

Village of Onekama

P.O. Box 477 - Onekama, Michigan 49675

Phone: 231-889-3155 (Zoning Only)

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Zoning@VillageofOnekama.org

APPLICATION FOR ZONING BOARD OF APPEALS [page 1 of 3]

[WARNING: THIS FORM IS NOT A LAND USE PERMIT]

Property Owner: Blarney Castle Oil Co. Phone: (231) - 864 - 3111

Owner Address: 12218 W. Street, P.O. Box 246, Bear Lake, MI 49614

Project Address: 5395 & 5405 Main Street ONEKAMA MICHIGAN 49675

PARCEL ID # 51 - 41 - 100 - 091 - 00 Are property lines and building site staked? YES NO

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / Attorney Information: Spicer Group / Patrick Bentley

Agent / Attorney Address: 302 River Street Manistee MI 49660

Agent / Attorney Phone: (231) - 794 - 5620 Email: patrickb@spicergroup.com

SITE PLAN: When applicable, the Zoning Administrator (on behalf of the Zoning Board of Appeals) may require that this application be accompanied by a (legible) site plan drawn to scale on a separate sheet of paper that demonstrates the lot size, location and size of all improvements (existing and proposed) with setbacks from the property lines showing roadways and any known easements and in accordance with all other site plan requirements of the Village of Onekama Zoning Ordinance. The Zoning Administrator may require that a registered survey accompany this application.

ZONING BOARD OF APPEALS ACTION BEING REQUESTED (check all that apply)

- Administrative Appeal, Dimensional Variance Request, Ordinance Text / Map Interpretation

Please describe (in detail) the proposed 'use' of the building, structure and/or land as applicable: Gas Station and grocery store

The project address / property is located in the following Zoning District: [check one]

- Residential District, Commercial Residential District

[\*\*] Is the project address / property located within the Portage Lake Overlay Zone? YES NO

[Circle One]

Parcel #51-41-

office use only

APPLICATION FOR ZONING BOARD OF APPEALS [PAGE 2 OF 3]

[\*\*] If your project address / property is located adjacent to Portage Lake the Zoning Ordinance requires you to sign a statement that any Buffer Strip required by the Zoning Ordinance either has been established and will be maintained or has not been established but will, as a condition of issuance of the permit, be established by a date certain and be maintained thereafter. Your signature on this application 'affirms' that you are aware of this specific obligation in addition to maintaining compliance with the Village of Onekama Zoning Ordinance in its entirety. Your signature on this application 'affirms' that you are aware of this specific obligation and will serve as said statement.

**DEMONSTRATING PRACTICE DIFFICULTY**

The Zoning Board of Appeals must find that very specific standards can be demonstrated or 'proven' that apply to your particular situation in order to grant a 'variance' from the zoning ordinance. You are encouraged to arrange a pre-application conference with the Zoning Administrator so that you can be presented with information that will assist you in submitting a complete application. An application to appear before the Zoning Board of Appeals will not be considered complete unless accompanied by a site plan (if required) and appropriate narrative that addresses all of the standards in the Village of Onekama Zoning Ordinance that the Zoning Board of Appeals is required to consider.

**AFFIDAVIT:** I agree the statements and representations made herein and attached to this application are true and if found not to be true, any zoning (Land Use) permit that may be issued may be void. Further, I agree to comply with any conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Village of Onekama Zoning Ordinance will be complied with. Further, I agree to notify the Zoning Administrator of the Village of Onekama for inspection before the start of construction and when locations of proposed uses are marked on the ground. *Further, I agree to give permission for officials of the Village of Onekama, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.* Finally, I understand this is a [Land Use Permit] application, (not a permit), and that a Land Use Permit, if issued, conveys only land use rights and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: David B. McLeish Date: 23 Dec 2016

*Do Not Write Below This Line - For Administrative Use Only*

APPLICATION DEEMED COMPLETE Assigned ZBA Case # ZBA2017-01  
Date Application Received: 01/27/2016 Date of ZBA Hearing / Action:   /  /    
Fee: \$ 450<sup>00</sup> How Paid:  Cash  Check #            Receipt #           

**Minimum Requirements for a Site Plan for Zoning Board of Appeals (Residential / Residential Accessory Use)**

*USE SITE PLAN PREPARED BY SPILER GROUP*

- Show length of all parcel lines
- Show all known easements
- Show sizes of all existing and proposed structures
- Show setbacks to all existing and proposed structures from all property lines
- Show distances from all existing and proposed structures to all bodies of water (lake, river or stream)
- Show elevations as appropriate to demonstrate compliance with maximum height requirements

**Village of Onekama Zoning Ordinance -- Article 96** (to be completed by applicant)

Along with this application you will be provided with a copy of Article 96 in its entirety. This article describes the duties of the Zoning Board of Appeals as well as presents the procedures that must be followed and standards that must be applied.

C. A non-use variance from the terms of this Ordinance regarding a structure or parcel shall not be granted unless, after considering all the record evidence submitted at a Public Hearing held under this Article, a majority of the Regular Members and Alternate Members called to serve as a Board Member votes to concur with written findings that the following standards have been met:

1. Special conditions and circumstances exist which are peculiar to the parcel or structure involved and which are not applicable generally to other parcels or structures in the same Zoning District.

**Describe:**

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2. The special conditions and circumstances required to be demonstrated in Section 9604.C.1 do not result from the actions of the requesting person.

**Describe:**

SEE ATTACHED

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3. A literal interpretation of the provisions of this Ordinance would deprive the requesting person of rights commonly enjoyed by owners of other properties in the same Zoning District under this Ordinance.

**Describe:**

SEE ATTACHED

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4. The non-use variance, as granted, is in harmony with the general purpose and intent of this Ordinance, is not injurious to the neighborhood or otherwise detrimental to the public safety, and is the minimum variance that will provide substantial justice to the applicant by allowing reasonable use of the structure or parcel.

**Describe:**

SEE ATTACHED

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5. The grant of the non-use variance is appropriate because there are practical difficulties in carrying out the strict letter of this Ordinance, the spirit of this Ordinance is observed, public safety is secured and substantial justice is done.

**Describe:**

SEE ATTACHED

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The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052. The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052. The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052.

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Section 1052 of the Lanham Act provides that a trademark shall be deemed to be abandoned if the owner of the trademark ceases to use the trademark in commerce and there is no intent to resume such use. The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052.

The fact that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052. The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052. The Parties agree that the proposed sign design is a trademark and is eligible for trademark protection under the Lanham Act, 15 U.S.C. § 1052.

**C. A non-use variance from the terms of this Ordinance regarding a structure or parcel shall not be granted unless, after considering all the record evidence submitted at a Public Hearing held under this Article, a majority of the Regular Members and Alternate Members called to serve as a Board Member votes to concur with written findings that the following standards have been met:**

**1. Special Conditions and circumstances exist which are peculiar to the parcel or structure involved and which are not applicable generally to other parcels or structures in the same zoning district.**

**Describe:**

**2. The special conditions and circumstances required to be demonstrated in Section 9604.C.1 do not result from the actions of the requesting person.**

**Describe:**

The proposed sign is for a business located at 101 S. Main St. in the Village of Castle Hill. The sign is a standard 6' x 8' sign. This is not an outdoor sign. The sign is a standard 6' x 8' sign. This is not an outdoor sign.

**3. A literal interpretation of the provisions of this Ordinance would deprive the requesting person of rights commonly enjoyed by owners of other properties in the same Zoning District under this Ordinance.**

**Describe:**

There are no special conditions or circumstances that would justify a non-use variance. The proposed project is to install a standard sign on the side of a building. This is not an outdoor sign.

**4. The non-use variance, as granted, is in harmony with the general purpose and intent of this ordinance, is not injurious to the neighborhood or otherwise detrimental to the public safety, and is the minimum variance that will provide substantial justice to the applicant by allowing reasonable use of the structure or parcel.**

**Describe:**

Development of the sign is not construction of a new structure. The sign is a standard 6' x 8' sign. This is not an outdoor sign. The sign is a standard 6' x 8' sign. This is not an outdoor sign.

**5. The grant of the non-use variance is appropriate because there are practical difficulties in carrying out the strict letter of this Ordinance, the spirit of this Ordinance is observed, public safety is secured and substantial justice is done.**

**Describe:**

Castle Hill Co., wishes to place a standard sign on the side of a building. This project was reviewed and approved by the Village of Castle Hill Planning Commission, as well as the Village Council. The Village Council approved the sign with the stipulation that the sign be moved to the building or existing canopy, or that a variance be granted for the sign to remain on the side of the building. The sign is a standard 6' x 8' sign. This is not an outdoor sign.