
4642 BEACON LN
CHEBOYGAN, MI 49721

16-140-012-100-016-00
OCCUPANT
4644 BEACON LN
CHEBOYGAN, MI 49721

16-140-012-100-017-00
OCCUPANT
4646 BEACON LN
CHEBOYGAN, MI 49721

16-140-012-100-018-00
OCCUPANT
4648 BEACON LN
CHEBOYGAN, MI 49721

16-140-012-100-019-00
OCCUPANT
5289 LONG LAKE RD
CHEBOYGAN, MI 49721

16-140-012-100-021-00
OCCUPANT
5285 LONG LAKE RD
CHEBOYGAN, MI 49721

16-140-012-100-025-00
OCCUPANT
4650 BEACON LN
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: A request for a 42 foot frontage variance and a 43 ft width variance request to allow division of land with two (2) dwellings. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: May 18, 2016	Expected Meeting Date: May 25, 2016

GENERAL INFORMATION

Applicant: John Plamer

Property Owner: Same

Contact person: Same

Phone: 231-420-4443

Requested Action: Allow a lot with a dwelling to contain 58 feet of frontage and 57 feet in width in the Lake and Stream Protection District.

BACKGROUND INFORMATION

The applicant is seeking a variance to divide a lake front lot into two lots with a dwelling to be located on each. One lot is proposed to contain 58 feet of frontage and a width of 57 feet.

Currently the subject lot contains 158 feet of frontage and a width of 157 feet. (see survey with the application) The lot contains two dwellings and is currently a non-conforming lot relative to frontage and width. The dwelling to remain on the proposed lot requiring the variance is non-conforming relative to living area.

Section 17.1. requires 100 feet in width for a lot for a dwelling in the Lake and Stream Protection District. Section 17.1., note M requires that lots in the Lake and Stream Protection District shall contain a minimum of one hundred (100) feet of frontage in addition to minimum lot width requirements.

Surrounding Zoning:

All surrounding property is zoned Lake and Stream Protection. The subject property is has frontage on Long Lake.

Surrounding Land Uses:

Residential land uses surround the subject property.

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

The property contains frontage on Long Lake.

Public Comments:

1. None

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a P-LS zoning district.
2. The applicant is requesting a variance to allow a division of land that would create a lot for a dwelling with 58 feet of frontage and 57 feet in width in the Lake and Stream Protection District.
3. Section 17.1. requires 100 feet in width for a lot for a dwelling in the Lake and Stream Protection District and Section 17.1., note M requires that lots in the Lake and Stream Protection District shall contain a minimum of one hundred (100) feet of frontage in addition to minimum lot width requirements.
4. The current lot contains two (2) dwellings is non-conforming relative to frontage and width.
5. The dwelling that would remain on the lot requiring the subject variance is non-conforming relative to floor area.
- 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 lot contains two (2) dwellings and is a non-conforming lot relative to frontage and width which is a unique physical condition and the requested variance is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical conditions or circumstances of the property 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 lot contains two (2) dwellings and is a non-conforming lot relative to frontage and width which is a unique physical condition and is not the result of actions of the property owner or previous property owners.

OR, the need for the variance is the result of actions of the property owner.

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

Due to the topography of property/width of the lot and depth of the lot will require a variance and conformity with regulations is deemed unnecessarily burdensome.

OR, conformance with existing regulations will allow continued use of the lot in its current non-conforming status, and conformity with requirements of the Cheboygan County Zoning Ordinance 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 lot containing two (2) dwellings and is a non-conforming lot relative to frontage and width, the variance request represents the minimum necessary to grant reasonable relief and do substantial justice to other property owners in the district.

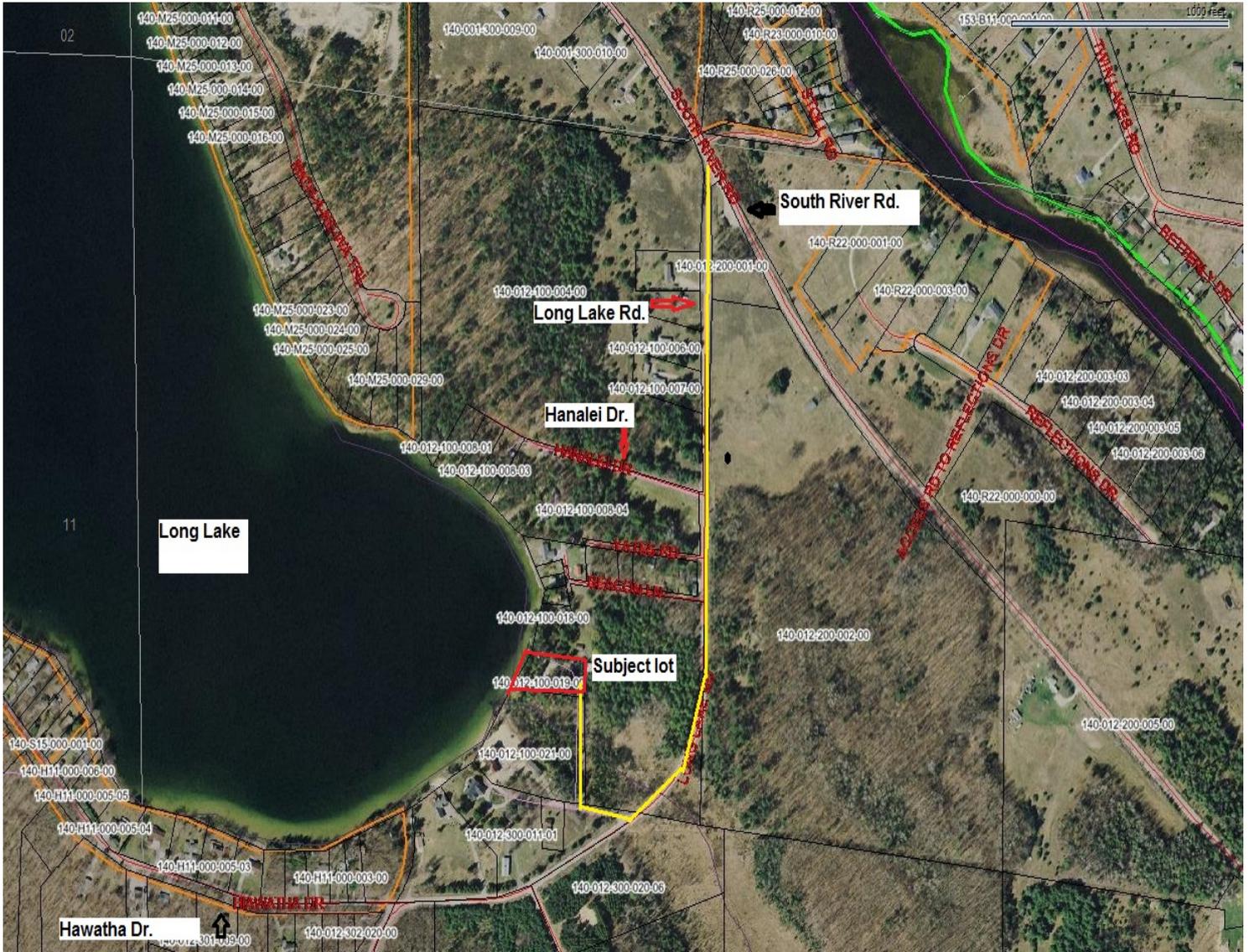
OR, the variance request does not represent the minimum necessary and/or will not do substantial justice to other property owners in the district.

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 to separate a lot which contains two (2) dwellings and is a non-conforming lot relative to frontage 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 create a smaller non-conforming lot 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.

Directions to site



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Allen Carter

Exhibit List

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

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

NOTICE

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING and PUBLIC HEARING

WEDNESDAY, May 25, 2016 AT 7:00 P.M.

ROOM 135 – COMMISSIONERS ROOM

CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **John Palmer** – Requests a 42 ft. frontage variance and a 43 ft width variance for a lot with a dwelling. The property is located at 5289 Long Lake Road, Aloha Township, Section 12, parcel #140-012-100-019-00 and is zoned Lake and Stream Protection (P-LS). A lot must have a minimum of 100 feet of frontage and a minimum of 100 feet in width per dwelling in this zoning district pursuant to Section 17.1., note M of the Cheboygan County Zoning Ordinance #200.
- 2.) **Larry Sidell** – Requests a 12 month temporary use for outdoor storage of empty waste dumpsters and outdoor parking of empty waste hauling trucks. The property is located at 8627 North Straits Highway, Inverness Township, Section 24, parcel #091-024-200-006-00 and is zoned Commercial Development (D-CM). The Zoning Board of Appeals may permit temporary buildings and uses for periods not exceeding two (2) years, which may be renewed upon request for not more than one (1), one (1) year period pursuant to Section 23.5.2.5. of the Cheboygan County Zoning Ordinance #200.
- 3.) **Allen Carter** - Requests a 9 ft. front setback variance to construct a garage. (30ft. x 40ft.). The property is located at 2567 Riggsville Road, Inverness Township, Section 15, parcel #091-015-100-005-00 and is zoned Agriculture and Forestry Management. (M-AF). A 50 ft. front setback is required in this zoning district period pursuant to Section 17.1. of the Cheboygan County Zoning Ordinance #200.

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

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

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

DIMENSIONAL VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	4997
CASH/CHECK:	#3491 5/14/16
ACTION /DATE:	5/25/16

PLEASE PRINT

PROPERTY LOCATION

Address 2567 Riggsville Road	City / Village Cheboygan	Township / Sec. Inverness, 15	Zoning District Residential Agg Forest
Property Tax I.D. (Parcel) Number 116-091-015-100-005-00	Subdivision of Condo. Name / Plat or Lot No.		

APPLICANT

Name Allen Carter	Telephone 231-627-8207	Fax	
Address 2567 Riggsville Road	City & State Cheboygan, MI	Zip Code 49721	E-Mail tmcarter2567@hotmail.com

OWNER (If different from applicant)

Name As Above	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

West on Riggsville Road past Inverness Trail
 past Wallace Road. left hand side
 2567 Riggsville Road - hunter green house
 white vinyl fence.

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

I. Property Information

- A. List all known deed restrictions: N/A
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: primary residence.
- 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 put up a garage replacing current small garage and 2 lawn buildings. Buildings 1, 2, and 3.

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

property shape and narrowness. In addition there is 2 main power lines running behind and along side of drive way. all property to east is low

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

presque electric requires 15' easement and zoning requires 83' easement from center line of Riggsville Road.

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

setback and frontage is preventing a building and dimensional requirements.

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.

No change want to replace existing structures with a larger one, without losing driveway and parking.

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

will not cause an impact.

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 *Allen Cook* Date 5-3-16

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 *Allen Cook* Date 5-3-16

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

- | | |
|---|---|
| <ol style="list-style-type: none"> 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. | <ol style="list-style-type: none"> 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. |
|---|---|

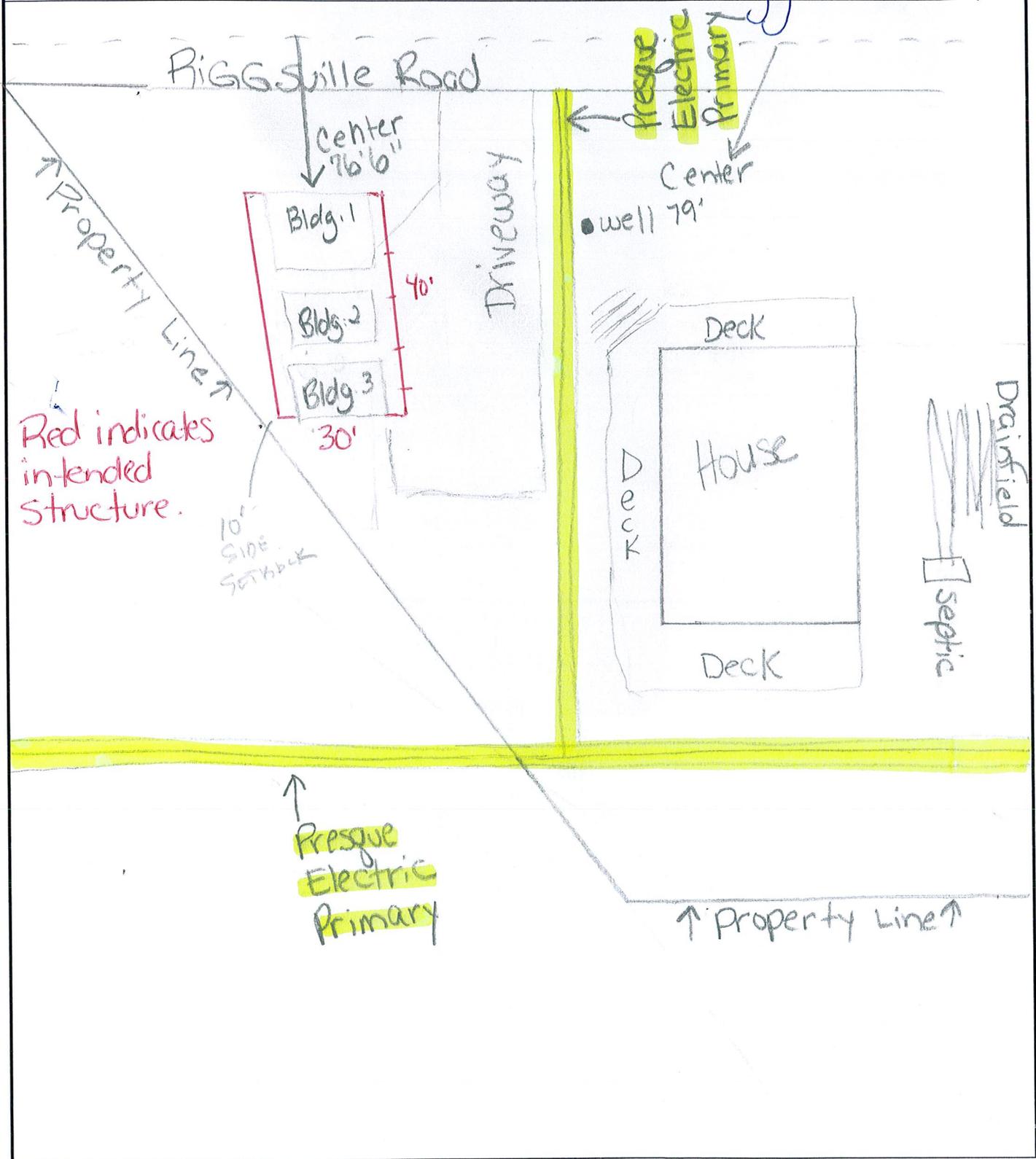
Distance from property line to proposed structure:

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

Zoning District:

Agg. Forest

North:



*Carter Mailing
List*

16-091-015-100-001-04
ROMANIK, WALTER L/E &
2690 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-003-01
BUR, BRIAN J. ET AL
2616 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-003-02
BUR, RONALD & PATRICIA H/W L/E
2584 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-004-00
BUR, RONALD & PATRICIA H/W L/E
2584 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-005-00
CARTER, CHRISTINA & ALLEN W/H
2567 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-006-00
CARTER, ALLEN & CHRISTINA H/W
2567 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-106-051-01
KENNEDY, CYNTHIA & WILLIAM SI
2526 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-114-131-01
GOOD, SUSAN F TRUST
2625 KITCHEN RD
CHEBOYGAN MI 49721

16-091-015-200-001-01
LEGATO, JOEL & SHANDALEE H/W
2466 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-200-004-00
TAYLOR, JERALD M ET UX
2417 RIGGSVILLE RD
CHEBOYGAN MI 49721

16-091-015-100-003-01
OCCUPANT
2616 RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-100-003-02
OCCUPANT
2584 RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-100-004-00
OCCUPANT
RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-100-005-00
OCCUPANT
2567 RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-106-051-01
OCCUPANT
2526 RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-114-131-01
OCCUPANT
2625 KITCHEN RD
CHEBOYGAN, MI 49721

16-091-015-200-001-01
OCCUPANT
2466 RIGGSVILLE RD
CHEBOYGAN, MI 49721

16-091-015-200-004-00
OCCUPANT
2417 RIGGSVILLE RD
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: An 9 ft. front setback variance to allow a 41 ft. front setback for construction of a storage building. The property is zoned Agriculture and Forestry Management District (M-AF)	Prepared by: Scott McNeil
Date: May 18, 2016	Expected Meeting Date: May 25, 2016

GENERAL INFORMATION

Applicant: Allen Carter

Property Owner: Same

Contact person: Same

Phone: 231-627-8207

Requested Action: Approve a 9 ft. front setback variance to allow construction of a 30 x 40 storage building.

BACKGROUND INFORMATION

The applicant is seeking a front setback variance to allow the placement of a storage building measuring 40 ft wide and 30 ft. deep. The site is located in an Agriculture and Forestry Management (M-AF) Zoning District. The applicant is seeking approval for the variance to place a new storage building structure in the location of three (3) existing storage structures. A 50 ft. front setback and 10 ft. side setback is required in this zoning district.

Surrounding Zoning:

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

West: Same

South: Same

East: Same

Surrounding Land Uses:

Residential land use on larger parcels surround the subject property.

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

The site contains woodlands and some low lying area. The site does not contain any known sensitive areas.

Public Comments:

None

VARIANCE CONSIDERTIONS

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

General Findings

1. Property is located in a Agriculture and Forestry Management (M-AF) zoning district.
2. A front setback of 50 feet is required in an M-AF zoning district per Section 17.1.
3. The applicant is proposing to construct a private storage building 40 ft. wide and 30 ft. deep
4. The applicant is requesting a 9 foot front setback variance for placement of the private storage building.
- 5.
- 6.
- 7.

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

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

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

The subject property is shaped in a triangle, and contains low lying area which are unique physical conditions.

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

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

The need for the variance is due to the shape of the lot and low lying area and is not the result of actions of the property owner or previous property owners.

OR, the placement of the proposed private storage building measuring 30 ft. deep and 40 feet wide is the result of actions of the current property owner and the need for the requested variance is self created.

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

Regarding front setback;

Conformity with setback regulations is deemed unnecessarily burdensome due to the shape of the lot.

OR, conformance with setback regulations will allow construction of private storage structure within the required setback on the site and conformity with setback regulations is not unnecessarily burdensome.

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

Regarding front setback;

Due to the shape of the lot, and/or the low lying area, 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.

23.5.4.4. 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 front setback;

Allowing a 41 foot front setback will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

OR, the requested variance to allow a 41 ft. front 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.

Directions to site.

