



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

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

**CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 26, 2015 AT 7:00 P.M.
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA – Revised 08/06/15

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Joseph Gustin** – Requests a 320 square foot total floor area variance for a private storage building to be located on a lot containing less than 2 acres in a Lake and Stream Protection (P-LS) zoning district. The property is located at 2062 France Lane., Benton Township, Section 16, parcel #104-016-300-019-03. Private storage buildings are limited to a total floor area of no more than 1,600 square feet on lots with 2 acres or less in this zoning district.
- 2.) **John Charney** - Requests a 1.27 ft. side setback variance to construct an addition to a dwelling (12ft x 24ft.). The property is located on 6769 Orchard Beach Drive, Benton Township, Section 32, parcel #105-S63-000-031-00 and is zoned Lake and Stream Protection (P-LS). A 7.1 ft. side setback is required for the subject parcel in this zoning district.

UNFINISHED BUSINESS

NEW BUSINESS

ZBA COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JULY 22, 2015 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: None

Others Present: Scott McNeil, Tony Matelski, Carl Muscott, Ryan Wilmer, David Smith, Mike Ridley, Greg Rotter, Cindy Barry

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Minutes from the June 24, 2015 Zoning Board of Appeals meeting were presented. Mr. Hemmer noted that John Thompson should be added as being present at the meeting and Christopher Brown’s name should be removed. **Motion** by Ms. Street, seconded by Mr. Moore, to approve the minutes as amended. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Ryan Wilmer – Requests a 100 ft. front setback variance for dwelling in a Natural Rivers Protection (P-NR) zoning district. The property is located at 6877 and 6887 River Road., Ellis Township, Section 1, parcel #210-001-300-010-00 and #210-001-300-011-00. A 200 ft. front setback is required in this zoning district.

Mr. McNeil stated the applicant is requesting a 100ft. setback variance and the subject property is located in a Natural River Protection zoning district where a 200ft. front setback from the river’s edge is required. Mr. McNeil stated that Mr. Wilmer is requesting that a 100ft. setback be allowed.

Mr. Wilmer stated he is in the process of purchasing the property and he was understood that there was a 100ft. variance approved in 2001. Mr. Wilmer stated he is not sure that there is enough room to do what he wants to do.

Mr. Freese asked if there is any additional correspondence. Mr. McNeil stated there is no additional correspondence other than the addition of the e-mail that had already been distributed. Mr. Freese asked for public comments. There were no public comments. Public comment closed.

Mr. Freese stated a variance was granted in 2001 but no action was taken on that construction request and no permits were issued. Mr. Freese explained that the variance approval expired after one year. Mr. Freese stated the regulation allows for an averaging of the distances to the structures on either side of the subject property to determine the variance amount that can be granted. Mr. Freese stated one side is 90ft. from the river and the other is 130ft. from the river and the average would be 110ft.

Ms. Street noted that the location of the proposed dwelling was not staked. Mr. Wilmer stated 110ft. is acceptable to him. Mr. Freese asked if Mr. Wilmer is willing to change his variance request from 100ft. to 90ft. Mr. Wilmer stated yes.

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

4. The nearest houses on either side are 90ft. and 130ft. from the river respectively.
5. Zoning Board of Appeals practice in the past has been to allow an average of the distances from the water of the nearest houses on either side to be the determining factor in granting a variance.
6. The applicant has agreed to revise his request for variance to 90ft from 100ft.

The Zoning Board of Appeals reviewed and approved the General Findings and the 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 unanimously.

David Smith – Requests an 8.17 ft. side setback variance for an addition to a storage building in a Commercial Development (D-CM) zoning district. The property is located at 6111 Prospect Street., Tuscarora Township, Section 24, parcel #161-I31-007-003-00. A 10 ft. side setback is required in this zoning district.

Mr. McNeil stated Mr. Smith is requesting an 8.17ft. side setback variance. Mr. McNeil stated the property is located in a Commercial zoning district where a 10ft. side setback is required. Mr. McNeil stated the variance request is for an addition to an existing structure.

Mr. Freese asked if Mr. Smith would like to speak regarding his request. Mr. Smith did not attend the meeting. The Zoning Board of Appeals members discussed tabling Mr. Smith's variance request. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to table the request until the August 26, 2015 Zoning Board of Appeals meeting. Motion carried unanimously.

Mr. Smith entered the meeting.

Mr. Moore withdrew his motion to table Mr. Smith's request until the August 26, 2015 Zoning Board of Appeals meeting. Mr. Hemmer withdrew his support for Mr. Moore's motion.

Mr. Freese asked Mr. Smith if he would like to make any comments regarding his variance request. Mr. Smith stated that the Zoning Board of Appeals members and Mr. McNeil have visited the site.

Mr. Freese asked for public comments. Mr. Rotter stated he is representing the LaCoursier's who own the parcel between Mr. Smith's parcel and the bridge. Mr. Rotter stated this is a non-conforming use as Mr. Smith built the addition without a permit and now he is asking for approval for a variance. Mr. Rotter stated this was handled inappropriately. Mr. Rotter stated the LaCorursiers have had some difficulties with Mr. Smith involving the fence between the two parcels. Mr. Rotter stated Mr. Smith has also done some work on his boardwalk without a permit and the DNR approved the work after the fact. Mr. Rotter stated that this request does not meet the criteria under section 23.5.4. Mr. Rotter stated the addition does not have an adverse impact however to exceed the existing footprint is inappropriate. Mr. Rotter stated he has a picture of the way the way the building used to be. Mr. Rotter stated it was previously a storage shed to store a riding lawn mower in and now it is much larger. Mr. Rotter stated that this parcel is zoned Commercial but the adjoining parcels are Residential.

Public comment closed.

Ms. Barry stated she has worked for the Smiths cleaning cabins for over 30 years. Ms. Barry stated that Fred Smith has been at this residence for years and the shed was big enough to hold a freezer for all of the fish for the fishermen, lawn mower and tools to maintain the resort. Ms. Barry stated there was a lean to on the back of the shed that was rotting and collapsing as it was old. Ms. Barry stated they closed in four posts that were behind the shed as it was a danger to the customers of the resort as the roof was collapsing. Ms. Barry stated they put a peaked roof on instead of fixing the existing slanted roof which will keep collapsing.

Mr. Rotter presented a photo of the building prior to the work being completed.

Mr. Smith stated that the photo that Mr. Rotter is referring to was taken in 1969. Mr. Smith stated that by looking at the photo you will see corrugated metal on the back of the shed. Mr. Smith stated he took the roof off of that section and continued the roofline. Mr. Smith stated there is lattice on the sides to keep the lawn tractor and garbage cans out of the sight of the customers. Mr. Smith stated there was a buck pole at the end of the shed and he put a shed roof over it and enclosed the front side.

Mr. Freese asked if Mr. Smith is maintaining that there were support poles at the south end of the shed. Mr. Smith confirmed that there was a buck pole system and he put a 2x12 header across that and rafters down off of the original shed which was built in the early 70's. Ms. Street asked if the footprint of the building has changed. Mr. Smith stated the foundation (footprint) is still there for the original building and the shed area has never had a floor. Mr. Freese asked if the posts are the posts that were there originally. Mr. Smith stated he replaced the posts and the sides of the addition to get rid of the rotted wood and the roof that was collapsing.

Mr. Rotter stated the picture he presented is from 1986 and there is no evidence of a buck pole. Mr. LaCoursier stated that the picture was taken in 1986 when he bought the property. Ms. Barry stated that she believes the picture is from the 1960's. Discussion was held regarding the age of the picture.

Mr. Freese asked Mr. McNeil if he came across the fact that this is the replacement of a deteriorated portion of a structure during the enforcement actions. Mr. McNeil stated no and that he believes the new construction is substantial enough to not continue the non-conforming status. Mr. Freese asked Mr. Smith if the poles were removed and if new posts were put in. Mr. Smith stated yes as they were rotten. Mr. Freese stated this would be considered new construction and would not be grandfathered in.

Mr. Freese asked if there were any public comments. There were no public comments. Public comment closed.

Mr. Freese stated there has been new construction without a variance. Mr. Freese stated the question is if the construction could have been located in an alternate location which would not require a variance. Mr. Freese stated the same size addition could have been constructed on the side of the building toward the house and the setback could have been met. Mr. Moore asked if this is Commercial zoning of Village Center. Mr. McNeil stated this parcel is zoned Commercial.

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

5. The original shed was a legal non-conforming structure.
6. The lean to portion that was attached to the legal non-conforming structure was deteriorated to the point where it was entirely replaced by new construction.

The Zoning Board of Appeals reviewed the Specific Findings of Fact under Section 23.5.4. The Zoning Board of Appeals stated that standards 23.5.4.1, 23.5.4.2, 23.5.4.3 and 23.5.4.4 have not been met and standard 23.5.4.5 has been met. **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.

Tuscarora Township - Requests a 10.5 ft. rear setback variance for a storage building in a Lake and Stream Protection (P-LS) zoning district. The property is located at 6566 Oakley Ave., Tuscarora Township, Section 24, parcel #161-M57-000-007-00. A 12 ft. rear setback is required in this zoning district.

Mr. McNeil stated Tuscarora Township would like to place a storage building within 1 1/2ft. of the rear lot line. Mr. McNeil noted that a 12ft. rear setback is required in the Lake and Stream Protection zoning district. Mr. McNeil stated the applicant is requesting a 10 1/2ft. rear variance.

Supervisor Ridley stated that there is an existing structure that needs to be replaced and they do have a need for more storage as they purchased a power washer for the new pier. Supervisor Ridley stated they tried to find an alternate location for the building but determined it is best to place it in the same location as the existing building. Supervisor Ridley stated placing the proposed building in this location will not impede anyone's vision.

Mr. Freese asked for public comments. Mr. Muscott stated this is a well used area and he appreciates neighbors on both sides of the street as they put up with a lot of traffic due to the public parking. Mr. Muscott noted that there is adequate area on the south side of the parcel that would allow the setbacks to be met. Mr. Muscott questioned why a non-conforming use, even if it is deteriorating, should be allowed to be replaced with a larger non-conforming use. Mr. Muscott stated there is a lot of vacant land on the south end where the building can be placed and be aesthetically acceptable.

Mr. Rotter stated this is a good spot for the proposed building. Mr. Rotter stated he was at the park today and allowing the proposed building in the same location is the best option. Mr. Rotter stated if the building is placed at the south end it will interfere with vision.

Supervisor Ridley stated the township did consider alternate locations and placing the building to the north or the south will impede people's view.

Public comment closed.

Discussion was held regarding the fence. Mr. Freese stated the shed can be turned 90 degrees and the existing footprint could be kept. Mr. Freese stated the building could be moved toward the lake and this would allow a lesser setback. Mr. Freese stated snow would fall on the sides and not on the neighbor's fence. Supervisor Ridley explained that there would be a traffic problem if the building is turned 90 degrees as the building will now be on the asphalt. Discussion was held regarding the size of the building.

Ms. Street asked if the proposed building will replace the existing building. Supervisor Ridley stated yes as the existing building needs to be taken down.

Mr. Freese stated that by keeping the building in the same configuration it could be brought out to the black top which would increase the distance to the fence and decrease the setback distance. Mr. Moore stated there is 20ft. of parking space and 12ft. of building so the building can be pulled out further. Discussion was held. Supervisor Ridley stated that there has not been a problem with the existing building in this location and they have examined all of the options and they want it to be as close as possible to the fence. Supervisor Ridley believes that the building will stick out by moving it onto the black top. Mr. Freese explained the Zoning Board of Appeals will have to deny the variance request if it finds that that one of the standards is not met. Mr. Moore explained that one of the standards asks if this is the least amount of variance possible. Discussion was held regarding the size of the building. Supervisor Ridley and Mr. McNeil confirmed that the size of the proposed building will be 12ft. x 24ft. Mr. Thompson and Mr. Freese agreed that the proposed building will fit in this location. Supervisor Ridley stated he will amend his variance request to move the proposed building out to the edge of the black top on the west side.

The Zoning Board of Appeals revised #3 of the General Findings, "The 12ft. x 24ft. storage building will have the west 24ft. wall brought forward to the edge of the black top." The Zoning Board of Appeals approved the revised General Findings. The Zoning Board of Appeals reviewed the Specific Findings under Section 23.5.4 and revised 23.5.4.5, "Granting the variance will provide a rear setback for a new storage building where an existing storage building is located which will have 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 approved the 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 unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott commended the board for compromising on the variance request for Tuscarora Township which will alleviate some of his concerns. Mr. Muscott asked if the setback area could be fenced off and used as outdoor storage. The Zoning Board of Appeals stated yes.

ADJOURN

Motion by Mr. Hemmer to adjourn. Motion carried. Meeting adjourned at 8:06pm.

Mary Street, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Joseph Gustin

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

\$100.00 APPLICATION FEE

RECEIPT #:	4601
CASH/CHECK:	4061
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address <u>2062 FRANCE LN</u>	City / Village <u>CHEBOYGAN</u>	Township / Sec. <u>BEAVER</u>	Zoning District <u>P-LS</u>
Property Tax I.D. (Parcel) Number <u>16-104-016-300-019-04</u>	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name <u>JOSEPH W. GUSTIN</u>	Telephone <u>231-625-2849</u>	Fax	
Address <u>2061 FRANCE LN</u>	City & State <u>CHEBOYGAN MI</u>	Zip Code <u>49721</u>	E-Mail <u>JOE2061@CHARTER.NET</u>

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

M-37 TO S-DIVER RD EAST TO GALBRATH THEN NEXT TO FRANCE LN.

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: SPARE LOT WITH POLE BARN
- 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.

EXTEND PRESENT POLE BARN (30 FT X 40 FT) BY 24 FT
FINAL BARN WILL BE 30 FT X 64 FT.

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.

I CANNOT BUILD ANYTHING AROUND MY HOUSE
AND I BOUGHT THE LOT ACROSS TO BUILD A
BARN

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

LOT WITH HOUSE IS TOO SMALL.

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 HAVE A FORTY FOOT SET-BACK WITH
THE HOUSE BECAUSE OF WIND STORM
DAMAGE - CAN NOT BUILD

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.

I WILL NOT HAVE THE LARGEST BARN, BUT I
WILL BE ABLE TO STORE MY 5TH WHEEL TRUCK
IT ALL YEAR AND THIS WILL KEEP IT OUT OF VIEW

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.

LOTS ACROSS THE STREET HAVE POLE BARN THAT
ARE LARGER THAN MINE. NEXT TO ME IS A BARN
THAT IS 40 FT BY 68 FT.

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

7/22/15

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

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

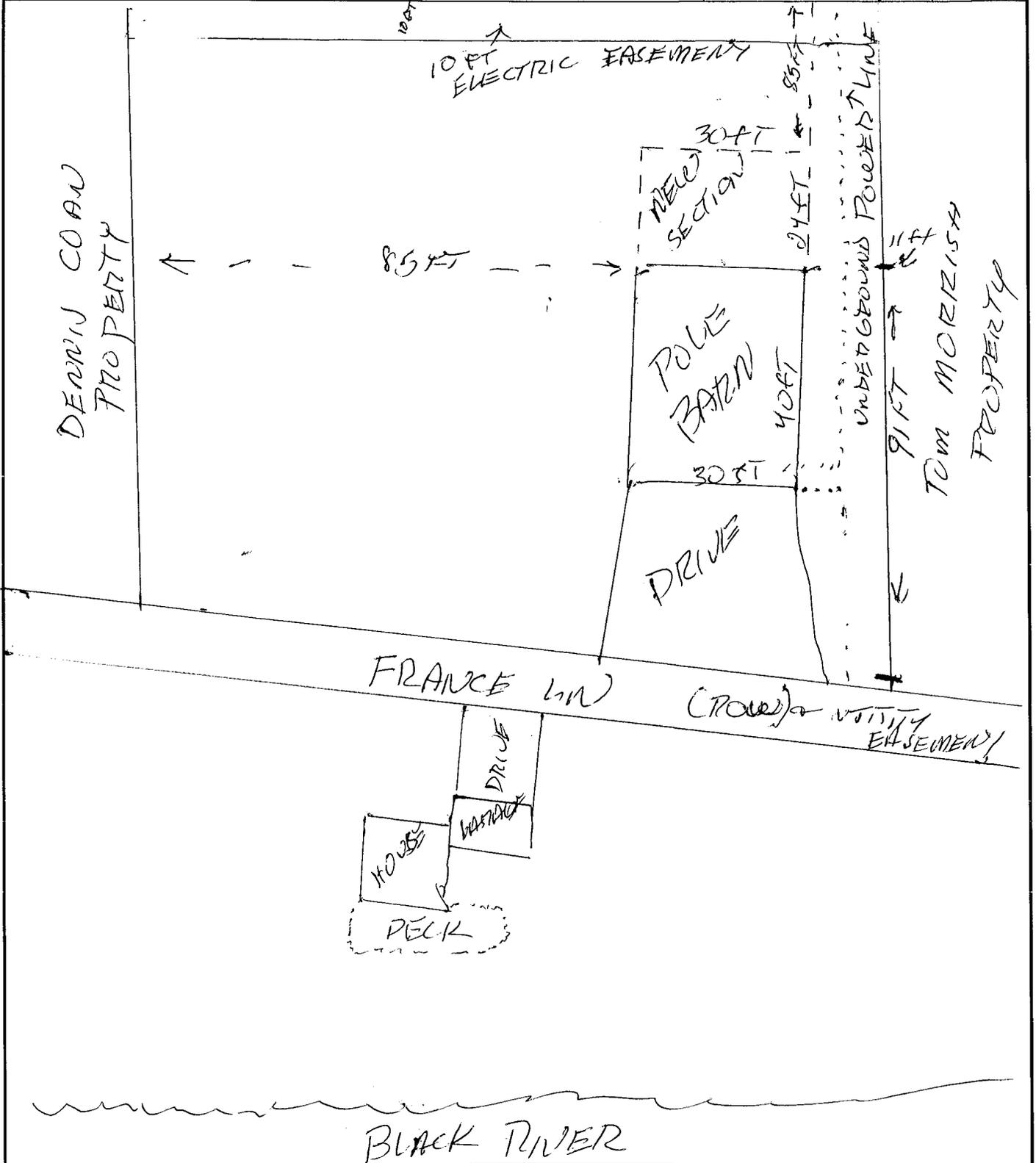
- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 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: 91 FT Rear: 85 FT Side: 85 FT Side: 11 FT

Zoning District:
LAKE & STREAM

North:
↓



16-104-016-300-001-00
BUTTS, ELAINE
1985 LINDBURG LN
CHEBOYGAN MI 49721

16-104-016-300-019-05
COAN, DENNIS N REVOCABLE TRU
2063 FRANCE LN
CHEBOYGAN MI 49721

16-104-016-300-002-00
MORRISH, THOMAS & ROCHELLE
2021 FRANCE LN
CHEBOYGAN MI 49721

16-104-016-300-019-06
BROOKS, VERN EUGENE, TRUSTEE
1210 OAKBROOK DR
ORTONVILLE MI 48462

16-104-016-300-003-00
BROTHERS, HAZEL
2041 FRANCE LN
CHEBOYGAN MI 49721

16-104-017-400-019-01
BUTTS, ELAINE
1985 LINDBURGH LN
CHEBOYGAN MI 49721

16-104-016-300-004-00
GUSTIN, JOSEPH W
2061 FRANCE LN
CHEBOYGAN MI 49721

16-104-017-400-020-01
MALTBY, WAYNE G & JOYCE H/W
1785 LINDBURGH LN
CHEBOYGAN MI 49721

16-104-016-300-005-00
COAN, DENNIS
2063 FRANCE LN
CHEBOYGAN MI 49721

16-104-017-400-020-02
MALTBY, MARTHA L L/E ET AL
1801 LINDBERGH LANE
CHEBOYGAN MI 49721

16-104-016-300-006-01
SHERMAN, DAVID & CHRISTINE H/
10175 N STRAITS HWY
CHEBOYGAN MI 49721

16-104-017-400-022-14
BANNATYNE, DANIEL & JULIE H/W
9491 GALBRAITH RD
CHEBOYGAN MI 49721

16-104-016-300-006-02
BROOKS, VERN E REVOC TRUST
1210 OAKBROOK DR
ORTONVILLE MI 48462

16-104-017-400-022-16
WYLIE, HARVEY & KAREN H/W
9000 MILLER
ALANSON MI 49706

16-104-016-300-008-00
BYNDAS, THEODORE & KAY H/W
121 N DOUGLAS ST
BOGATA TX 75417

16-104-016-300-009-00
FRANCE, JACEQUELINE L L/EWPTS
PO BOX 716
GAYLORD MI 49734

16-104-016-300-019-04
GUSTIN, JOSEPH W L/EWPTS & LIS
2061 FRANCE LN
CHEBOYGAN MI 49721

16-104-016-300-001-00
OCCUPANT
2007 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-019-05
OCCUPANT
2078 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-002-00
OCCUPANT
2021 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-019-06
OCCUPANT
2124 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-003-00
OCCUPANT
2041 FRANCE LN
CHEBOYGAN, MI 49721

16-104-017-400-019-01
OCCUPANT
1985 LINDBURGH LN
CHEBOYGAN, MI 49721

16-104-016-300-004-00
OCCUPANT
2061 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-005-00
OCCUPANT
2063 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-006-01
OCCUPANT
2075 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-006-02
OCCUPANT
2091 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-008-00
OCCUPANT
2105 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-009-00
OCCUPANT
2119 FRANCE LN
CHEBOYGAN, MI 49721

16-104-016-300-019-04
OCCUPANT
2062 FRANCE 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 320 square foot floor area variance request to construct a 720 square foot addition (30ft. x 24ft.) to an existing private storage building (40ft. x 30ft.) . The parcel is zoned Lake and Stream Protection (P-LS).	Prepared by: Scott McNeil
Date: August 17, 2015	Expected Meeting Date: August 26, 2012

GENERAL INFORMATION

Applicant: Joseph Gustin

Property Owner: Joseph Gustin

Phone: 231-625-2849

Requested Action: Allow a 320 square foot floor area variance request to construct a 720 square foot addition (30ft. x 24ft.) to an existing private storage building (40ft. x 30ft.) on property zoned Lake and Stream Protection (P-LS).

BACKGROUND INFORMATION

The applicant is seeking to construct a 720 (30ft. X 24ft.) square foot addition to an existing 1,200 square foot private storage building (40ft. x 30ft.) which would create a private storage building with a total of 1920 square feet of floor area on a parcel containing .45 acres. The parcel is zoned Lake and Stream Protection (P-LS).

The applicant has indicated in the application that he owns a dwelling which is located on a lot adjacent to the subject site on the north side of France Lane. The lot with the dwelling was purchased on a separate deed. This lot also contains .45 acres for a total of .9 acres of contiguous property as defined under section 17.23.1.k. relative to private storage buildings. A maximum floor area of 1,600 square feet for private storage buildings on two (2) acres or less of contiguous property is allowed in this zoning district pursuant to section 17.23.1.f.1.

The board of appeals granted Mr. Tom Morrish a variance for a 2,064 square ft. private storage building on the contiguous lot to the west on December 23, 2009. (See attached meeting minutes) Mr. Dennis Coan was granted a zoning permit on 2006 for a 2,560 square foot storage building on the contiguous lot to the east on December 18, 2006.

You will note that I have included conditions relative to the owner's adjacent dwelling and like conditions due to other private storage building uses in the area in the draft findings. I have not referenced these conditions in the general findings pending deliberation and review of the board.

Surrounding Zoning:

West: Lake and Stream Protection (P-LS)

East: Same

North: Same

South: Agriculture and Forestry Management (M-AF)

Surrounding Land Uses:

Private storage use borders the subject site to the east and west. Residential to the north and vacant property to the south.

Environmentally Sensitive Areas: (steep slopes, wetlands, woodlands, stream corridor, floodplain) There are no known 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 District (P-LS).
2. Private storage buildings are allowed in P-LS zoning districts subject to specific standards under section 17.23.1.
3. Section 17.23.1.f limits private storage buildings to 1,600 s.f. of total floor area on contiguous lots of record under the same ownership containing two (2) acres or less.
4. The subject site currently contains a total of 1,200 square feet of floor area of private storage building use.
5. The applicant is seeking a 320 square foot floor area variance to construct an addition to an existing private storage building which will create a total floor area of 1920 square feet of private storage building use on contiguous lots containing a total of .9 acres.
- 6.
- 7.
- 8.

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 variance is needed due to unique circumstances created by a small lot adjacent to a dwelling of the property owner.
- OR, there are no unique circumstances or physical conditions of the property and the variance request is due to the applicant's desire for a private storage building with over 1,600 square feet of floor 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).

- The variance is needed due to unique circumstances created by a small lot adjacent to a dwelling of the property owner and like conditions in the neighborhood and is not the result of actions of the property owner or previous property owners.
- OR, the requested variance is the result of actions property owner for a private storage building with over 1,600 square feet of floor area and the need for the 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.

- The variance is required to allow the owner reasonable use of the property for storage building purposes on a small lot adjacent to a dwelling of the owner.
- OR, denial of the variance request will not prevent the property owner from reasonable use of the property for a private storage building.

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 small lot, granting the variance is the minimum variance necessary to grant reasonable relief as well as do substantial justice to other property owners in the district due to like uses in the area.
- OR, the requested variance is not the minimum necessary to grant reasonable relief 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 a 320 square foot floor area variance for a private storage building will not cause adverse impacts on, or lessen the use and enjoyment of the neighboring property due to like uses in the area.
- OR, granting the floor area variance will cause adverse impacts on the neighboring property.

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, DECEMBER 23, 2009 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

Members Absent: John Moore

Others Present: Steve Schnell, Thomas Morrish, Bill Morgan, Russell Crawford

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Minutes from the November 25, 2009 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

THOMAS R. MORRISH – Requests a 464 square foot variance to construct a 2064 square foot private storage building (Section 17.23.1f) where 1,600 square feet is the maximum allowed. The property is located on France Lane, Benton Township, section 16, parcel #104-016-300-019-03 and is zoned Lake and Stream Protection (P-LS)

Mr. Schnell reviewed the site plan with the Zoning Board of Appeals members. Mr. Schnell stated the proposed structure will include a 24ft x 28ft. workshop and a 30ft. x 48ft. private storage garage. Mr. Schnell stated the use for the whole building is considered private storage and this is a permitted use in the Lake and Stream Protection District. Mr. Schnell stated the applicant’s parcel is vacant. Mr. Schnell referred to an aerial photo of the area and noted the location of a conforming private storage building. Mr. Schnell stated this building was permitted in 2006 which is prior to how private storage buildings are currently defined. Mr. Schnell stated this was permitted as an accessory building even though there was no primary use on the property. Mr. Schnell stated this permit granted permission for the building to be 2560sf. Mr. Schnell stated this building is twice the size of what Mr. Morrish is proposing.

Mr. Schnell explained that Mr. Morrish’s two parcels can’t be combined into one parcel because they do not touch under the easement.

Mr. Morrish stated he would like to construct a storage building for his boat and motor home. Mr. Morrish stated the storage building will be 30ft. x 48ft. Mr. Morrish stated he would like to build a workshop and greenhouse that would be attached to the storage building. Mr. Morrish explained that he has tried to reconfigure the proposed buildings to meet the maximum square footage that is allowed, however, he is not able fit everything in the building as he originally planned. Mr. Morrish stated he also considered putting the 24ft. x 26ft. building next to the house but the utilities run through this area and it is a natural drainage area. Mr. Morrish stated that Dennis Coan’s storage building is much bigger than what he is proposing. Mr. Morrish stated that Joe Gustin’s storage building is smaller than what he is proposing. Mr. Morrish stated he talked with Joe Gustin and he does not have any problems with the proposed storage building. Mr. Morrish stated that Joe Gustin does not want a hedge required between the two buildings. Mr. Morrish stated the siding and shingles will match the house.

Mr. Freese asked if there was any correspondence. Mr. Schnell stated there was a call from Joe Gustin. Mr. Freese asked for public comment. There were no public comments. Public comment closed.

Ms. Street asked if there would still be enough room on the parcel for a residence if this variance is approved. Discussion was held regarding property owners purchasing back lots for the purpose of building storage buildings. Mr. Freese stated that he believes the maximum size allowed for private storage buildings may be an issue. Discussion was held. Mr. Schnell stated he will research permits that were issued in the past for these types of buildings.

Mr. Morrish stated that he believes that both parcels could be combined into one parcel. Mr. Schnell stated if these parcels are combined a variance would not be needed. Mr. Schnell asked Mr. Morrish if the title company believes they can be combined. Mr. Morrish stated the property lines do not touch. Mr. Schnell stated the parcels can't be combined if the property lines do not touch. Discussion was held.

Ms. Street questioned why there is a maximum square foot of 1600sf for private storage buildings when property owners are asking for their buildings to be larger. Ms. Street noted this issue should be reviewed by the Planning Commission. Discussion was held.

Ms. Street stated that the parcel with the residence is limited. Mr. Freese stated this is a problem that is created by the road that runs through the middle of the parcels. Mr. Freese stated in usual circumstances the parcels would be contiguous. Discussion was held.

Mr. Freese stated the portion of the proposed building that will be private storage meets the private storage regulations. Mr. Freese noted that when the workshop and the greenhouse are added on it exceeds the 1,600 square feet which is the maximum allowed. Mr. Freese stated that Mr. Morrish tried to locate the workshop and greenhouse on the main parcel but is not able to do so because of utilities and topography. Discussion was held.

Ms. Street asked if there will be enough space for a future residence if this storage building is constructed. Mr. Freese stated there will be enough room to the north of the storage building for a residence. Mr. Schnell stated that there would have to be a review to make sure that all Health Department requirements would be met. Discussion was held. Mr. Brown believes that the proposed building will be similar to other private storage buildings in the area.

The Zoning Board of Appeals revised General Findings:

1. The property is zoned P-LS.
2. The proposed private storage building is 2,064 square feet.
3. The applicant owns an adjacent property and has his single family home on the adjacent property.
4. The applicant purchased another parcel to the west of his parcel on which his home is located, however, this parcel is covered by underground utilities and is the natural flow from France Lane which floods in the spring.
5. The proposed building has two separate portions; 1440sf storage building and 624sf greenhouse/workshop
6. The 1440sf area designated for a storage building would be allowable as a stand- alone on the parcel under the zoning law; however, the addition of the shop/greenhouse area necessitates the variance of 464sf.

The Zoning Board of Appeals reviewed and revised the Findings of Fact Under Section 23.5.4:

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 adjacent to a single family home that is owned by the applicant.
- The storage portion of the building is in conformance with the zoning regulations; however, the addition of the greenhouse/shop area could have been located next to the residence if not for topographical and buried utilities and results in the situation requiring a variance.

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 variance is not self-created because the waterfront property owned by the applicant is too small for this size building and must be located on an adjacent property.
- The topography on the parcel on which the residence is located does not allow location of the storage building or the workshop.

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.

- The private storage building location on an adjacent parcel preserves the lower density of the applicant's lakefront parcel and meets the intent of the ordinance's lakefront development goals.
- It is an unnecessary burden to not have a storage building.
- There are other storage buildings in the immediate area which exceed the 1600sf size limitation.

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.

- The storage portion of the building is reasonable for the area and the addition of the shop/greenhouse area which is separated from this building would allow construction without a variance are the most reasonable sizes in this situation.
- There are other storage buildings in the immediate area which exceed the 1600sf size limitation.

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.

- This private storage building will keep equipment storage indoors in keeping with the rest of the neighboring properties.
- There are other storage buildings in the immediate area of a commensurate size with this building.

The Zoning Board of Appeals approved the revised Findings of Fact Under Section 23.5.4. **Motion** by Mr. Brown, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

ZBA COMMENTS

Discussion was held regarding increasing the maximum square footage (1,600sf) allowed for private storage buildings.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Ms. Street to adjourn. Motion carried. Meeting adjourned at 7:48pm.



Mary Street, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

John Charney

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Variance Application (3 Pages)
4. Supervisor Truman G. Bannatyne's Plat of Orchard Beach (2 Page)
5. E-mail dated 08/01/15 from Travis and Pam McIntyre to John Charney (1 Page)
6. Mailing List (2 Pages)
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

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

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

Dimensional Variance Application
NOTICE OF APPEAL APPLICATION

\$100.-

\$100.00 APPLICATION FEE

RECEIPT #:	4634
CASH/CHECK:	1649
ACTION/DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 6769 Orchard Beach Dr.	City / Village Cheb.	Township / Sec. BN, 32	Zoning District
Property Tax I.D. (Parcel) Number 105-563-000-031-00	Subdivision or Condo. Name / Plat or Lot No. Orchard Beach lot 31		

APPLICANT

Name John C. CHARNEY	Telephone 989 205-1926	Fax —
Address 1455 SALZBURG	City & State AUBURN MI	Zip Code 48611
		E-Mail JCCHARNEY@AOL.COM

OWNER (If different from applicant)

Name Same as Above	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

Take M-33 S to Orchard Beach Rd, Go Rt on Orchard Beach Rd to Orchard Beach Drive. Go Left on Orchard Beach Drive to 6769 (abt 1/2 mi)

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 Truman Bannatynes
- C. Present use of the property is: Seasonal Residence Plat of Orchard Beach.
- 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.

Add a bedroom on back corner

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.

due to position of existing bathroom
this bedroom needs to occupy this
area

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 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

this is a necessary variance to
allow for architectural limitations
to the interior of the home

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 is minimal: One corner
will be 1' 2" in the required 7' set-back

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.

this variance will allow property value
to increase by enhancing the size & beauty
of the home & Property

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

Owner's Signature _____

Date _____

AFFIDAVIT

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

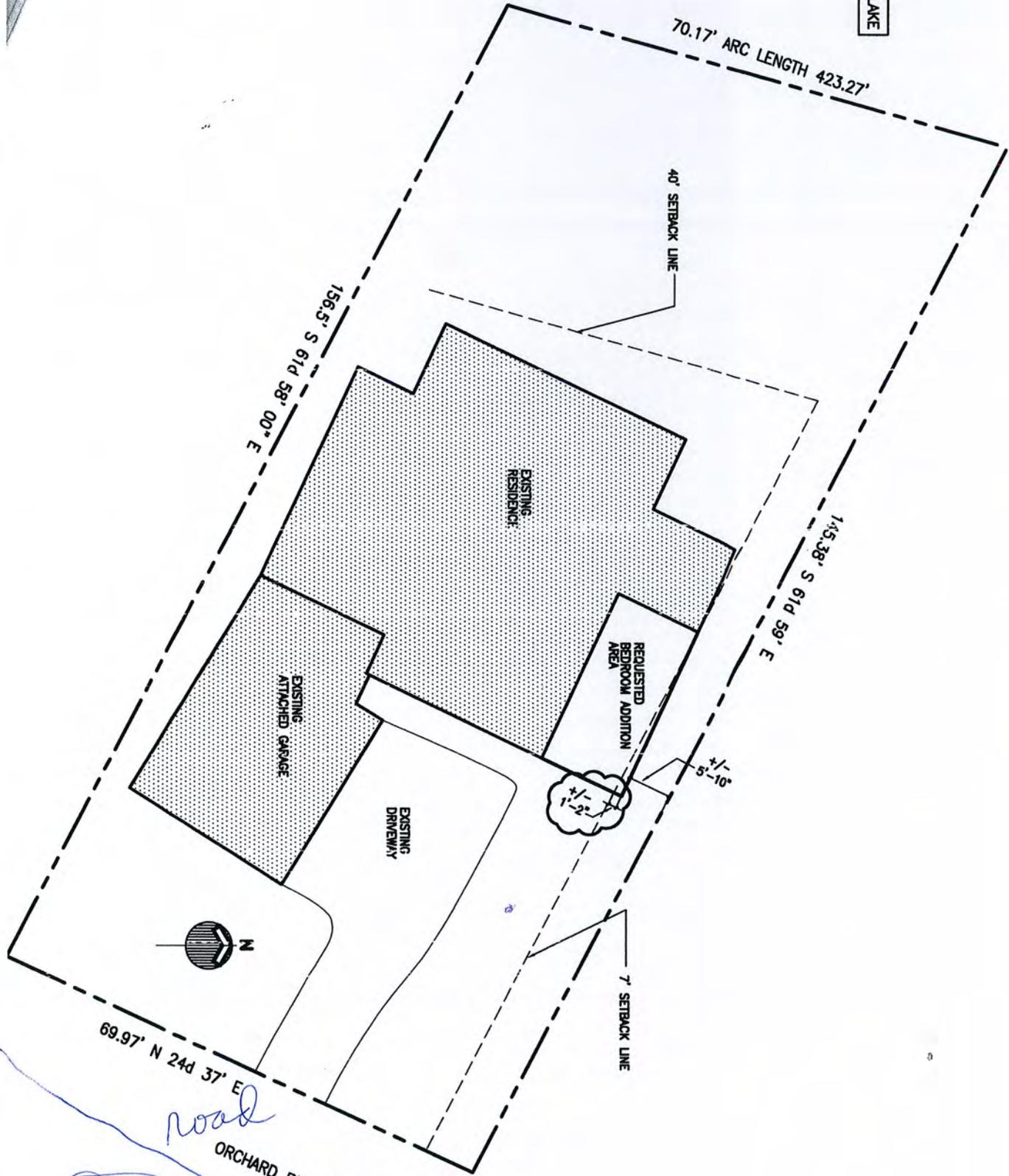
Applicant's Signature _____

Date

8-4-2015

FRONT

MULLET LAKE



road

ORCHARD BEACH DRIVE

septic field

Rear

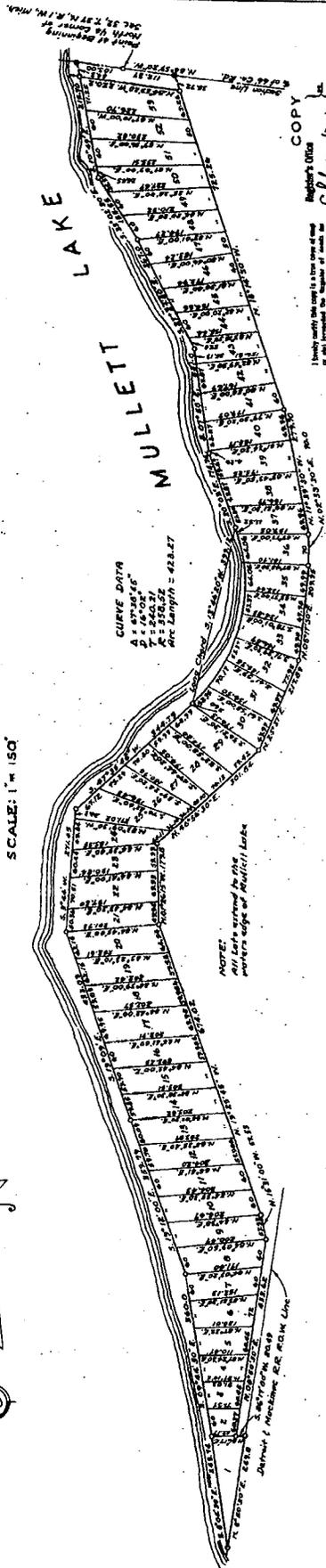
SUPERVISOR TRUMAN G. BANNATYNE'S PLAT OF ORCHARD BEACH

Gov't Lot 1, Sec. 32, T.37N., R.17W., BENTON TWP., CHEBOYGAN CO. MICH.

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF



SCALE: 1" = 150'



CURVE DATA

Δ = 108° 05' 00"

R = 246.27'

PC = 155.00'

PCE = 428.87'

DESCRIPTION OF LAND PLATTED

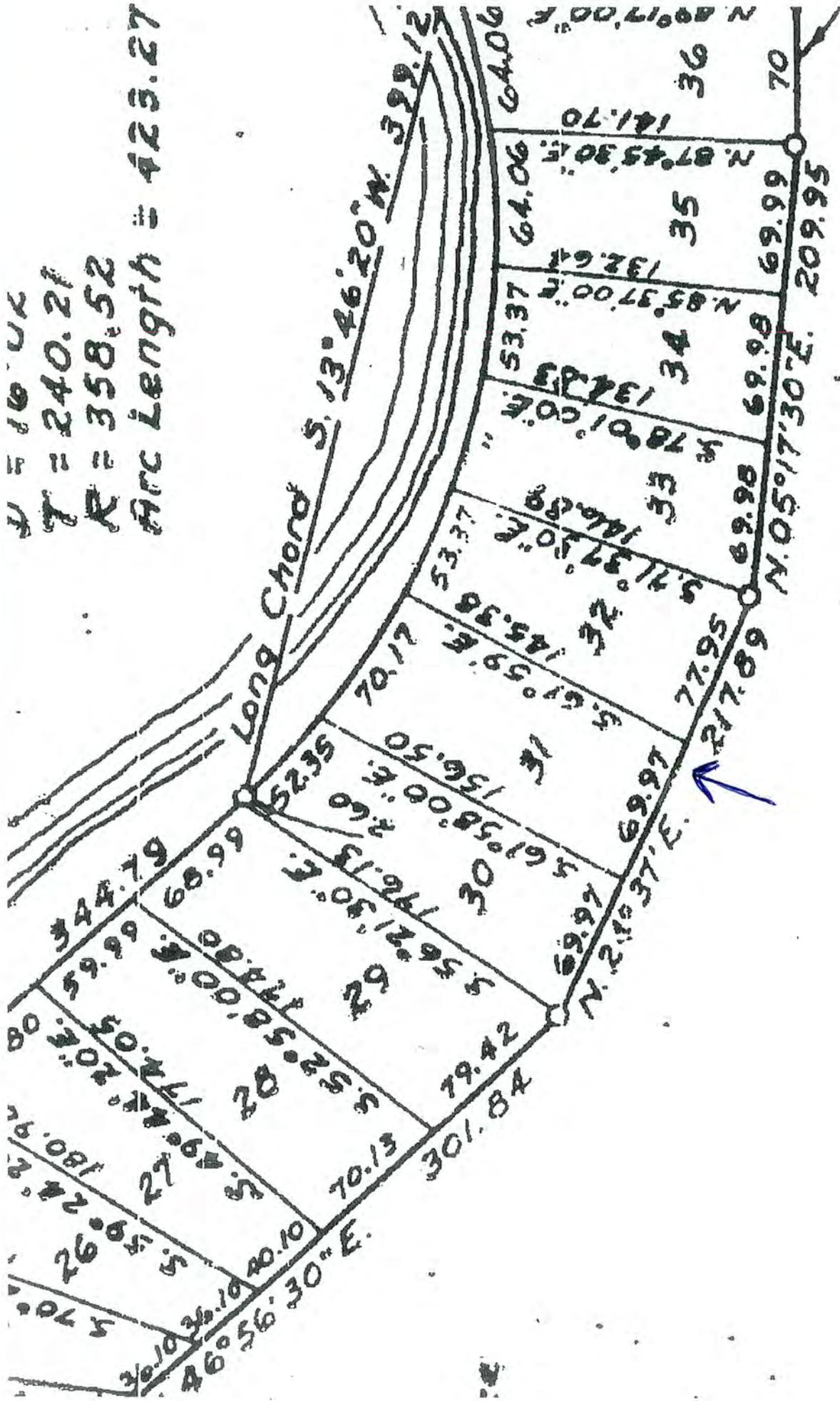
The land embraced in the annexed plat of Supervisor Truman G. Bannatyne's plat of Orchard Beach, containing 53 lots in Gov't Lot 1, Sec. 32, T. 37 N., R. 17 W., Benton Township, Cheboygan County, Michigan, is described as follows: Commencing at the N. 1/4 corner of Sec. 32, T. 37 N., R. 17 W., Michigan; thence N. 34 deg. 59 min. 20 sec. W. along the north side of said sec. 133.3 feet; thence S. 10 deg. 49 min. 2. 24.3 feet to the place of beginning of this description; thence S. 10 deg. 59 min. 55 sec. W. 237.8 feet; thence S. 10 deg. 59 min. 55 sec. W. 237.8 feet; thence S. 267.0 feet; thence S. 37 deg. 50 min. 2. 431.5 feet; thence S. 20 deg. 03 min. 5. 174.74 feet; thence 423.27 feet along the E. side of said sec. 32, 20 min. 45 sec. 250 feet; thence S. 47 deg. 35 min. 45 sec. 241.72 feet; thence S. 3 deg. 44 min. 4. 271.45 feet; thence S. 19 deg. 39 min. 5. 433.89 feet; thence S. 19 deg. 12 min. 30 sec. 359.79 feet; thence S. 59 deg. 48 min. 30 sec. 243.74 feet; thence S. 8 deg. 50 min. 30 sec. 249.0 feet; thence S. 85 deg. 17 min. 20.49 feet; thence N. 8 deg. 50 min. 30 sec. 5. 433.02 feet; thence N. 15 deg. 21 min. 00 sec. N. 57.53 feet; thence S. 12 deg. 25 min. 2 sec. 179.64 feet; thence S. 66 deg. 42 min. 30 sec. 2. 121.94 feet; thence S. 24 deg. 37 min. 5. 217.69 feet; thence N. 05 deg. 17 min. 30 sec. 5. 239.95 feet; thence S. 13 deg. 33 min. 30 sec. 5. 79.0 feet; thence S. 16 deg. 21 min. 30 sec. 70.25 feet; thence S. 84 deg. 50 min. 20 sec. 226.2 feet to the place of beginning of this description. Containing 53 Lots.

KNOW ALL MEN BY THESE PRESENTS THAT TRUMAN G. BANNATYNE, SUPERVISOR OF BENTON TOWNSHIP, Cheboygan County, Michigan, being duly qualified by the laws of Michigan, do hereby certify that the above described land is the same as that shown on the plat of Orchard Beach, Cheboygan County, Michigan, prepared by me and approved by the Board of County Auditors of Cheboygan County, Michigan, on the 11th day of June, 1956, and that the same and all other matters thereon are true and correct as shown on said plat and as shown on the plat of Orchard Beach, Cheboygan County, Michigan, prepared by me and approved by the Board of County Auditors of Cheboygan County, Michigan, on the 11th day of June, 1956.

APPROVAL BY COUNTY PLAT BOARD: Approved by the Board of County Platters of Cheboygan County, Michigan, on the 11th day of June, 1956. APPROVAL BY BOARD OF COUNTY AUDITORS: Approved by the Board of County Auditors of Cheboygan County, Michigan, on the 11th day of June, 1956. APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS: Approved by the Board of County Road Commissioners of Cheboygan County, Michigan, on the 11th day of June, 1956.

APPROVAL BY SUPERVISOR: Approved by Truman G. Bannatyne, Supervisor of Benton Township, Cheboygan County, Michigan, on the 11th day of June, 1956. SURVEYOR'S CERTIFICATE: I hereby certify that the plat herein submitted is a correct one and that the same is a true and correct copy of the original plat of Orchard Beach, Cheboygan County, Michigan, prepared by me and approved by the Board of County Auditors of Cheboygan County, Michigan, on the 11th day of June, 1956.

$\Delta = 16.4K$
 $T = 240.21$
 $R = 358.52$
 Arc Length = 423.27



APPROVAL BY COUNTY

[Print](#)[Close](#)

From: **JCCHARNEY@aol.com**
Sent: Mon 8/03/15 9:33 AM
To: nashbuilders@outlook.com

From: jccharney@aol.com
To: nashbuilders@outlook.com
Sent: 8/1/2015 6:42:19 P.M. Eastern Daylight Time
Subj: Fwd: Setback Encroachment Orchard Beach Property

John Charney

Begin forwarded message:

From: Travis McIntyre <mcintyre.travis@gmail.com>
Date: July 22, 2015 at 4:04:30 PM EDT
To: John C Charley <jccharney@aol.com>
Subject: Setback Encroachment Orchard Beach Property

To whom it may concern:

It has come to our attention that our neighbors (Charney) directly to the south of our property at 6777 Orchard Beach Drive, Cheboygan, MI, would like to build an addition to their house. This addition may encroach into the setback easement approximately 2 feet, leaving a setback of approximately 5 feet rather than the required 7 feet. We have no issue with the planned encroachment of 2 feet into the setback/easement on the Charney property. If you have any follow up questions please fee free to contact us at McIntyre.travis@gmail.com or 248-568-3024.

Regards,

--

Travis and Pam McIntyre
6777 Orchard Beach Dr.
Cheboygan, MI
=

5

16-104-032-200-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-105-S63-000-033-00
LINDMAN, DARRELL & SUSAN H/W
6250 WHITEHILLS LAKES DR
EAST LANSING MI 48823

16-104-032-200-002-20
ARNETT, ALICE J TRUSTEE
6773 N M-33 HWY
CHEBOYGAN MI 49721

16-105-S63-000-034-00
LINDMAN, DARRELL & SUSAN H/W
6250 WHITEHILLS LAKES DR
EAST LANSING MI 48823

16-105-S63-000-025-00
MAY, PATRICK & NORMA H/W
6715 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-035-00
HENGSTEBECK, TERESA; MICHAEL
27418 BONNIE
WARREN MI 48093

16-105-S63-000-026-00
SMITH, CRAIG & ROBIN, TTEES CR
2340 N CORSHAM
TOPANGA CA 90290

16-105-S63-000-027-00
REGLIN, DAVID & PATRICIA H/W
7190 LOMA LINDA
ROCKFORD MI 49341

16-105-S63-000-028-00
DEKLEVA, JOHN; MARK DEKLEVA
718 BEEBE ST
FREMONT MI 49412

16-105-S63-000-029-00
GATES, DONNA L/EWPTS AND
6749 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-030-00
GARVIN, JANET TUFT REVOCABLE
2925 PARKRIDGE DR
ANN ARBOR MI 48103

16-105-S63-000-031-00
CHARNEY, JOHN CLARK
1455 SALZBURG RD
AUBURN MI 48611

16-105-S63-000-032-00
MCINTYRE, TRAVIS & PAM H/W
5633 FOX RIDGE DR
CLARKSTON MI 48348

16-104-032-200-002-20
OCCUPANT
6773 N M-33 HWY
CHEBOYGAN, MI 49721

16-105-S63-000-034-00
OCCUPANT
6815 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-025-00
OCCUPANT
6715 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-035-00
OCCUPANT
6833 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-026-00
OCCUPANT
6721 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

104-032-200-002-20
OCCUPANT
6771N M-33 HWY
CHEBOYGAN, MI 49721

16-105-S63-000-027-00
OCCUPANT
6727 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-028-00
OCCUPANT
6735 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-029-00
OCCUPANT
6749 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-030-00
OCCUPANT
6761 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-031-00
OCCUPANT
6769 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-032-00
OCCUPANT
6777 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-033-00
OCCUPANT
6805 ORCHARD BEACH DR
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 to approve a 1.27side setback variance for and addition to an existing structure. The property is zoned Lake and Stream Protection District (P-LS)	Prepared by: Scott McNeil
Date: August 18, 2015	Expected Meeting Date: August 26, 2015

GENERAL INFORMATION

Applicant: John Charney

Property Owner: John Charney

Phone: 989-205-1926

Requested Action: Allow a 5 ft. 10 in. side setback (1.26ft. variance) for construction of a 12 ft. x 24 ft. addition to an existing dwelling. A side setback of 7.1 ft. is required for the subject lot.

BACKGROUND INFORMATION

The applicable zoning district is P-LS, Lake and Stream Protection. The subject property is a lake front lot averaging 70.1 feet wide, also described as lot 31 of Supervisor Truman Bannatyne's Plat of Orchard Beach (see exhibit 4).

The applicant is seeking to build a 12 ft wide x 24 ft. long addition to an existing dwelling. The applicant proposes to build a proposed addition to the wall of the existing nonconforming dwelling structure where the current bathroom is located. The existing dwelling structure is nonconforming relative to the side setback.

Surrounding Zoning:

West: P-LS, Lake and Stream Protection

East: P-LS, Lake and Stream Protection

South: Mullett Lake

North: P-LS, Lake and Stream Protection

Surrounding Land Uses:

Property to the north and south are residential uses. Vacant property to the east. Mullett Lake is to the west.

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

The subject site fronts on Mullett Lake.

Public Comments:

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.
2. A side setback of 7.1 feet is required for the subject lot in the P-LS zoning district.
3. The applicant is proposing to place an addition to an existing dwelling 5 ft. 10in. from the side lot line.
4. The existing structure is located 7 ft. from the side lot line.
5. The applicant wishes to place an addition to the structure to enlarge a bedroom and bathroom.
- 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 parcel possesses unique physical conditions relative to property dimensions established from the original plat and existing configuration of the dwelling structure and is not due to the applicant's personal or economic difficulty.

OR, there are no unique circumstances or physical condition.

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 which is the result of property dimensions established from the original plat and existing configuration of the dwelling structure and is 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 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 parcel, and existing configuration of the dwelling structure like conditions in the area and a nonconforming existing structure, 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 a dwelling 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 unique conditions and a nonconforming existing structure, 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.

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.