



CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 18, 2016 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

UNFINISHED BUSINESS

1. Draft Zoning Ordinance Amendment - Planned Projects
2. Draft Zoning Ordinance Amendment - Planned Unit Development
3. Draft Zoning Ordinance Amendment - Uses To Be Deleted

NEW BUSINESS

1. Review of Boat Houses and Boat Well Covers

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 10, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding Planned Projects.

Included with this memo is a draft amendment document dated 5/9/16. This amendment has been reviewed by legal counsel.

I will look forward to further discussion of this amendment with the PUD amendment in mind. Consideration toward setting a public hearing for further review may be in order.

Please do not hesitate to contact me with questions or comments.

DRAFT 5/9/16

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL REQUIREMENTS FOR PLANNED PROJECT USES IN ZONING DISTRICTS WHERE PLANNED PROJECTS ARE ALLOWED.

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definition in it's appropriate alphabetical location, which new definition shall read in it's entirety as follows:

Non-Residential use.

Any use allowed in the current Cheboygan County Zoning Ordinance which does not provide for a dwelling and is not an Industrial use.

Planned Project.

A development of land which provides mixing residential and non-residential uses which are permitted uses or uses which require a special use permit in the zoning district in which a Planned Project is located. A Planned Project will have specific requirements and may be granted certain exceptions from some development standards.

Residential use.

Any use allowed in the current Cheboygan County Zoning Ordinance which provides for a dwelling

Section 2. Amendment of Section 4.3.

Section 4.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 4.3.12. which shall read in its entirety as follows:

4.3.12. Planned Projects subject to provisions of Section 17.28.

Section 3. Amendment of Section 6.3.

Section 6.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 6.3.17. which shall read in its entirety as follows:

6.3.17. Planned Projects subject to provisions of Section 17.28.

Section 4. Amendment of Section 9.3.

Section 9.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 9.3.25. which shall read in its entirety as follows:

9.3.25. Planned Projects subject to provisions of Section 17.28.

Section 5. Amendment of Section 14.3.

Section 14.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 14.3.19. which shall read in its entirety as follows:

14.3.19. Planned Projects subject to provisions of Section 17.28.

Section 6. Amendment of Article 17. Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.28., which shall read in its entirety as follows:

Section 17.28. PLANNED PROJECTS

SECTION 17.28.1. PURPOSE The purpose of this section is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This section will enable both developers and Cheboygan County officials to propose and review site plans which include a mix of permitted uses that are compatible with the surrounding area and natural environment.

17.28.2. Permitted Uses. No use shall be approved for a Planned Project that is not a permitted use or a use which requires a special use permit in the zoning district in which the Planned Project is proposed.

17.28.3. General requirements. All applications and plans submitted for a Planned Project shall adhere to the following requirements:

1. In the Residential Development, Agriculture and Forestry Management and Rural Character/Country Living zoning districts non-residential uses may not exceed twenty (20) percent of the developable land area of the Planned Project. Non-residential uses may be allowed up to thirty five (35) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed non-residential uses are compatible with the surrounding land uses.
2. In the Commercial Development zoning district residential uses may not exceed thirty five (35) percent of the developable land area of the Planned Project. Residential uses may be allowed up to fifty (50) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed residential uses are compatible with the surrounding land uses.
3. Proposed uses shall be designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities with proposed uses and existing uses. A Planned Project shall be designed to create a single integrated and controlled development at its completion and at the completion of each phase of development, if phased development is approved.
4. All parcels of land within a Planned Project shall be controlled by one owner or the application shall be filed jointly by all property owners.
5. A Planned Project shall consist of five (5) contiguous acres or more in area.
6. Any non-residential use shall maintain a perimeter setback of not less than 30 feet from any adjoining or abutting property with a residential use.
7. A designated common open space comprised of no less than 15% of the total developable area to be used for recreational, park, or environmental amenities for

collective enjoyment by occupants of the development shall be required. Open space shall not include public or private streets, driveways, or utility easements: provided, however, that up to 10% of the required open space may be composed of open space on privately owned properties dedicated by easement to ensure that the open space will be permanent.

8. Minimum lot size for a dwelling in a Planned Project proposed in the Commercial Development zoning district shall be the same as required in the Residential Development zoning district.

17.28.4. Pre-application Conference. Prior to the submittal of a Planned Project application, the applicant is encouraged to schedule a pre-application conference with the Cheboygan County Zoning Administrator to discuss the purpose and effect of this Ordinance and the criteria and standards herein. At this pre-application conference, the applicant is encouraged to provide the Zoning Administrator a concept plan. This concept plan should include information on the types and placement of structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. Following this pre-application conference, the Zoning Administrator shall present the concept plan, if any, with a report to the Cheboygan County Planning Commission at their next regular public meeting for their information, review and comment. The applicant may schedule an informal informational meeting with the Planning Commission at a regular meeting of the Planning Commission, but no official action shall be taken at such meeting. A special meeting of the Planning Commission may also be scheduled at the request of the Planning Commission with applicable fees paid by the applicant.

17.28.5. Approval procedure. (see section 17.26)

In addition to meeting the general standards for special use permit approval under Section 18.7. of this Ordinance, a Planned Project shall also meet the requirements of this section and other applicable requirements of the Cheboygan County Zoning Ordinance #200 unless granted an exception by the Planning Commission pursuant to Section 17.28.6.

17.28.6. Exceptions to Parking space, Dwelling floor area, Lot size, and Setback requirements.

Except to the extent that a Planned Project or a portion of a Planned Project is subject to area regulations mandated by a state agency, a Planned Project may be granted exceptions by the Planning Commission to the minimum lot size, minimum yard setbacks, and minimum dwelling floor area requirements of the underlying zoning district required under section 17.1. and minimum number of off-street parking spaces required under Section 17.4. if the Planning Commission finds that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of the future occupants of the Planned Project, the surrounding neighborhood or the county as a whole. Exceptions are limited to the following extents:

1. The minimum lot size for a dwelling shall not be reduced by more than thirty (30) percent of that required in the underlying zoning district.
2. Minimum yard setbacks shall not be reduced by more than thirty (30) percent of that required in the underlying zoning district. No exception to the perimeter setback requirement as provided in subsection 17.28.3.6. shall be granted.
3. Required parking spaces shall not be reduced by more than thirty (30) percent of the parking space requirement for each proposed use. In no case shall a dwelling have less than two (2) parking spaces. In reducing required parking spaces, the Planning

Commission may require the reservation of a portion of the Planned Project developable land area for future parking.

4. Minimum dwelling floor area requirements may be reduced by no more than thirty (30) percent of that required in underlying zoning district.

17.28.7. AMENDMENT OF PLANNED PROJECT SPECIAL USE PERMIT

The owner of property for which a Planned Project special land use permit has been approved shall notify the zoning administrator of any desired change to the approved special use permit. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

1. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.
- b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
- c. Landscaping approved in the special use permit that is replaced by similar landscaping to an equal or greater extent.
- d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the Zoning Administrator under this subsection after the Planning Commission approves a special use permit.
- e. Changes related to subsections a through d above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

2. All amendments to a planned project special land use permit approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

3. An amendment to an approved Planned Project special use permit that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original Planned Project special use permit application.

Section 7. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 8. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:

Peter Redmond
Its: Chairperson

By:

Mary Ellen Tryban
Its: Clerk



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Unit Development

Date: May 6, 2016

Attached please find a copy of the draft amendment document dated 5/5/16

Pursuant to the most recent discussion with the Planning Commission you will find changes and additions to the amendment document printed in bold. The draft reflects recommendations as set forth in the outline provided by Attorney Brian Graham as discussed at a recent meeting.

By review of the document you will note new language in section 19.6 relative to the pre-application conference and in section 19.7. regarding approval standards. Additional language is also proposed in sections 19.4.2.B and 19.4.3. with regard to perimeter setback requirements if non- residential or industrial uses are adjoining a residential use along with minimum frontage requirements in Section 19.2.2.

I will look forward to discussing this matter further with the Planning Commission. Please contact me with questions.

DRAFT 5/5/16

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING
ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING
DISTRICT .

Section 1. Amendment of Article 19.

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)

SECTION 19.1. PURPOSE The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment. A Planned Unit Development district (PUD) is a zoning district, and when applied, changes the zoning district to PUD

SECTION 19.2. Eligibility Requirements. To be eligible for a planned unit development, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Lake and Stream Protection (P-LS), Resource Protection (P-RC) and Natural Rivers Protection. (P-NR)
2. Minimum lot size for a PUD shall be five (5) acres with a minimum of **350** front feet. Any PUD with proposed industrial use shall contain a minimum of f ten (10) acres **with a minimum of 500 front feet.**
3. The entire lot being considered for a PUD designation must be under single or unified ownership.
4. The site submitted for a PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses.
5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

SECTION 19.3. Permitted uses. Any use allowed in any zoning district may be applied for within a PUD except any use which is only allowed in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall not be allowed in a PUD which is proposed in other zoning districts.

SECTION 19.4. DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENT (PUD) In addition to eligibility standards under Section 19.3. and general requirements under Section 19.4., the site submitted for PUD designation shall adhere to the following standards:

1. The development standards for the proposed uses proposed in the PUD district shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, Minimum setbacks and Maximum structure height based on use type:

USES	Min. Lot Size		Min. Yard Setbacks (ft.)			Max. Structure Height (ft.)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Sides (ft.)	Rear (ft.)	
Single Family or Two Family Residential	9,900 per dwelling	70	25	8	10	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25	10	15	35
Industrial	Submit with plan		40 ^A	25 ^A	25 ^A	35

A. Buildings with industrial uses shall be setback from buildings with other uses a minimum of 75 feet.

B. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.

3. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. **Any required perimeter setback area shall not be used to compute area for required open space.** The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

SECTION 19.6. APPLICATION AND APPROVAL PROCEDURES The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

1. Pre-application Conference. A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.

2. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

19.6.2. Submission of Application and PUD Plan. Following a pre-application conference, the applicant may submit a complete PUD rezoning application which shall include an explanation of the PUD and proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include;

- a. Site plan of existing conditions which shall include
 1. Existing buildings.
 2. Existing parcel boundaries with tax parcel identification numbers
 3. Existing streets
 4. Existing woodlands
 5. Topography with minimum 5-foot contours
 6. Bodies of water and other significant natural features.
 7. Surrounding land uses and zoning.
 8. Existing utilities, wells and septic systems
 9. Other information as may be requested by staff or the Planning Commission.
- b. Site plan for the proposed development which shall include;
 1. Boundary of the proposed PUD with legal description.
 2. Footprint, dimensions and elevations of proposed buildings
 3. Proposed uses and their general locations.
 4. Layout of streets, drives, parking areas and pedestrian paths.
 5. Proposed parcel boundaries.
 6. Minimum setbacks for district perimeters and individual buildings within the development.
 7. Proposed perimeter buffer zones and screening.
 8. Conceptual landscape plan.

9. Development phases and schedule indicating stages in which the project will be built with time frames for beginning and completion of each stage.
10. Type, estimated number and density range for residential uses within the development.
11. Proposed open space and acreage thereof.
12. Table of required and provided parking for all proposed uses.
13. Proposed location of water and sewer/septic system facilities including easements.
14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
15. Drainage plan and final topography plan with minimum 5 foot contours.
16. Location of all public utilities including easements
17. Signage plan.
18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
19. Other information as may be requested by staff or the Planning Commission.

2. The Zoning Administrator shall deem the PUD rezoning application and PUD site plans complete if all requirements of this Section have been met. The Zoning Administrator shall present the final plan to the Planning Commission at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

19.7. Standards for PUD approval.

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for PUD zoning designation shall comply with the following standards:

a. The PUD is consistent with master plan

c. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area

d. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance

f. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets

g. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.

h. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced

i. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

j. The PUD will be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

k. The PUD shall meet the standards of other governmental agencies, where applicable.

m. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

SECTION 19.8. Review by the Planning Commission. The Planning Commission shall hold a public hearing on the PUD rezoning application and PUD site plans within 30 days of the regular meeting at which it is first reviewed. The Planning Commission shall make findings of fact on the standards for approval and shall make a recommendation for approval, approval with conditions or denial to the Board of Commissioners. The Planning Commission may also make recommendation to the Board of Commissioners concerning waiving any standard for approval upon a finding that all of the following exist:

- a. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
- b. The spirit and intent of the PUD provisions will still be achieved.
- c. No nuisance will be created.

SECTION 19.9. Review by the Board of Commissioners.

1. The Board of Commissioners shall hold a public hearing following requirements of Section 24.1. The Board of Commissioners shall review the record compiled before the Planning Commission, the findings of fact made by the Planning Commission concerning the approval standards, any recommendations concerning waiving any approval standards, and the Planning Commission's recommended action. The Board of Commissioners may receive additional evidence, but will not re-hear information previously submitted at the public hearing held by the Planning Commission.

2. The Board of Commissioners shall approve or approve with conditions the PUD by rezoning the property if it finds that all of the approval standards are met. In rendering its decision, the Board of Commissioners may adopt as its own the findings of fact made by the Planning Commission, may modify the findings of fact made by the Planning Commission based on the evidence presented to the Planning Commission, may remand the matter to the Planning Commission for consideration of additional evidence the Board of Commissioners considers relevant and further recommendations by the Planning Commission, or may itself gather any additional evidence it considers relevant and make its own findings of fact concerning whether the standards for approval have been met.

3. No application for a PUD which has been denied, wholly or in part, by the Board of Commissioners shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Board of Commissioners or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

SECTION 19.10. Notation of approved PUD on zoning map.

1. Each PUD approved by the Board of Commissioners shall be noted on the zoning map and shall be assigned a unique identifier.

SECTION 19.11. Expiration, Development and Maintenance of approved PUD.

1. A PUD shall expire one (1) year following an approval by the Board of Commissioners, unless substantial construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
- b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.

2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.

3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

SECTION 19.12. Amendments to Approved PUD site Plan. Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.
- b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
- c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.
- d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the

amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.

e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application under section 19.6.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:

Peter Redmond

Its: Chairperson

By:

Mary Ellen Tryban

Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 10, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding uses to be deleted.

Included with this memo is a draft amendment document dated 5/9/16. This amendment has been reviewed by legal counsel. Discussion regarding setting a public hearing for further review is in order.

I will look forward to further discussion. Please do not hesitate to contact me with questions or comments.

5/9/16
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # __

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their appropriate alphabetical location which shall read in their entirety as follows:

CAMPING CABIN

A cabin located within a campground which is intended for temporary (thirty (30) days or less) shelter and includes sleeping quarters, may include a bathroom, but does not include a kitchen.

GARDENING

Non-commercial production of flowers, fruit, vegetables, and herbs.

**PORTABLE SAWMILL **

Equipment for the purpose of sawing logs into lumber, designed to be conveniently portable rather than permanently fixed in place.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to change the following definitions which shall read in their entirety as follows:

CAMPGROUND

An area of land under the control of a person or other legal entity, in which pre-established sites are offered for the use of the public, private groups, or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for two (2) or more camping cabins, tents, travel trailers, motor homes, or other types of recreational vehicles.

MOTEL OR MOTOR INN

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space to provide lodging for thirty (30) days or less for a fee.

Section 3. Repeal of Sections 9.2.10, 10.3.3, 12.3.3, and 13E.2.9

Sections 9.2.10, 10.3.3, 12.3.3, and 13E.2.9 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 4. Amendment of Sections 4.2., 10.2.2. and 13E.2.2.

Sections 4.2.2., 10.2.2. and 13E.2.2. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

4.2.2 Gardening, 10.2.2. Gardening, 13E.2.2. Gardening

Section 5. Amendment of Section 14.2.4

Section 14.2.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows;

14.2.4. Existing forest production and forest harvesting operations, log storage yards and related activities

Section 6. Amendment of Section 14.2.10

Section 14.2.10 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows;

14.2.10 Portable sawmill subject to provisions of Section 14.4.2.

Section 7. Amendment of Section 14.4.

Section 14.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 14.4.2. to read in its entirety as follows;

14.4.2. The use of Portable sawmills is hereby authorized as a permitted use in the Rural Character/Country Living zoning district when all of the following requirements and standards are met:

- a. This Section shall not apply to, nor shall it prohibit, a portable sawmill used for the purpose of sawing logs into lumber from one's own trees on one's own property.
- b. The location and operation of a portable sawmill shall take place within an enclosed structure which is in compliance with all applicable provisions of the zoning ordinance or shall be located and operated at least one hundred (100) feet from any lot line.
- c. All storage, loading, unloading and other activities related to a portable sawmill shall be set back a minimum of fifty (50) feet from any lot line. The storage of logs, lumber and other materials shall be sufficiently contained and placed so as to prevent any adverse effect upon adjacent property owners.
- d. All activities related to a portable sawmill shall be limited to one hundred and twenty (120) days on a lot.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:

Peter Redmond
Its: Chairperson

By:

Mary Ellen Tryban
Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 11, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Review of Boat Houses and Boat Well Covers

Pursuant to discussion at the most recent meeting included with this memo is a map indicating the parcels with a boat house or boat well cover as a result of an aerial photo survey. Also included is a copy of Zoning Board of Appeals (ZBA) meeting index from February 2000 to February 2016 which contain subjects relative to boat houses and boat well covers. By review of the same you will find eight (8) variance requests regarding the subject in the aforementioned time frame. The ZBA also reviewed variance requests regarding a boat house and a boat well since February of this year. The ZBA approved a variance to replace a boat house with a new boat house of the same size in a different location on land in March 2016 and denied a variance request regarding altering an existing boat well cover in April 2016.

I will look forward to further discussion on this matter. Please do not hesitate to contact me with questions or comments.

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
	business (whichever is greater).	
04/23/14 Greg Bock DENIED	Requests a 40ft. front setback variance for construction of a seawall, a boat well and a boat well cover and a 15ft. front setback variance for a porch and dwelling in a Lake and Stream Protection (P-LS) zoning district. The property is located at 3328 Nabanois Trail, Tuscarora Township, Section 19, parcel #162-I41-006-007-00. A 40ft front setback is required for this lot in this zoning district.	Motion by Mr. Moore, seconded by Ms. Street, to deny the variance for the boat well cover based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.
04/23/14 Bandi Builders/Dave Butts PV14-0005	Requests a variance from a screening requirement to construct two (2) privacy fences or solid evergreen hedges for construction of a private storage building within 30 ft. of side lot lines. The property is located at 1271 Nicolet Dr., Beaugrand Township, Section 23, parcel #041-B02-100-038-00 and is zoned Lake and Stream Protection (P-LS). A solid evergreen hedge or wood fence with a minimum height of 6 feet to screen the private storage building from view of the side lot line is required when built within 30 feet of a side property line in this zoning district.	Motion by Mr. Brown, seconded by Ms. Street, to grant the waiver on the north side based on General Finding #5, Section 17.18.6. Motion carried unanimously.
05/28/14 Cindy Bowen/Anita Ginop PV14-0004	Requests use variance for Farm Market in a Lake and Stream Protection (P-LS) zoning district. The property is located at 11695 W. M-68 Highway, Tuscarora Township, Section 7, parcel #161-007-300-002-01. The Cheboygan County Zoning Ordinance #200 does not provide for a Farm Market as a use which is allowed by right or by special use permit in a P-LS zoning district.	Motion by Mr. Moore, seconded by Mr. Hemmer, to approve the use variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
	setback is required in each of these zoning districts.	
12/26/13 Mackinaw Laundry Service / Chris Brown PV13-0013	Requests a 24ft. front setback variance for construction of an addition to a laundry facility. The lot is in a Commercial Development (D-CM) zoning district. The property is located at 11461 S. US 23, Mackinaw Township, Section 19, parcel #011-019-200-021-01. A 25 ft. front setback is required in this zoning district.	Motion by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Moore, Hemmer, Street, Freese), 0 Nays
01/22/14 Laszlo and Nancy Somogyi PV14-0001	Requests a 6ft. side setback variance for an addition to a single family residence in a Residential Development (D-RS) zoning district. The property is located at 6520 Mack Ave, Tuscarora Township, Section 24, parcel #161-M57-000-031-01. An 8 ft. side setback is required in this zoning district.	Motion by Mr. Brown, 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.
02/26/14 Eric Freedman / Thomas Preston PV14-0002	Requests a 5.2ft. side setback variance for a power lift/elevator in a Lake and Stream Protection (P-LS) zoning district. The property is located at 7604 W. M-68, Tuscarora Township, Section 26, parcel #161-M60-000-003-00. An 8 ft. side setback is required in this zoning district.	Motion by Ms. Street, 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. 3 Ayes (Street, Hemmer, Freese), 0 Nays, 2 Absent (Brown, Moore)
03/26/14 Luke Klotz DENIED	Requests a 40ft. front setback variance and a 2ft. side setback variance for construction of boat well cover in a Lake and Stream Protection (P-LS) zoning district. The property is located at 3350 Nabanois Trail, Tuscarora Township, Section 19, parcel #162-I41-006-004-00. A 40ft front setback and a 5 ft. side setback is required in this zoning district.	Motion by Mr. Moore, seconded by Mr. Hemmer, to deny the front variance request and the side variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.
04/23/14 Scott Landon PV14-0003	Requests a variance to allow eleven (11) wall signs with a total surface area of 300 sf. The property is located at 5731 M-68, Tuscarora Township, Section 30, parcel #162-030-200-003-01 and is zoned Light Industrial Development (D-LI). The zoning ordinance permits 2 - 40sf walls signs per structure or 1 per	Motion by Mr. Freese, seconded by Mr. Moore, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4 with the stipulation that the signage not exceed 300sf with the 300sf not being limited in numbers or sizes of the signs which compose the 300sf. Motion carried unanimously.

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
	<p>property is located at 5510 Davis Street, Mullett Township, Section 30, parcel number 130-J03-008-006-00. The parcel is zoned Residential Development (D-RS). A maximum floor area of 6,000 square feet for private storage buildings on more than three (3) acres of contiguous property under the same ownership is allowed in this zoning district. Also a 30 ft. front setback is required and a screen fence or hedge a minimum of 6 ft. high is required when constructing a private storage building within 30 ft. of a side lot line in this zoning district.</p>	
<p>09/26/12 Mark Hall TABLED</p>	<p>Requests a 75ft. structure height variance to construct a private fire tower (110 ft. high x 22ft. wide at base). The property is located at 1739 Chippewa Beach Road, Tuscarora Township, Section 12, parcel #161-012-300-003-04 and is zoned Agriculture and Forestry Management (M-AF). A maximum height for structures of 35 ft. is allowed in this zoning district.</p>	<p>Motion by Mr. Moore, seconded by Ms. Street, to table the variance until the November 28, 2012 Zoning Board of Appeals meeting. Motion carried unanimously.</p>
<p>09/26/12 Shepard Campbell/Barrette Construction Inc. PV12-0012</p>	<p>Requests a 2.6 ft. side setback variance to construct an addition (4ft x 18ft.). The property is located at 1851 Bayshore Dr., Inverness Township, Section 26, parcel #092-F11-000-015-00 and is zoned Lake and Stream Protection (P-LS). An 8ft. side setback is required in this zoning district.</p>	<p>Motion by Mr. Moore, seconded by Mr. Brown, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.</p>
<p>10/24/12 Carl Welch PV12-0013</p>	<p>Requests a 40ft. front setback variance and a 3 ft. side setback variance to construct a cover over a boat well (18ft x 29ft.). The property is located at 5812 Diane Lane., Tuscarora Township, Section 18, parcel #162-M49-000-020-00 and is zoned Lake and Stream Protection (P-LS). A 40ft. front setback and an 8 ft side setback is required in this zoning district.</p>	<p>Motion by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried. 4 Ayes (Moore, Street, Hemmer, Freese), 0 Nays, 1 Absent (Brown)</p>
<p>10/24/12 Dave & Barb Travis / Van Pelt Construction TABLED</p>	<p>Requests a 560 square foot floor area variance to construct a 960 square foot addition (30ft x 32ft.) to an existing 1,200 square foot private storage building (40ft. x 30ft.). The property is located at 8939 Silver</p>	<p>Motion by Mr. Moore, seconded by Ms. Street, to table the variance request until the November 28, 2012 Zoning Board of Appeals meeting. Motion carried. 4 Ayes (Moore, Street, Hemmer, Freese), 0 Nays, 1 Absent (Brown)</p>

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
	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)	
02/24/10 Jim Jeffers	Requests a 13ft. front variance, where 40ft. is required, to construct a covered and screened in porch (14ft. x 18ft.) and to extend an existing deck (4ft. x 14ft.). The property is located at 2608 Royal Oak Beach, Mullett Township, section 20, parcel #130-R19-000-002-00 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the revised Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Brown, Moore), 0 Nays, 1 Absent (Street)
04/28/10 Gary and Mary Miller	Requests an 11ft. front variance, where 30ft. is required, to replace the existing front steps with a porch (6ft. x 5ft) and a ramp (4ft. x 24ft.). The property is located at 1649 Phelps St., Mullett Township, section 30, parcel #130-T25-003-008-00 and is zoned Residential Development (D-RS).	Motion by Mr. Hemmer, seconded by Mr. Moore, to approve the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Street, Moore), 0 Nays, 1 Absent (Brown)
04/28/10 Irene Wright	Requests a 10ft. rear variance, where 30ft. is required, to construct a 12ft. x 20ft. sunroom/addition to a residence. The property is located at 2921 Gilpin Rd., Benton Township, section 4, parcel #104-004-400-015-04 and is zoned Agriculture & Forestry Management (M-AF).	Motion by Mr. Moore, seconded by Ms. Street, to deny the variance request based on the General Findings and the revised Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Hemmer, Street, Moore), 0 Nays, 1 Absent (Brown)
04/28/10 Paul Arthur Gerhan	Requests a 14ft. front variance, where 30ft. is required, and a 4ft. rear variance, where 12ft. is required, to construct a 24ft. x 28ft. garage. The property is located at 7419 Pells Island Dr., Munro Township, section 30, parcel 080-B04-000-023-00 and is zoned Lake & Stream Protection (P-LS).	Motion by Mr. Moore, seconded by Mr. Hemmer, that the Zoning Board of Appeals determined that the address of the parcel on which the garage is proposed is Pells Island Drive and therefore the front setback shall be determined to be from Pells Island Drive. Motion carried. 4 Ayes (Freese, Hemmer, Street, Moore), 0 Nays, 1 Absent (Brown)
05/26/10 John E. Sliva	Requests a 2,300 square foot variance to allow construction of a second private storage building (60ft. x 40ft.), where 1600 square feet is the maximum allowed (section 17.23.1f) . The property is located at 5197 Arthur Hills Rd., Tuscarora Township, section 36, parcel #161-D15-000-051-01 and is zoned Mixed Residential Development (D-MR).	Motion by Mr. Brown, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.
05/26/10 Bradley Berbas	Requests a variance from section 10.4.6 to allow the replacement of a boat pavilion/shelter with no side walls to be built within the required	Motion by Mr. Hemmer, seconded by Mr. Moore, to approve the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
<i>BERKES. CONT.</i>	40ft. setback and extend over the boat slip. The property is located at 3107 Apple Blossom St., Tuscarora Township, section 19, parcel #162-019-100-021-00 and is zoned Lake and Stream Protection (P-LS).	
05/26/10 Thomas & Nanci Ann Brennan	Requests a 4ft. side variance, where 8ft. is required, for a garage addition (28ft. x 40ft.) to a residence. The property is located at 11587 Mackinaw Straits Dr., Benton Township, section 25, parcel #105-M33-000-076-00 and is zoned Lake and Stream Protection (P-LS).	Motion by Ms. Street, seconded by Mr. Brown, to deny the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.
05/26/10 Jeff Detwiler / Jim Gahn Construction	Requests a 15ft. front variance, where 30ft. is required, for a private storage building (30ft. x 40ft) . The property is located at 4803 N. Straits Highway, Mullett Township, section 10, parcel #130-010-100-013-01 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Moore, seconded by Ms. Street, to approve the variance request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.
05/26/10 Frank & Kayleen Pawloski	Requests a 34ft. front variance, where 50ft. is required, to construct a private storage building (12ft. x 12ft.). Requests an 9ft. front variance, where 25ft. is required, to construct a deck (12ft. x 28ft.). The property is located on Straits Hwy., Mullett Township, section 20, parcel #130-020-400-014-07 and is zoned Lake and Stream Protection (P-LS).	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.
06/23/10 Irene Wright Edwin Belanger	Mr. Freese announced that three Zoning Board of Appeals members are present at the meeting tonight. Mr. Freese explained this is a quorum but all decisions made tonight will have to be unanimous. Mr. Freese stated each applicant will have the opportunity to ask that their request be tabled. Ms. Wright and Mr. Belanger asked that their request be tabled. Mr. Hartwig stated he would like his request reviewed at this meeting.	Motion by Mr. Moore, seconded by Mr. Hemmer, to table items 1 and 2 until the July 28, 2010 Zoning Board of Appeals meeting at 7:00pm in the Commissioner's Room #135. Motion carried. 3 Ayes (Freese, Hemmer, Moore), 0 Nays, 2 Absent (Brown, Street)
06/23/10 William & Joan Hartwig	Request a 20ft. front variance, where 30ft. is required to construct a 24ft. x 60ft. residence and attached storage building. The building will be 20ft. from the front property line and the second floor deck, which is 10ft. x 6ft. will be within 10 feet of the front property line. The property is located at 11549 White Birch Drive, Munro Township, section 30, parcel #080-	Motion by Mr. Moore, seconded by Mr. Hemmer, to deny the request based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried. 3 Ayes (Freese, Hemmer, Moore), 0 Nays, 2 Absent (Brown, Street)

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
10/22/08 William Drenning	Requests a 5 ft. side variance (Section 17.1) for a storage building. The property is located at 6406 Holden, Tuscarora Twp, section 24, parcel #161-024-400-262-00, and is zoned Residential Development (D-RS).	Mr. Moore suggested that Mr. Drenning ask that this request be tabled to allow him time to review the site plan with Mr. Schnell in case Mr. Drenning needs to come back to the Zoning Board of Appeals for a variance. Mr. Drenning asked that his request be tabled.
12/10/08 Richard B. Sangster	Requests a 25' front setback variance for construction of a 12'x25' addition to an office building. The property is located at 11153 N. Straits Highway, Inverness Twp., section 6, parcel #092-006-316-155-00, and is zoned Commercial Development District (D-CM).	Motion by Mr. Moore, seconded by Mr. Hemmer, to deny the variance based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously.
12/30/08 Frank Austin	Requests a 5' side setback variance and a 3' 7" rear setback variance for a 22' x 21' 4" garage addition. The property is located at 3131 Apple Blossom Street, Tuscarora Twp, section 19, parcel #162-019-100-025-00. The property is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Moore, seconded by Mr. Brown, to approve the variance based on the General Findings and the Findings of Fact Under Section 23.5.4 with two conditions: 1. That District Health Department #4 approves the well placement and septic system needs, and 2. That there be no living space used in the existing garage which is being reconfigured [for storage]. Motion carried unanimously.
02/25/09 Maple Bay Marine / Charlie Reed	Requests a Use Variance to allow for a boat sales use in the Lake and Stream Protection District (P-LS). Boat Sales use is not permitted in this district. The property is located at 6225 M-68, Tuscarora Township, Section 25, parcel #161-025-200-038-00, and is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Moore, seconded by Mr. Brown, to grant the use variance based on the General Findings and the Findings of Fact Under Section 23.5.4. Motion carried unanimously
03/25/09 David Nash / Timothy Burg	Requests a variance from section 10.4.6 to allow a boat pavilion/shelter with no side walls to be built within the required 40ft. setback and extend over the boat well. The property is located at 4586 Beatty Dr., Koehler Township, Section 8, parcel #171-008-300-009-00, and is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Moore, seconded by Mr. Brown, to approve the variance based on the General Findings and the Specific Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Brown, Hemmer, Moore) 0 Nays, 1 Absent (Street)
03/25/09 Cal Gouine / Henry Scott	Requests a 6ft. side setback variance, where 8ft. is required, for an addition to an existing garage which will be built 2ft. from the side property line. The existing garage dimensions are 24ft. x 16ft. With the addition the garage will be 36ft. x 16ft. The property is located at 1284 Vacationland Dr., Aloha Township,	Motion by Mr. Brown, seconded by Mr. Hemmer, to approve the variance based on the General Findings and the Specific Findings of Fact Under Section 23.5.4. Motion carried. 4 Ayes (Freese, Brown, Hemmer, Moore) 0 Nays, 1 Absent (Street)

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
		Motion carried unanimously.
12/04/00 White Pine Land Company (Northland Proeprties-owner)	Requests a variance from height requirement to erect a communication tower off of US 23. The property is located in Section 32, T38N R2E of Benton Township and is zoned Forestry/Agriculture.	Bryan Dean appeared on behalf of White Pine Land Company and Northland Properties and explained their request. Discussion held on fall zone. Mr. Dean stated he will submit document showing 100% fall zone. No correspondence read or comments heard. Mr. Dean explained he is requesting a variance to construct a 300-foot tower. Discussion held. Motion Williams, supported by Hemmer to approve variance request subject to submittal of 100% fall zone documentation.
12/04/00 White Pine Land Company (Leroy & Lois Ormsbee – owners)	Requests a variance from height requirement to erect a communication tower off of Cross Road. The property is located in Section 1 of Ellis Township and is zoned Forestry/Agriculture.	Bryan Dean appeared on behalf of White Pine Land Company and Leroy & Lois Ormsbee and explained their request. Mr. Dean explained they have leased the entire 80-acre parcel. Discussion held on airport location. No correspondence read or comments heard. Discussion held. Motion Edman, supported by Hemmer to grant variance to construct tower as submitted.
01/29/01 Alfred Neuman	Requests a variance from the 35 ft. height requirement to construct a communication tower at 11432 Butler Road. The property is located in Section 3, T37N R1W, of Benton Township and is zoned Forestry/Agriculture.	Alfred Neuman appeared and explained his request. No correspondence read or comments heard. Discussion held. Motion Edman, supported by Freese to grant variance to construct tower per site plan. Motion carried unanimously.
01/29/01 David Beebe	Requests a variance on front setback to install a mobile home at 5011 Wilson Road. The property is located in Section 36 of Tuscarora Township and is zoned Forestry/Agriculture.	David Beebe appeared and explained his request. Mr. Beebe explained that it would cost a lot of money to fill property and that the septic would be located on Fisher Wood roadside. No correspondence read. Mr. Pietrangelo asked if neighbor needed fill. Discussion held on alternatives such as turning the mobile home. The Board reviewed the guidelines for variance. The Board felt that the problem is self-created and a hardship does not exist. Motion Williams, supported by Hemmer to deny variance request because other options exist. Motion carried unanimously.
01/29/01 Betty Combs	Requests a variance on front setback for a garage (built) at 10550 M-68. The property is located in Section 11 of Forest Township and is zoned Forestry/Agriculture.	No one was present for Betty Comb’s variance request. The request will be scheduled for the next regular meeting.
01/29/01 Frank Giese	Requests a variance to remove/replace existing 22’6” x 33’ boathouse at 3525 Prospect Street. The property is known as part of Lot 4 and 5, Block 16 of Indian River in Section 24 of Tuscarora Township and is zoned Lake and Stream.	Frank Giese and Brian Fullford of Wade Trim appeared and explained the request. Mr. Giese stated that he has applied to D.E.Q and Corp. of Engineers for a permit to repair/ replace seawall. Mr. Giese explained that the length, width and height of the boathouse will remain the same and he proposes to relocate at same location. A letter was read from adjoining neighbor stating approval, copy in file. Discussion held. Motion Edman, supported by Freese to replace boathouse with identical length, width and height. Motion carried unanimously.
01/29/01 Peg Fleming (by Barrette Construction)	Requests an 8 foot variance on rear setback to construct a building at 1681 Bayshore Drive. The property is located in Section 26 of Inverness	Lenny Barrette appeared on behalf of Peg Fleming and explained her request. Mr. Barrette presented letters of approval from adjoining property owners, copies in file. No comments heard. Mr. Barrette stated that the neighbor’s

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
07/17/00 David Umbarger	Requests a variance to rebuild existing boathouse at 8803 Carter Road. The property is located in the NE ¼ of Section 19 of Benton Township and is zoned Lake and Stream.	David Umbarger appeared and explained his request. Mr. Umbarger stated he wants to rebuild the boathouse the same size. No correspondence read or comments heard. Motion Williams, supported by Hemmer to approve removal and replacement of boathouse in the same area. Motion carried unanimously.
08/07/00 Laurance Lyons Trust (By Barrette Construction)	Requests a 2'10" variance to fill in step back in house located at 1057 Dodges Point Road. The property is known as part of Lots 4, 5 & 6 Dodge Point Summer Resort Association Grounds in Section 26 of Inverness Township and is zoned Lake & Stream.	Lenny Barrette and Susan Lyons appeared on behalf of Laurance Lyons and explained his request. . Mr. Barrette stated they would like to expand the kitchen to match the existing building. John Ginn, adjacent neighbor to the west asked questions on the variance and expressed concerns regarding the foundation and the view. No correspondence read. Discussion held. Motion Edman, supported by Freese to grant variance as requested. Motion carried with 5 ayes, 0 nays and 0 absent.
08/07/00 Arthur Lazarski	Requests side yard variance for replacing his garage (already constructed) at 1330 Crist Isle Drive. The property is located in Section 27 of Grant Township and is zoned Lake & Stream.	Art & Nancy Lazarski appeared and explained their request. Mr. Lazarski stated the garage was there since the early 60's and the new garage is in the same location. Mr. Lazarski presented pictures to the Board. Mr. Lazarski explained that if he had known the requirement he would have complied. Mr. Lazarski stated the building permit was issued based on the site plan showing 8-foot setback. Mr. Pietrangelo stated we have to put a stop to building, then requesting a variance. Helen Senik and Beverly Filarski (daughter) are opposed to the variance. Ms. Senik feels the garage was moved from where it was staked out. Mr. Freese stated the new building is within an inch of the old building. No correspondence read. Discussion held by Board. Motion Edman, supported by Williams to deny because request is in violation of the Ordinance. Motion died for lack of support. Motion Freese, supported by Hemmer to grant variance request. Motion carried with 3 ayes, 2 nays - Edman and Williams, and 0 absent.
08/31/00 Keith Phillips	Requests a variance from 150 feed depth for a comon use area on Mullet Lake. The property is located in Section 30 of Mullett Township, approximately 200 feet north of the Breakers Bar and is zoned Lake & Stream.	Keith Phillips and Brian Fullford (Wade Trim) appeared and explained their request. Mr. Fullford feels Mr. Phillips meets all the criteria for granting a variance. Mr. Fullford explained the land has been used for common waterfront for 60 years with 180 feet of maintained lawn. Mr. Fullford stated this is clearly a hardship that should be granted relief and the waterfront would experience no change except one additional dock. Many comments heard from audience. Discussion held. Motion Williams, supported by Freese to deny variance request per Section 10.4.4.1 of Cheboygan County Zoning Ordinance #200. Motion carried with 3 ayes and 2 nays – Laviolette and Freese.
09/18/00 Donald Hill	Requests a 5-foot variance on side yard setback to replace their residence at 5864 West US 23. The property is located in Section 6 of Beaugrand Township and is zoned Lake & Stream.	Donald Hill and stepson John Cunningham appeared and explained their request for a 5-foot variance on side yard setback to replace their residence at 5864 West US 23. The property is located in Section 6 of Beaugrand Township and is zoned Lake & Stream. John Cunningham explained they plan to replace the house they tore down with a BOCA modular. They are requesting variance so they can access septic system in front for maintenance. Both adjacent property owners Mr. Wheeler and Mr. Findlay spoke in opposition of request and also submitted letters, which are on file. Discussion held.

Zoning Board of Appeals Index

<u>Date/Applicant</u>	<u>Agenda</u>	<u>Action</u>
	property is located in NE 1/4, Section 14 of Forest Township and is zoned Natural Rivers Protection District.	flood plain. Motion Hemmer, supported by Williams to approve 20-foot variance. Motion carried unanimously.
04/03/00 Randy McLEan & Harry Waldie	Requests front yard variance to construct residences in a new development on property presently owned by Mark Bouren. The property is located on the Black River in Section 11, T34NR1W of Forest Township and is zoned Natural Rivers Protection District.	Randy McLean and Harry Waldie appeared on behalf of Mark Bouren to explain their request. Randy McLean and Harry Waldie appeared on behalf of Mark Bouren to explain their request. Motion Williams, supported by Hemmer to grant variance on lots 6 through 12, not to exceed 100 feet from meander line. Motion carried unanimously.
04/03/00 Frances Hamilton Shirmer (by Michael A. Stack Esq.)	Requests a 10 foot variance on frontage to divide property at 1060 Hamilton Road. The property is located in Section 8, T35NR3W of Tuscarora Township and is zoned Lake and Stream.	Attorney Dave Barton appeared on behalf of Frances Hamilton Shirmer and explained their request. Attorney Barton explained they need a 10-foot variance temporarily for 7 years or until Mrs. Shirmer's death (90 years old), whichever comes first. Attorney Barton stated there would be no adverse on neighbors. No correspondence read or comments heard. Discussion held on lot size. Motion Hemmer, supported by Laviolette to grant 10-foot variance. Motion carried unanimously.
05/01/00 Brian Manson	Requests renewal of variance received on July 23, 1997 to construct a roof over existing boat well. The property is located at 3179 Apple Blossom, Indian River in Section 24 of Tuscarora Township and is zoned Lake & Stream.	Mr. Manson appeared and explained his request. No correspondence read or comments heard. Mr. Manson stated the variance was approved approximately three years ago. Motion Edman, supported by Hemmer to approve variance request as presented. Motion carried unanimously.
05/01/00 Rob Wilkins (By Kent Maybank & Sons)	Requests a 3 foot side yard variance to construct a garage. The property is located at 3921 Doris, Indian River in Section 24 of Tuscarora Township and is zoned Residential.	Rob Wilkins and Kent Maybank appeared and explained their request. Mr. Wilkins furnished letter from neighbor in support. Mr. Maybank explained the mason went ahead and poured the slab. No comments from audience. Discussion held on a 4-foot variance also needed on rear setback. Mr. Wilkins amended his request to also include 4-foot variance on rear setback. Motion Hemmer, supported by Williams to approve variance requests as presented. Motion carried with 3 yes and 2 no, Freese and Edman
05/01/00 Albert Balderstone	Requests a variance from front setback to construct a residence. The property is located at 7850 Beech Tree Trail (off Black River Road) in Section 11, T34NR1E of Forest Township and is zoned Natural Rivers Protection District.	Albert Balderstone appeared and explained his request. The Board had difficulty located Mr. Balderstone's site. Mr. Laviolette suggested that Mr. Balderstone's request be postponed until the Board can be given directions to the site. The Board asked Mr. Balderstone to stake out his proposed residence, stake property lines and give
05/01/00 NPI Omnipoint Wireless (Owner – Past Matrons & Patrons OES)	Requests a variance from required fall zone (Section 17.13(a)) to construct a tower. The property is located at 5470 South Straits Highway in Section 35 of Tuscarora Township and is zoned Commercial.	Chris Howser and Aaron Plowman appeared on behalf of NPI-Omnipoint wireless and explained their request. A letter of opposition was read and is on file. Mr. Howser explained that the lot is 330 feet and the tower is 250 feet high, which leaves a variance request of 170 feet. Mr. Howser stated that an engineer's letter that was submitted stated that the tower could be designed to collapse on site. Discussion held on use of other towers. Motion Hemmer, supported by Freese to deny request due to safety reasons. Motion carried

