EMMET COUNTY ZONING BOARD OF APPEALS
REGULAR MEETING
TUESDAY, SEPTEMBER 15, 2020 - 6:00 P.M.
Via ZOOM

Join Zoom Meeting with smartphone, computer or tablet:
https://us02web.zoom.us/j/83150318607
Meeting ID: 831 5031 8607
Or Dial
1 312 626 6799
1 929 205 6099
Meeting ID: 831 5031 8607

AGENDA

I CALL TO ORDER & ATTENDANCE

II MINUTES OF AUGUST 18, 2020

III CASES

NEW CASE

1. Case PZBA20-006 Jeff Ebling, Front Yard Setback Variance, 4208 William St, Section 17, Littlefield Township

2. Case PZBA20-007 James Hess, Front Yard Setback Variance, 6559 N Lake Shore Dr, Section 34, Cross Village Township

IV PUBLIC COMMENT

V OTHER BUSINESS

• Enforcement Report

VI ADJOURNMENT
EMMET COUNTY ZONING BOARD OF APPEALS
REGULAR MEETING
TUESDAY, AUGUST 18, 2020 - 6:00 P.M.
ZOOM MEETING

MEMBERS PRESENT: B. ALEXANDER, T. DRIER, J MALOTT, M. BUDAY (arrived 6:12p)

ALTERNATE MEMBER PRESENT:

MEMBER ABSENT: B. BATES, C. LIVELY

STAFF: T. DOERNENBURG, M. LINEHAN

I. Call to Order and Attendance
Chairman Alexander called the meeting to order at 6:00 PM. All members were present except Bates, Lively, and Buday (arrived at 6:12pm).

II. Minutes of June 16, 2020
Malott noted that on page two about 10 lines down it states that the variance requested is 16’ from the water; should say from the waterfront setback requirement. With that change to be made, Malott made a motion to accept the minutes of the July 21, 2020 ZBA meeting. The motion was supported by Drier and passed by unanimous voice vote of the members present.

III. Cases
1. Case #PZBA20-005 Jed Vardaman for Bossingham Resort Association, Front Yard Setback Variance, 4700 Oden Rd, Section 17, Littlefield Township

Legal Notice: A request by Jed Vardaman for Bossingham Resort Association Inc. for a front yard setback variance of 23 feet at 4700 Oden Road in Section 17 of Littlefield Township. The property includes platted lots within the plat of the Woodruff Park Addition to the Village of Oden, it is tax parcel 07-17-17-451-017, and is zoned B-1 Local Tourist Business. The request is to allow a dwelling within two feet of the Oden Road right-of-way per Article 25 of the Zoning Ordinance.

Packet Items: Request & Location Map, Tax Parcel Map, ZBA questionnaire, survey, zoning evaluation

Doernenburg shared her screen. She noted that this request involves the Bossingham Resort that has been the topic of review in the recent past. The mobile home is owned by the association and it is on the adjacent Bell property and within platted roads. The aerial was shown that shows the current location of the mobile home and the proposed new location on the Bossingham property. The property is just under one acre and is B-1 zoned. There is no maximum lot coverage in this district. The 2011 survey was used to create the plot plan. It shows this trailer as unit #9, moved to a location parallel to the highway and in line with cottages 5 and 6. The parcel includes platted lots in the Woodruff Park Addition to the Village of Oden. A mobile home did exist prior to zoning however it has been replaced at least twice since then based on historical surveys previously.
reviewed. If this proposal was reviewed at the time the trailer was first replaced, it would have been cleaning up a non-conforming situation. Photos of the property were shown. The proposal is to move the trailer, or other similar size or smaller dwelling, to the location shown and it would be on the Bossingham property. The setback standards for B-1 are front: 25’, sides: 10’, waterfront: 25’. Proposed setbacks are front: 2’, sides: 11’ and 90’, and waterfront: 47’. The highway paved surface is 60’ from the proposed location of the mobile home. There is a privacy fence between the proposed location and the highway; so, there would be a visual buffer from the highway. The request is either for the existing mobile home or similar sized structure to be allowed at the new proposed location. The association approved the proposal for a mobile home or smaller sized mobile home or cottage. The current mobile home is 929.6sf. There have been three cases regarding this property since 2018. Doernenburg stated that the court case was dismissed today with prejudice which means it cannot be appealed. The proposed new location would require a setback variance of 23’.

Jed Vardaman, applicant, thanked the board for the opportunity to speak stating that he feels that this is a viable solution for everyone. The front back setback variance is requested because without, the building envelope would only be 15’. They are currently looking at a different building that would be not as long but would be wider. Alexander asked about the dimensions of this building. Vardaman stated that it is 40x18’.

Mark Buday joined the meeting at 6:12 pm.

Malott stated that he didn’t understand the comments from Vardaman regarding the setbacks from the water. Vardaman stated that what he was saying is that if they didn’t get the variance approved, with all of the required setbacks, they would only have about 15’ to have the building on. This would also cause setback issues with the east property line and cabin four with the building that they are looking at. Malott asked if the proposed site on the plot plan mimics the current trailer. Vardaman stated that it does. Malott stated that he understands that with the other building it would be a shorter and wider building. He asked what the timeline would be for the project. Vardaman stated that it would be done as quickly as an excavator and plans can be finalized, hopefully within a year. Malott asked if the existing trailer is proposed to be moved only after construction on the new site. Vardaman stated that the trailer will probably be gone within the month; they actually have an offer on it so if sold it would be removed completely. Malott stated that the new construction may not be able to start until spring.

Drier asked if the proposed building is a built or a bought home. Vardaman stated that they are looking at a modular cabin to be set on a crawlspace foundation. It is a custom built pre-fab modular. Drier asked Vardaman if he would accept a motion that stated that the existing trailer would have to be removed. Vardaman replied, yes. Drier asked if the earthwork will need a permit. Doernenburg stated that yes, a SESC permit will be required for earthwork within 500’ of water. This wouldn’t have to be a condition in the motion as it would be required regardless. The building permit wouldn’t be issued until all other required permits are issued.
Buday stated that he was on site today. It seems to make sense to have the trailer moved on the site where proposed; would be in line with the other two cabins. When looking at the dimensional variance standards however, he is still of the opinion that the applicant can’t meet #1. In his opinion, this is a self-created hardship. It appears to fail this standard but passes the rest of them. Is this an expansion or an overall reduction of the non-conformity with the reduction to the size of the building? Doernenburg explained that during the introduction to this case that while the mobile home had been replaced twice that we know of, if someone would have proposed this at that time, it would have reduced the non-conformity because it puts the trailer on the correct property and is a smaller footprint than what is there. Alexander added that the new location avoids the encroachment onto Meeker as well. Buday stated that the building would be smaller now; Alexander stated that he is not sure how much smaller it will actually be. Vardaman stated that it will be slightly smaller but not to a great extent. Buday stated that it would be easier to review with an accurate site plan of what is actually going to be built. He asked again if this is a self-create hardship. Doernenburg stated that a trailer existed and was non-conforming at the time the ordinance was put in place. If you looked at it as if it were 1972, this could be looked at as an act of government creating the issue. A variance will be needed to correct this situation. Buday stated that the trailer has been changed out at least twice; if they go back to the original sized trailer, he can get around that standard easily. Alexander stated that it would be the same size as the existing trailer or smaller. The current trailer is not being moved there as it is 22 years old; it will be a different domicile. The bottom line is that there will be one more on this property. It does take care of a sticky situation as well. Buday stated that he agrees and understands the desire to clean this up but still feels like it is a grey area because we don’t know the size. Alexander stated that Vardaman gave the size. Vardaman stated that it will be 40x20’.

Drier stated that she thought we were looking at the plan in front of us for review. She stated that the size is in question. It was stated earlier that it will be 40x18’ now it’s 40x20’. She stated that she has concerns about what is in front of us. Vardaman apologized and stated that the new building is in fact 40x18’. Drier asked if it would go more into section three than section four as it is shown on the plan. Vardaman stated that it would be more on section four than three as the current resident in cabin five wasn’t happy about it being so close to her cabin. He was trying to move away from her cabin farther and go to 40’ rather than 66’ long. The 924sf building will be reduced to 720sf.

Alexander stated that the request is to remove the trailer and put in a 720sf cabin on the proposed location.

Drier stated that ideally we would have an accurate site plan in front of us to review. Buday added that if it were to be locked down to 40x18’, 720sf, he can go along with what Doernenburg stated for standard one and would be ok with the request. Doernenburg stated that one variance is needed for this request. Buday stated that he wants the numbers locked down in the motion so that it is black and white.

Alexander opened the floor to public comment.
Scott Page, member of Bossingham Resort Association, asked if they go with the 40x18’ sized cottage, would another variance be needed. Alexander stated that no, it wouldn’t.

Jane Bell stated that this sounds really good to her and is a solution that seems to work for everyone. She stated that she has seen a letter that stated that they had 60 days from July 31st to move the trailer; is that actually going to happen? Bell asked if she will get some sort of a notice to actually split her lot after the trailer is moved. Doernenburg stated that it will depend on the motion today. Once the trailer is removed, the lot split can be done right away. Vardaman stated that he has not received an official notice to remove the trailer. He was told by Jack Turner that once the case was dismissed, the timeline would start. Jane Bell read from a letter to Jack Turner from the zoning office dated July 31st that stated that the trailer needed to be removed within 60 days.

Alexander stated that he would like to go through the standards of the dimensional variance. There was concern that standard one wasn’t met as the trailer has been changed out multiple times; this is still a question. Standard two; the property is zoned B-1. It would have been nice for this to have been taken care of without going to court. Standard three; the building will be smaller and there are plans to move it to the correct property. Standard four; it will all be self-contained within the association.

Alexander stated that we can either ask for a more specific plan to be submitted or use the motion to put in specific parameters. Removal of the trailer can be put in the motion as well so that the Bells’ can split their property. Drier asked if we can supersede what the court order says. Doernenburg stated that the letter was not a court order; it was an enforcement letter from her office when the case was denied the second time. The case before the court has been dismissed with prejudice so it cannot be appealed.

Malott asked Vardaman if he can comply and have the trailer moved by the end of September. Vardaman stated that he could.

Drier made a motion to approve Case #PZBA20-005, Jed Vardaman for Bossingham Resort Association, for a front yard setback variance of 23 feet to allow a 40x18’ dwelling unit (720 sq. ft. or less), with an 11’ east side setback, as generally shown on the survey dated received July 20, 2020 (additional copies also received July 27, 2020) and as detailed in the Zoning Action Application for 4700 Oden Road, tax parcel 24-07-17-17-451-017 located within Section 17, Littlefield Township. Approval is based on the facts presented in the case, the facts presented during ZBA cases PZBA18-003, PZBA19-004, PZBA19A-004, and PZBA20-005. Standard 1 is met because a non-conforming mobile home existed, and thought to be on the lot, when zoning was created and has been used for over 48 years, Standard 2 is met because a 720sf residence is being allowed upon the existing mobile home being removed completely from the property, Standard 3 is met because of existing conditions, the proposed location would have the minimum impact on other structures on the property, Standard 4 is met because the proposed location is in-line with other dwellings on the property and is located 60 feet from the highway. Standard 5 is not applicable. Approval is on condition that the trailer will be removed by September 30, 2020, as agreed upon by the applicant, that all required permits are to be obtained, and because the township has
recommended approval. The motion was supported by Malott and passed on the following roll-call vote: Yes: Drier, Malott, Alexander, Buday. No: None. Absent: Bates, Lively.

IV. Public Comments: Jane Bell thanked the board and stated that she is glad this is coming to an end.

V. Other Business:
   - Enforcement Report: Distributed with some discussion on various cases.

VI. Adjournment

Adjournment: Alexander called the meeting adjourned at 6:55PM.

Minutes Certification:

_____________________________
Mark Buday, Secretary

_____________________________
Date
REQUEST

PZBA20-006
A request by Jeff Ebling for a front yard setback waiver to allow an addition onto a residential accessory building at 4208 William St in Section 17 of Littlefield Township. The property is zoned RR Recreational Residential and is tax parcel 07-17-17-352-016. The request is to allow a garage addition zero feet from the William Street right-of-way per Articles 23 & 25 of the Zoning Ordinance.

LOCATION
APPLICATION TO EMMET COUNTY ZONING BOARD OF APPEALS
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcountymi.org

DATE RECEIVED: S. 500.00
APPLICATION FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

APPLICATION #: PZBA 20-004

Applicant's Name: Jeffrey & Patricia Ebling Phone: 248-646-6402
Applicant's Address: 4208 William St, Oden, MI 49764
Applicant's Email Address: ebes248@gmail.com

Owner's Name __________________________ Phone __________________________
(If different than applicant)
Owner's Address __________________________
Owner's Email Address: ebes248@gmail.com

PROPERTY LOCATION:
Township: Littlefield Township Tax Parcel #: 24-07-17-17-352-016
Address: 4208 William St

ZONING REQUEST:
Zoning Board of Appeals:

Dimensional Variance ☐
Expansion of a non-conforming use ☑
Interpretation/Admin Appeal ☐
Temporary Use Permit ☐

REQUIRED INFORMATION
Front Yard Setback requested: 0 Ft.
Side Yard Setback requested: 12 Ft.
Rear Yard Setback requested: Ft.
Waterfront Setback requested: 124 Ft.

Site/Plot Plan required:
9 copies of each document submitted are required.
PLOT PLAN MUST BE DRAWN TO SCALE.

Date Submitted or N/A
Elevation Drawing ☑
Complete Plot Plan ☐

Other:
As owner/and or applicant representing the owner, I do ☐ do not ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Jeffrey & Patricia Ebling
Printed Name of Applicant 8/20/20

Jeffrey & Patricia Ebling
Printed Name of Property Owner 8/20/20
PLOT PLAN INFORMATION  THE FOLLOWING ITEMS ARE REQUIRED ON YOUR PLOT PLAN:

- Property line dimensions and property shape.
- Front, Rear or Waterfront, and Side setbacks required.
- Location, shape and size of all existing and proposed buildings on the property and proposed front, rear or waterfront and side setbacks to the proposed structure
- Location of all drives and parking areas.
- Zoning District
- Rivers, lakes, wetlands, or streams within or adjacent to the property.
- Road right-of-way or access/utility easements.
- Existing and intended use of the property.
- North arrow
- Any other essential zoning information.

- It is strongly urged that draft preliminary plans be submitted for staff review prior to investing in final plans that would accompany formal application materials.

- All Zoning Board of Appeals (ZBA) requests must be submitted at least 22 days prior to the ZBA meeting date (normally the 3rd Tuesday) with a complete plot plan. The application must be complete. Nine (9) copies of all information provided must accompany the application.

- Having the correct information prior to design will save time and money; please call our office, 231-348-1735 or email pzcrt@emmetcounty.org, to confirm the zoning district of a parcel, setback requirements, and other requirements for the zoning district. The Zoning Ordinance is available via: http://www.emmetcounty.org/ordinancesandamendments/ and other zoning materials are available via http://www.emmetcounty.org/applications-and-forms-108/

- If the request is for expanding a non-conforming use, then in addition to the plot plan, include a narrative which identifies the existing use and proposed use (Application page 5). For further guidance, see Zoning Ordinance Article 23 General Provisions: Nonconformities and Article 25 Zoning Board of Appeals.
Please note: ALL APPLICABLE QUESTIONS MUST BE ANSWERED COMPLETELY.

1. Property Information
   a. List all known deed restrictions:________________________________________
   b. The property is platted ___ un-platted ___. If platted, name of plat:
      _________________________________________________________________
   c. Present use of the property is: Home ________________________________
   d. Has a previous appeal been made with respect to the subject property within the
      last one (1) year. Yes: ☐ No: ☐ If a previous appeal was made, state the date
      __________________________, nature of action requested _____________________ and the decision
      __________________________. Explain how the current request varies from the previous
      request. ____________________________________________________________

2. Request and Justification
   a. State exactly what is proposed to be constructed which necessitates a variance
      from the Zoning Ordinance standards.

      The request is to build a new garage next/attached to an existing garage which is
      non-conforming.

Section 25.04.3 DIMENSIONAL VARIANCE

The Zoning Board of Appeals may permit zoning variances from the strict requirements of
this Ordinance, so that the spirit of the Ordinance is observed, public safety is secured,
and substantial justice is done, but 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:

b. Explain how the request meets each of the below standards for a dimensional
   variance:

   a. That the practical difficulty was not created by an action of the applicant or
      property owner (self-created); and either existed at the time of adoption of
      the requirement from which the zoning variance is requested, or is necessary
      as the result of governmental action such as a road widening.

      The current 1-car garage on the property was constructed and located long before
      the current requirements and is in keeping with the other residences on William
      Street.
b. That the strict compliance with the 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.

- We are looking to modernize the current garage/storage space by building next to the existing garage. In keeping with William St and our neighbors, our new modernized garage will be similar with the other garages along William St. in regards to location and position. It will also maintain the visual character of the neighborhood.

c. That the requested zoning variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

- We have reviewed the proposed garage plans with our neighbors and other property owners on William Street. It is in keeping with all other property owners current garage locations.
- You will find enclosed the neighbors and property owners have signed consent forms supporting the proposed garage.
- The garage location also maintains green space and character of the property.

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

- Our proposed garage addition will improve the property and the associated values in the area while allowing our property to become more in keeping with garages in the area.

e. That the zoning variance shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan (Only applicable for properties within ½ mile of Pellston Regional Airport)
- We do not believe that this garage project has any impact or bearing on airports zoning, layouts, etc.

3. Is this request an expansion of a Non-Conforming Use? Yes ☐ No ☑

If the request is for expanding a non-conforming use, then in addition to the plot plan, Application page 5 must be completed. For further guidance, see Zoning Ordinance Article 23 General Provisions: Nonconformities and Article 25 Zoning Board of Appeals.
NON-CONFORMING USES (EXPANSION)

Section 23.03
Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board or Appeals, subject to a Hearing, may allow an expansion or enlargement, if it is conclusively shown that such extension or enlargement:

A. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.

B. Will essentially keep the character and environment of abutting premises.

C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion and land over-crowding and related).

23.03.1 Change of Nonconforming Use

A. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use if the proposed use is equally or more appropriate to the district than the existing nonconforming use.

B. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.

C. Changes in tenancy and ownership of nonconforming uses and structures is permissible, provided there is no change in the nature or character of such nonconforming use or structure.

Explain how the requested expansion of a non-conforming use meets the above standards:

- The proposed garage will be in keeping with the adjacent neighbors and other property owners on William Street, while enhancing the visual appearance and maintaining green space.

- Specifically, the new garage:

  a) does not reduce but will increase the value of the adjacent premises by the new garage becoming more in keeping with the other property owners

  b) will keep and improve the character while the proposed location maintains the visual and environment of the abutting premises

  c) will not adversely impact or create any issues or nuisances upon any adjacent uses
PROPOSED MAIN FLOOR
SCALE 1/8" = 1 FOOT

Total Combined Garage Space: 1,008 Sq. Ft

PROPOSED 2ND FLOOR
SCALE 1/8" = 1 FOOT

JEFF AND PAT EBLING
PROPOSED GARAGE ADDITION
BIRCH DESIGN
231 357 9433
231.357.9433

Bleich Design

Aug 2020

Proposed Garage Addition

Proposed Rear Eave Line

Proposed Side Yard Elevation

Proposed Street Elevation

East

North
SURVEY REPORT
WILLIAM E. DODGE'S ADDITION TO THE
VILLAGE OF ODEN

WILLIAM STREET

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EMIGUE COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT INTO CROOKED LAKE ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

A 20.00 FOOT WIDE EASEMENT FOR CONSTRUCTION, MAINTENANCE AND REPAIR OF THE HARBOR SPRINGS SEWER AUTHORITY - SEWER LINES. (NOTE: THE EASEMENT LOCATION IS APPROXIMATE ONLY).

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PROPERTY DEPICTED HEREIN, THAT THE RATE OF CLOSURE OF UNADJUSTED FIELD OBSERVATIONS EXCEEDS 10,000, AND THAT SEC. 3 OF P.A. 128 OF 1979 HAS BEEN FULLY COMPLIED WITH (AS AHERBED).

ARTHUR R. RANGER, P.S.

RANGER & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS
06759 U.S.-31 S.-P.O.B. 382
CHARLEVOIX, MI 49720

DATE: 10/26/07  A-705
BY: A.R.R.
JOB NO: (07114) SCALE: 1" = 30'
SECTION: 17, T.33 N., R.4W.

SHEET 1 OF 1
July 27, 2020

Dear Littlefield Township Zoning Board of Appeals,

I/we, Robert Doctor & Margaret Tittle, of 4188 William St, Oden MI 49764 Approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

[Signature]

Margaret Tittle

July 27, 2020

Dear Emmet County Michigan Planning and Zoning Board of Appeals,

I/we, Robert Doctor & Margaret Tittle, of 4188 William St, Oden MI 49764 Approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

[Signature]

Margaret Tittle
July __, 2020

Dear Littlefield Township Zoning Board of Appeals,

I/we, David & Colleen Wright, of 4242 William St. Odm, Approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

David Wright

July __, 2020

Dear Emmet County Michigan Planning and Zoning Board of Appeals,

I/we, David & Colleen Wright, of 4242 William St. Odm, Approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

David Wright
July 29, 2020

Dear Littlefield Township Zoning Board of Appeals,

I/we, Joanna Hammerschmidt, of 4229 William Street, Oden, approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

Joanna Hammerschmidt

July 29, 2020

Dear Emmet County Michigan Planning and Zoning Board of Appeals,

I/we, Joanna Hammerschmidt, of 4229 William Street, Oden, approve the northern front yard setback requests of 4208 William St Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

Joanna Hammerschmidt
July 12, 2020

Dear Emmet County Michigan Planning and Zoning Board of Appeals,

I/we, Tina Buckmaster, of 4224 Williams St, Alanson, Michigan, do not oppose to the northern front yard setback requests of 4208 William St, Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

Tina Buckmaster

July 12, 2020

Dear Littlefield Township Zoning Board of Appeals,

I/we, Tina Buckmaster, of 4224 Williams St, Alanson, Michigan, do not oppose to the northern front yard setback requests of 4208 William St, Alanson, Michigan (Parcel # 07-17-17-352-016).

Sincerely,

Tina Buckmaster

(614) 530-7267 - cell
BIRCH DESIGN
JEFF AND PAT EBLING
PROPOSED GARAGE
ADDITION
MAY 2020

NOTES

- GARAGE ADDITION TO ATTACH TO EXISTING ROAD SIDE DETACHED GARAGE
- GARAGE WILL BE APPROX 24 X 28 STEPPED BACK AS NEEDED TO AVOID PROPERTY LINE. (NO CLOSER TO ROAD)
- SEE PROPOSED DRAWINGS BELOW

EXISTING GARAGE
(320 FT)
14 X 24

PROPOSED NEW GARAGE
ADDITION
24 X 28
(728 FT)

(TOTAL 1064 FT)

1" = 30'

BASED OFF RANGER & ASSOC SURVEY
10.26.2007
EXISTING
14 x 24
(336 sq ft)

NEW 24 x 28
(728 sq ft)

(TOTAL 1,064 sq ft)

PROPOSED MAIN FLOOR
SCALE 1/8" = 1 foot

NEW ROOF
BELOW

UNFINISHED
STORAGE
26 x 28

PROPOSED 2ND FLOOR
SCALE 1/8" = 1 foot

JEFF AND PAT EBING
PROPOSED GARAGE ADDITION

BIRCH DESIGN
P.O. BOX 227
DEERFIELD, IL 60015-0227
PROPOSED STREET ELEVATION

PROPOSED SIDE YARD ELEVATION

JEFF AND PAT EBLING
PROPOSED GARAGE ADDITION
AUG 2020

BIRCH DESIGN
231.357.9433
SURVEY REPORT
WILLIAM E. DODGE'S Addition TO THE VILLAGE OF ODEN

WILLIAM STREET

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S Addition TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN, SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.


ARTHUR R. RANGER, P.S. 31601

RANGER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
06759 U.S. 31 S.-P.O.B. 382
CHARLEVOIX, MI 49720

DATE: 10/26/07 A-705
BY: A.R.R.
JOB NO: (07114) SCALE: 1" = 30'
SECTION: 17, T.35 N., R.4W.
SURVEY REPORT
WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.

LEGAL DESCRIPTION:
LOTS 4 & 5, BLOCK 3, ESTATE OF WILLIAM E. DODGE'S ADDITION TO THE VILLAGE OF ODEN, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 4 WEST, LITTLEFIELD TOWNSHIP, EJNEET COUNTY, MICHIGAN.

NOTE: THE RIPARIAN LINES EXTENDING FROM THE SHORELINE OUT TO CROOKED LAKE, ARE NOT SHOWN ON THIS SURVEY. A RIPARIAN STUDY WOULD BE REQUIRED TO SHOW THESE LINES.
August 31, 2020

Office of Planning & Zoning
3434 Harbor-Petoskey Rd. Suite E.
Harbor Springs, MI 49740

RE: Case#PZBA20-006 request by Jeff Ebling for a front yard setback waiver to allow an addition onto a residential accessory building at 4208 William St. Parcel#07-17-17-352-016

To Whom it May Concern,

    Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,

[Signature]

JOHN HAGGARD
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 09/02/2020 CASE #: PZBA20-006

APPLICANT: EBLING JEFFERY W & PATRICIA S

PROPERTY: 4208 WILLIAM ST

TOWNSHIP: LITTLEFIELD

REQUEST: Expansion of a Non-Conforming Use & Front Yard Setback Variance

Facts:
- Parcel is a conforming lot with a width of 100’ and lot area of 0.41 acre. The lot is comprised of two platted lots in the Plat of Wm E Dodges Addition to the Village of Oden.
- The property is zoned RR Recreational Residential.
- Setback standards: Front (road): 40’; Sides: 10’; Waterfront: 60’. Requested setbacks: Front: 0’; Sides: 12’ (west); 24’ (east); Waterfront: 95’.
- The existing accessory building encroaches into the front and westerly side yard setbacks. The proposed new roof may extend into the road right-of-way and adjacent property to the west. ZBA cannot authorize building in the right-of-way or on adjacent property.
- Front setback subject to Section 1900 note h) “averaging rule” (not less than 15 ft.). Distances to road edge provided by applicant.
- Proposed setback from the road surface is 14.6 feet. Average of neighboring properties from road surface is 12.75 feet.
- Proposed garage includes a second level storage area. Height standards are met.
- Overall accessory building size is 1008 sq. ft. (1,200 maximum permitted in RR).
- Proposed lot coverage is ~20%. The maximum allowed for RR zoning is 30%.
- Survey included showing building setback lines. Existing and proposed addition to the accessory building is completely outside of the building envelope and is non-conforming.
- Four nearby properties have submitted support letters.

General Comments:

Review Standards:

Section 23.01 Board of Appeals Variance: Nonconformities

Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board or Appeals, subject to a Hearing, may allow an expansion or enlargement, if it is conclusively shown that such extension or enlargement:

A. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
B. Will essentially keep the character and environment of abutting premises.

C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion and land over-crowding and related).

**Article 25**
**Zoning Board of Appeals**
**Section 25.04  Jurisdiction**

**25.04.3 Dimensional Variance**

A. Permit zoning variances from the strict requirements of this Ordinance, so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done, but 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:

1. That the practical difficulty was not created by an action of the applicant or property owner (self-created); and either existed at the time of adoption of the requirement from which the zoning variance is requested, or is necessary as the result of governmental action such as a road widening.

2. That the strict compliance with the 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.

3. That the requested zoning variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

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

5. That the zoning variance shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.

B. **Conditions**

The Zoning Board of Appeals may attach reasonable conditions with the approval of a variance. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources and the health, safety, and welfare of those who will use the land use or activity under consideration, residents and
landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.

**Needed clarification** – Does the site plan include eaves? Are eaves proposed to be within the property or extend beyond the property lines? Is the existing building able to be added onto (structural integrity)?

**Draft motions:**

A motion to **approve** Case PZBA20-006, Jeffrey & Patricia Ebling for expansion of a non-conforming accessory building and a front yard setback variance of 40 feet at 4208 William Street, Section 17, Littlefield Township, tax parcel number 24-07-17-17-352-016 as shown on the site plan packet dated Received August 21, 2020, based on the facts presented in this case, the proposal meets the standards of Section 23.01 A) will not reduce the value or otherwise limit the use of adjacent premises because side yard setback standards are met; B) will keep the character of the neighborhood based on the elevation sketch and other structure in the vicinity; and C), will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses because it’s similar to other accessory buildings and dwellings along William Street. Further to approve the requested setback variances because the standards of Section 25.04.3 (1-4, #5 is not applicable) have been met because 1) the structure existed at the time zoning standards were adopted, so the request is not self-created; 2) based on the existing conditions on the property, strict compliance would unreasonably prevent an accessory building expansion; 3) the variance is the minimum necessary to do substantial justice based on the existing conditions on the property; 4) the proposed building is no closer to the road right-of-way than the existing building (additional reasons or conditions may be added here).

A motion to **deny** Case PZBA20-006, Jeffrey & Patricia Ebling for expansion of a non-conforming accessory building and a front yard setback variance of 40 feet at 4208 William Street, Section 17, Littlefield Township, tax parcel number 24-07-17-17-352-016 as shown on the site plan packet dated Received August 21, 2020 based on the facts presented in this case, the proposal meets the standards of Section 23.01 A) will not reduce the value or otherwise limit the use of adjacent premises because side yard setback standards are met; B) will keep the character of the neighborhood based on the elevation sketch and other structure in the vicinity; and C), will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses because it’s similar to other accessory buildings and dwellings along William Street. However, the proposal fails to meet all of the standards of Section 25.04.3 (1-4, #5 is not applicable) because 1) standard not met because there is an existing usable accessory building which existed at the time zoning standards were adopted, so the request to add onto the building is self-created; 2) is met based on the existing conditions on the property, strict compliance would unreasonably prevent an accessory building expansion; 3) is not met - the variance is not the minimum necessary to do substantial justice based on the existing conditions on the property – an attached garage could be built and meet the setback standards or reduce the requested variance; 4) is met because the proposed building is no closer to the road right-of-way than the existing building. Because all standards of Section 25.04.3 are not met, the request is denied. (reasons or conditions must be added here).
REQUEST

PZBA20-007
A request by James Hess for a front yard setback variance of up to 30 feet at 6559 N Lake Shore Dr for a residential accessory building. The property is zoned RR Recreational Residential and is parcel number 05-04-34-151-083. The request is to allow the accessory building within 10 feet of the road right-of-way. Review will be per Article 25 of the Zoning Ordinance.

LOCATION

PLEASE NOTE VARIANCE REQUEST IS FROM CHIPPEWA DRIVE – PROPERTY FRONTS BOTH LAKE SHORE DRIVE AND CHIPPEWA DRIVE
Jim Hess Contact Information

Cell phone- call or text - 520-349-2887
Email - Tucsonmsu@aol.com
APPLICATION TO EMME COUNTY ZONING BOARD OF APPEALS
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcra@emmetcounty.org

DATE RECEIVED: AUG 24, 2020
APPLICATION FEE: $ 500
APPLICATION #: PZBA20-007

APPLICANT: JAMES L. HESS
Phone:  520-349-2887
Address: 6559 N. LAKE SHORE DRIVE, CROSsville, MI 49723
Email: TUSCONMSU @ AOL.COM

OWNER: 4541 N. VIA MASINA, TUSCON, AZ 85750
Phone:

PROPERTY LOCATION:
Township: CROSS VILLAGE
Address: 6559 N. LAKE SHORE DRIVE, CROSsville, MI 49723
Tax Parcel #: 24-05-04-34-151-083

ZONING REQUEST:
Dimensional Variance
Expansion of a non-conforming use
Interpretation/Admin Appeal
Temporary Use Permit

REQUwED INFORMATION
Front Yard Setback requested: 43 Ft.
Side Yard Setback requested: 10 Ft. 10 Ft.
Rear Yard Setback requested: 0 Ft.
Waterfront Setback requested: 0 Ft.

Site/Plot Plan required:
9 copies of each document submitted are required.
PLOT PLAN MUST BE DRAWN TO SCALE.

Elevation Drawing: Date Submitted or N/A
Complete Plot Plan: 9/24/20

REQUIRED:
A complete plot plan drawn to scale is required to show:
property dimensions;
front, rear, and side yard setbacks;
streets, roads, and all existing
and proposed structures on the lot and other
site inventory such as, but not limited
site survey, etc. A property survey may be required if
for proper review.

Review Article 25 of the Zoning
Ordinance for review standard.

Other:
As owner/and or applicant representing the owner, I do X do not authorize Emmet County (staff, appointed
board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making
inspections related to the project or request identified in this application. If authorized, such inspections or site-
walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant
Date

Signature of Property Owner
Printed Name of Property Owner
Date
Please note: ALL APPLICABLE QUESTIONS MUST BE ANSWERED COMPLETELY.

1. Property Information
   a. List all known deed restrictions: ____________________________

   b. The property is platted _X_ un-platted ___. If platted, name of plat:

      J.C. Glenn section 26, 32, 33 + 34 and 1st 6 and part
      of lot 5, Block 11

   c. Present use of the property is: Residential

   d. Has a previous appeal been made with respect to the subject property within the
      last one (1) year. Yes: ___ No: _X_ If a previous appeal was made, state the date
      ________, nature of action requested _________ and the decision
      __________. Explain how the current request varies from the previous
      request. ____________________________________________

2. Request and Justification
   a. State exactly what is proposed to be constructed which necessitates a variance
      from the Zoning Ordinance standards.

      20' x 40' pole barn to store fishing boat, mower, utility trailers, truggers and paddleboards

Section 25.04.3 DIMENSIONAL VARIANCE

The Zoning Board of Appeals may permit zoning variances from the strict requirements
of this Ordinance, so that the spirit of the Ordinance is observed, public safety is secured,
and substantial justice is done, but 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:

b. Explain how the request meets each of the below standards for a dimensional
   variance:

   a. That the practical difficulty was not created by an action of the applicant or
      property owner (self-created); and either existed at the time of adoption of
      the requirement from which the zoning variance is requested, or is necessary
      as the result of governmental action such as a road widening.

      The required setback would be 73 feet, which would significantly impact
      the amount of excavation of the bluff. In order to maintain as much of the
      bluff, I'm requesting a 43 foot setback.
Actual picture of bluff and requested setbacks.
Without the requested variance, I would have to excavate a significant amount of the bluff. This would require a very large retaining wall which would be cosmetically unappealing. I would like to try and preserve as much of the bluff as possible.
LEFT ELEVATION
SCALE: 1/8" = 1'-0"

FRONT ELEVATION
SCALE: 1/8" = 1'-0"
To the zoning board;
We own the home at 5814 Chippewa Dr. near the site being prepared for a pole barn type structure. We do not support granting the appeal for this project. This construction being so close to the road will have a very negative affect on the natural look of the road.

The owner has room above the bluff which would preserve the look of Chippewa Dr.
I suspect they don’t want to look at this structure everyday anymore than we do on Chippewa Dr.
Please carefully consider rejecting this request.
Regards,
Chuck Otis
Jeff Reider

Sent from my iPhone
Zoning Board of Appeals Members:

My family owns property on Chippewa Drive not far from the site under review for construction of an accessory building (referenced above), and we are opposed to the granting of an appeal for this project.

Chippewa is a scenic road, and the construction of any building, especially an accessory building, within 10 feet of the right of way is detrimental to the scenic quality. There is so little room between the bottom of the bluff and the road that it looks as if some of the excavation and tree clearing already done is in the right of way, and it's unnecessary and unsightly.

More importantly for your consideration, we doubt that there is a hardship encountered on this property that would necessitate this location for a building. The building site on the property is on top of the bluff, where there is ample room for construction. It seems as if the Chippewa Dr. location is for the convenience of the owners, not generated by any hardship, which I think is one of the many criteria to be met if an appeal is approved.

Thanks for your attention to this,

1. John and Sandy Baker

--
(res)231-526-2800
(mob)231-838-1433
Board of Appeals Members:

My family owns property on Chippewa Drive not far from the site under review for construction of an accessory building (referenced above), and we are opposed to the granting of an appeal for this project. Chippewa Drive is a scenic road, and the construction of any building, especially an accessory building, within 10 feet of the right of way is detrimental to the scenic quality. In addition, the Road Commission has 33' right of way. The site in question is well within the 33'. While I'm not a litigious person. This might be an issue worth fighting into the courts. Perhaps filing a brief as a Friend of the Road Commission.

There is so little room between the bottom of the bluff and the road that it looks as if some of the excavation and tree clearing already done is in the right of way, and it’s unnecessary and unsightly. Has any consideration, or hydrologic study, been given to the rising of Lake Michigan to such a level that water will inundate the area? You can expect dire consequences for the desirability of the area if septic fields are flooded by the rising Lake.

More importantly for your consideration, we doubt that there is a hardship encountered on this property that would necessitate this location for a building. The building site on the property is on top of the bluff, where there is ample room for construction. It seems as if the Chippewa Dr. location is for the convenience of the owners, not generated by any hardship, which I think is one of the many criteria to be met if an appeal is approved. In the larger context, is the fact that so much of the parcels in that area are restricted due to Critical Dune Protection. This protection has affected property values. However, that seemed a reasonable price to pay to preserve the unique nature of the area. A line needs to be drawn. These one off grants must be stopped. Given that we have allowed other exceptions to be granted. The time has come to begin the administrative and legal process to preclude this in the future. Thanks for your attention to this.

Thomas and Jamie Kornmeier

Sent from my iPhone.
We are full time residents that live on the Northern end of Chippewka Drive, Cross Village. In addition to our home, we own four vacant lots three of which front Chippewa Drive. It appears to be becoming more frequent for seasonal homeowners, to infringe either by petition to the Zoning Board and other agencies or outright ignoring the ordinances to do whatever they want with no regard to the rest of the citizens on Chippewa or the ordinances. Whether it is fences and rock light posts that infringe on the Drive's right of way, rock break walls that close off the public's right to walk along the beach below the high water mark and now construction that resembles a pole barn up against or even infringing on the Drive's right of way.

If the seasonal owners love their Construction idea, please let them know there are a number of us that do not. We ask you to enforce the zoning ordinances that were put in place to control this type of growth within the right of way. Furthermore, their bluff lot is now slowly eroding away since they all but clear cut the dune their house sits on. Perhaps they can put their pole barn next to their house. Plenty of room up there but then they would have to look at it. Incidentally, we have enough traffic and noisy OTVs buzzing up and down this Drive. Maybe the Board can figure out how to fund some road covering, drainage, and side walks so the citizens can feel safe and enjoy the last bit of views not damaged by violators of our county and township ordinances.

Thank You
Gary and Linda Pauly
August 31, 2020

Office of Planning & Zoning
3434 Harbor-Petoskey Rd. Suite E.
Harbor Springs, MI 49740

RE: Case#PZBA20-007 Request by James Hess for a front yard setback variance at 30 Feet at 6559 N Lake Shore Dr. for a residential accessory building. Parcel#05-04-34-151-083

To Whom it May Concern,

Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard’s Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,

JOHN HAGGARD
Tammy Doernenburg

From: Rasmusson, Scott (EGLE) <RASMUSSONS@michigan.gov>
Sent: Tuesday, September 08, 2020 9:36 AM
To: Tammy Doernenburg
Subject: Re: 2 issues in Emmet County

Tammy,

Yes, it is hard to believe that we are into September and labor day weekend is behind us. I have seen the work that was done on Chippewa drive, left them a notice of violation sign, but haven’t heard back from them or followed up with them yet.

As for the wetland issue, if it is a regulated wetland, they would need a permit for that. Feel free to give them my contact info.

Thanks

Scott Rasmusson
EGLE
Water Resource Division
Gaylord Field Office
989-313-9708
989-731-6181 (Fax)

---

From: Tammy Doernenburg <tdoernenburg@emmetcounty.org>
Sent: Friday, September 4, 2020 10:45 AM
To: Rasmusson, Scott (EGLE) <RASMUSSONS@michigan.gov>
Subject: 2 issues in Emmet County

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hi Scott,

I hope you’re having a good summer. Hard to believe it’s September already.

I had 2 calls today regarding issues
Could you please check 6559 N Lake Shore Dr (24-05-04-34-151-083). It shows on the edge of the Critical Dune map on the Chippewa Rd side of the property there’s a steep slope that has been excavated, wondering if it is in a Critical Dune and if permits are required for the work they’re doing there.

Also, a question regarding the Meyer Ace Hardware site at 1373 N US 31 Hwy in Bear Creek Township – 01-16-34-100-048. Behind their store they have a cell tower. The tower company wants to install a large diesel gas tank for their generator. The owner thinks there are wetlands in the vicinity and wondered if there are regulations with your department regarding this installation.

I’d appreciate any direction you can provide in both matters.

Have a great weekend!

Tammy

Tammy Doernenburg
Planning and Zoning Director
Emmet County
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740
(o) 231.439.8998
(f) 231.439.8933
emmetcounty.org
tdoernenburg@emmetcounty.org
www.emmetcounty.org
DATE: 09/02/2020

CASE #: PZBA20-007

APPLICANT: HESS JAMES L & JANE E TRUST

PROPERTY: 6559 N LAKE SHORE DR

TOWNSHIP: CROSS VILLAGE

REQUEST: Variance – Front Yard Setback Variance

Facts:
1. Parcel is a combination of platted lots in the Plat of J. C. Glenns survey of Cross Village.
2. Parcel has lot width of 100 feet at Chippewa Dr (formerly Lower Shore Dr) and 98.27 feet at N. Lake Shore Drive.
3. Chippewa Drive has a 66’ wide right-of-way.
4. Lot was created in 1989.
5. House was permitted in 2006.
6. Site appears to be within the Critical Dune area regulated by the State of Michigan.
7. Lot is 0.95 acre in area, meeting the lot area requirement of ½ acre.
8. Proposed garage, according to application is 10’ from right-of-way.
9. Proposed garage is 40’x20’ meeting the maximum size for an accessory building of 1200 sq. ft.
10. Property is zoned RR Recreational Residential.
12. House with attached garage exist with access from N. Lake Shore Dr.
13. Email of opposition received from property owner in the vicinity of the property.
14. Letter of support received from Haggard’s Plumbing and Heating.
15. Proposed lot coverage is under the maximum allowed for RR zoning of 30%.

General Comments:

Review Standards:

<table>
<thead>
<tr>
<th>DIMENSIONAL VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>1. That the practical difficulty was not created by an action of the applicant or property owner (self created); and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.</td>
</tr>
<tr>
<td>2. That the strict compliance with the regulations</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>3. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The requested variance would allow the accessory building in the front yard of the Chippewa Rd side of the property. No variance would be required to construct an accessory building on the south side of the parcel.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. That the requested variance will not cause an adverse impact on surrounding property values, or the use and enjoyment of property in the neighborhood or zoning district.</th>
</tr>
</thead>
<tbody>
<tr>
<td>This proposal would place a residential accessory building within 10 feet of the Chippewa Road right-of-way.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. That the zoning variance shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>This standard is not applicable.</td>
</tr>
</tbody>
</table>

**A. Conditions**

The Zoning Board of Appeals may attach reasonable conditions with the approval of a variance. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources and the health, safety, and welfare of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.

**Draft motions:**

Motion to **approve** PZBA20-007, James Hess for a front yard setback variance of 30 feet to allow a 20’x40’ residential accessory building as shown on the plot plan dated received Aug 24, 2020 and as detailed in the Zoning Action Application for 6559 N Lake Shore Dr, tax parcel 24-05-04-34-151-083 located within Section 34, Cross Village Township. Approval is based on the facts presented in the case.

Standards of Section 25.04.3 Standard 1) is met because the proposed location would reduce excavation into the dune/bluff, Standard 2 is met because (add reasons), Standard 3 is met because of existing conditions (add reasons) Standard 4 is met because (add reasons). Standard 5 is not applicable.

*additional reasons or conditions may be added*
A motion to deny PZBA20-007, James Hess for a front yard setback variance of 30 feet to allow a 20’x40’ residential accessory building as shown on the plot plan dated received Aug 24, 2020 and as detailed in the Zoning Action Application for 6559 N Lake Shore Dr, tax parcel 24-05-04-34-151-083 located within Section 34, Cross Village Township. Denial is based on the facts presented in the case. Standards of Section 25.04.3 Standard 1) is not met because the lot was created in 1989 (after zoning was established) and the house was built in 2006, Standard 2 is not met because there are options for placing a residential accessory building on the south side of the dwelling, Standard 3 is not met because there are options without a variance; Standard 4 is not met because of the close proximity to Chippewa Drive. Standard 5 is not applicable.

2. **Littlefield - 4700 Oden Rd / 4653 Pangbuin St**– 4/17/2018 – during ZBA case review of neighboring property, discovered encroachment from this subject property. Staff to investigate further. 5/21/2018 – letter sent to owner. Received call 5/24/2018 from owner who is meeting with association Memorial Day weekend. Will explore options. 6/6/2018 received call from property owner within association. Still exploring options with neighboring property owner and road vacuuming. 6/26/2018 – received call from property owner – meeting with township regarding existing antenna. 8/9/2018 – owners met with township Board to discuss options regarding platted roads. MDOT consulted regarding compliance of state right-of-way for one platted road – determination made MDOT does not claim rights to either platted road 8/20/2018. Owners seem to be working toward compliance. 11/15/2018 received email of status – owner attempting to abandon roads and convey to appropriate adjacent properties to allow mobile home to remain at its current location. 11/20/2018 spoke with property owner representative and requested update in 30 days. Working toward resolution. 12/21/2018 – meeting with Civil Counsel to work toward next steps. 1/2/2019 letter sent to both the property owner and mobile home owner. No response from mobile home owner, property owner claimed no responsibility. Violation letter 2 sent 1/23/2019. No response from mobile home owner to date. Property owner at 4653 Pangbuin St has sent responses. 2/7/2019 Sent Final Notice. 3/6/2019 Notice of Violation issued. 3/8/2019 corresponded with attorney for Bossingham. Provided options. 3/15/2019 received proposed lot split plans. 3/20/2019 Advised attorney of options for compliance. Communication continues with attorney and surveyor. 5/22/2019 ZBA reviewed variance requests. Variances denied. Violation continues. 7/9/2019 appeal to Circuit Court filed. Civil Counsel reviewing. 7/24/2019 response filed by Emmet County – awaiting court review and direction. Court received the record. Civil Counsel responding to Appellant’s Brief – due 10/29/2019. Response from Plaintiff received. Oral Arguments scheduled for January 2, 2020. Case returned to ZBA for clarification of motion. Next court review 2/11/2020. 2/11/2020 Circuit Court Judge signed stipulation. Case to be heard by ZBA 3/17/2020. Case postponed until EO lifted. June 16, 2020 ZBA re-hearing was held via Zoom. ZBA voted 5-0 to deny the request. Record to be sent to Circuit Court. 6/19/20 three possible options sent to attorney. 6/22/20 received call and proposed concept plan from owner of mobile home. 7/13/20 received application for new ZBA review at 4700 Oden Rd. 8/18/20 ZBA approved a different variance request on condition the mobile home be removed by 9/30/20. Court appeal dismissed on 8/18/20.

3. **Carp Lake – 8772 Paradise Tr – 6/25/2018** – received phone call of too tall sign. Investigated and found new sign – no permits. Sent letter same day. 7/10/2018 – received phone call from owner. Sign was installed, is too tall, is in road right-of-way and is too large in area. Gave options to owner and asked for compliance. 7/20/2018 – owner applied for ZBA review. 8/6/2018 ECRC denied road commission permit application for sign located in road right-of-way. 8/6/2018 – owner withdrew ZBA request. 8/20/2018 – sign still at same location. Sent follow-up letter to owner requesting removal of sign. 9/10/2018 – sign has been moved, but is still visible from the road. Follow-up needed. Received call regarding outdoor lighting installed on cottages with glare onto neighboring property. Visited site 1/18/2019. Letter to be sent. 2/7/2019 – follow-up letter sent. Received call from owner who claimed harassment. Sent information for sign variance and lighting standards. 3/4/2019 received complaint from owner regarding enforcement. Advised by owner not to enter property. 3/20/2019 visited site from neighboring property and road. Lights are out of compliance and glare onto neighboring property. 4/5/2019 received follow-up letter from owners. 4/11/2019 sent response letter inviting ZBA application. 5/13/2019 received ZBA application. Visited site 5/17/2019 – unable to determine compliance of lights. Will visit after dark. Site visited 5/24/2019 – one light compliant, one light not compliant. Sign area approved by ZBA. Sign height not approved. 8/21/2019 visited site. No change. Owner to be contacted. 9/11/2019 letter sent. Site visit conducted – no change. 12/4/2019 – sign not changed. 1/30/2020 sent final notice. Owner responded sign to be removed by end of May 2020. Emailed owner as sign is still in violation. Upon receipt of email response, gave deadline of 9/30/20 to have sign brought into compliance.

4. **County-wide – PC** – Discussion needed regarding RV use on lot without a main use. Complaints received for: 3146 W Levering Rd - CV Twp, 4471 Straits View Dr – Wawatam Twp, 5611 & 5615 Petoskey St – Littlefield Twp, 3485 N Lake Shore Dr – Readmond Twp, 10209 Banwell Rd – Littlefield Twp – more appearing each week. Camping in Center Township, Littlefield, Bear Creek.

5. **Cross Village** – Accessory building with no main use after 2 years. Complaint received 1/6/2020. Letter emailed to owner. 1/7/2020 owner called. Email response received. House being planned, working with architect. Requested 1 additional year to start. Compliance anticipated. Application received 3/5/2020 – working toward compliance.


**BEAR CREEK TOWNSHIP:**

1. **1700 Anderson Rd** – 6/27/2018 - complaint of outdoor storage/sales in unauthorized area. 6/29/2018 – contacted Fire Chief regarding display/storage in fire-lane. He indicated he’d contact the store and asked that I address storage in back of store. 7/16/2018 - Sent letter. Received call from manager indicating store is now in compliance. Requested a site visit. Site visit conducted 8/16/2018 – called manager, not in. Follow-up needed. 12/20/2018 – site visited. Letter to property owner prepared to address development as a whole. 2/8/2019 received email from property manager. Met with property manager for adjacent parcels. Need to reach out to different property manager for this property. Letter to be sent. 3/12/2020 met with manager. Review to be started with PC for amendment. Meeting planned for first week of June. Preliminary approval recommended 5/7/20 by PC to BOC. BOC to review 5/21/20. 6/12/20 met on-site with manager. Provided application for amending Final PUD and site plan. Asked that area be retained to allow for pedestrians near garden center. 7/8/20 received reply from Assistant Manager who indicated he would apply and that the building was a farm use building. No application received to date (8/19/20) – observed outdoor storage beside building. Follow-up needed.

2. **1475 Cedar Valley Rd** – possible business from residence. Site visit conducted. Additional investigation needed. 6/19/2019 – confirmed DBA at the subject property. Need to send letter. 1/31/2020 letter sent to owner. 2/4/2020 irate owner visited office. Indicated business is being run from property. Options for compliance provided. 2/10/2020 owner visited office, offered to apply for review. Anticipate application for future meeting.

3. **796 Bellmer Rd** – rental nuisance complaint. Follow-up needed.

4. **528 N Fletcher Rd** – 9/17/2019 – complaint of building being constructed without a permit. Sent letter to owner 10/3/2019. 10/16/2019 Received phone call from owner indicating he would apply and that the building was a farm use building. No application received to date (10/23/2019). Follow-up letter sent 12/3/2019. Received call from owner 1/21/2020 – planning to have MDARD visit site. 2/10/2020 staff called owner, left message with request for application and plot plan. No response to date. 8/17/20 – received letter back from US. Resent letter 8/18/20.


6. **4772 US 131 Hwy** – site plan violation observed. 2/3/2020 sent letter requesting compliance. 2/11/2020 received call from engineer for project. Application received for review by PC. In process. Updated site plan approved 8/6/20. Follow-up inspection will be needed when screening has been planted.


9. **4408 River Rd** – 5/15/20 complaint of RV being used as a dwelling. Visited site 5/15/20 – took photos. RV is located on the site, unable to determine occupancy. Township brought blight case. RV has been removed. Complaint.

10. **2596 Howard Rd** – Complaint of a “sober house” operating on the property. Viewed as a single family dwelling, not requiring SUP or other permits. Not a zoning violation. Other complaints in vicinity appear to be blight or trash complaints, not zoning violations. Spoke with caller – need to follow-up on “family” living at address listed. Site visit conducted. No obvious violation. Will monitor.

11. **1264 N US 31 Hwy** – Inquiry regarding drainage issues. Staff met on-site with township supervisor 7/22/20. Plans provided to owner. Investigation on-going. Sent letter to adjacent property owner 8/10/20 regarding site plan violation. Contacted Civil Counsel and Drain Commissioner – may need to look at additional steps.

12. **1285 Hampton** – complaint regarding signs on the property. Signs are “no trespassing” signs. They do not appear to be zoning violations.