

Village of Onekama

P.O. Box 477 – Onekama, Michigan 49675

Phone: 231-889-3155 Fax: 231-889-3423

Prepared by Certified Zoning Services / Robert Hall

EIN #81-4635500

511 E. Division Street

Phone: 231-429-6703

Cadillac, Michigan 49601

Email: CZServices@hotmail.com

June 1, 2017

Blarney Castle Oil Company

Re: Supplemental Staff Report – Sign Variance Request – June 6, 2017

Dear Village of Onekama Zoning Board of Appeals:

Please accept this brief narrative in order to clarify several of the comments made in my primary staff report regarding the above captioned variance request. First, the Special Use Permit [#16-09] (see attached) was issued by the Zoning Administrator upon the direction of the Village Council on December 21, 2016. The application for the captioned (sign) variance was received by the Zoning Administrator on December 23, 2016.

Article 96, Section 9604.B:

- A. A non-use variance from the terms of this Ordinance shall not be granted by the Board unless a person, who has been given an Administrator's Notice that a land use permit has been denied and/or that a variance is required, ***submits within 45 days of being given such Notice a written request for a variance to the Board specifying the grounds that the applicant relies upon to demonstrate:*** (...)

The Zoning Administrator believes that the submission of the *Variance Application* following the issuance of the Special Use Permit was timely. It remains true that the application was NOT complete upon the initial receipt – however, constant communication was maintained and completion was pursued by the applicant.

The Planning Commission recommendation to Council, and as documented in my memo to Council dated October 26, 2016 (see attached) noting that the recommendation did NOT include any provisions for the sign as shown on the site plan, clearly indicate that the sign was NOT a part of the approval process. As well, the minutes of the October 12, 2016 meeting at which the Special Use public hearing was conducted contain no reference to the sign other than during the initial public comment.

The **Note:** on the first page of my initial staff report contains an incorrect date. It should read: [*Amended by Ordinance Number 01 of 2016, effective March 18, 2016*] as annotated in the current Onekama Village Zoning Ordinance. Other language was the subject of a public hearing in 2014 and soon after given effect.

On page two of the initial staff report, it is not the intent of the Zoning Administrator to deviate from the fact that the zoning ordinance does NOT allow existing nonconforming structures / parcels to be considered grounds for the issuance of a variance (see: Article 96, Section 9604.D), but rather to state the obvious consequences related to implementing relatively new ordinances during the permitting process.

Very truly yours,



Robert (Bob) Hall

Zoning Administrator

d/b/a: Certified Zoning Services

ZONING

COPY

VILLAGE OF ONEKAMA
Robert Hall – Zoning Administrator
5283 Main Street – P.O. Box 477
Onkama, Michigan 49675

Ph: 231-889-3155

Fax: 231-881-3423

Zoning@VillageofOnkama.org

SPECIAL LAND USE PERMIT # [16-09]

[Issued: December 21, 2016]

**Issued to: Blarney Castle Oil Company
1218 West Street
Bear Lake, Michigan 49614**

Phone: [231-864-3111]

Alt Phone: [231-633-9146]

Dbmc2@blarneycastleoil.com

**Contractor Information: [Tailored Building Systems, (Jim Simon, President) 550 Kirtland St. SW,
Grand Rapids, Mi 49507 - Ph: 616-475-8953 - Cell: 616-862-3037 - jims@pioneerinc.com]**

This Land Use Permit authorizes the following: [Continuation of retail / grocery sales in the existing structure – addition of motor fuel storage / sales]

Size of structure: [Actual Dimensions shown on site plan – addition of approximately 12' X 42' on west side of building towards fuel pump location to facilitate new entry]

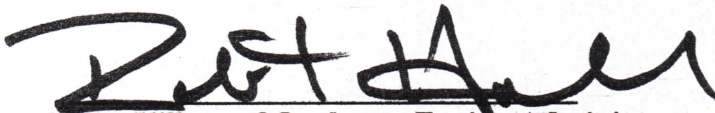
At the following address: [Parcel #51-41-100-091-00, 51-41-100-091-05, 51-41-100-095-00 and 51-41-025-011-26]

Notes: [N/A]

Conditions: [The applicant has provided a detailed copy of the Basic Environmental Assessment for the property to the Village (on file) as required.]

The applicant (Blarney Castle Oil Company) must pay in full, the outstanding balance of \$678.85 as listed on Invoice #2016-01 within 60 days of the date of issuance of this Special Land Use Permit.

This SPECIAL LAND USE PERMIT was APPROVED on: [December 21, 2016]



Robert Hall – Village of Onkama Zoning Administrator

This land Use Permit Expires on: [Wednesday, December 21, 2017] if substantial progress is not demonstrated by the applicant towards completion of the use(s) and / or building / construction associated with the original request.

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5283 Main Street – P.O. Box 477
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October 26, 2016

Re: Special Use Request

To: Onekama Village Council
Fm: Zoning Administrator

The Planning Commission has recommended to Council that the Special Use Request by Blarney Castle Oil Company be approved (absent any consideration for the freestanding sign as shown on the Site Plan). This recommendation is reflected in the minutes of the October 12, 2016 Special meeting at the bottom of page 7.

The Council is required to apply the standards of review as listed in Article 86, Section 8611. These standards can also be found at the bottom of page 6 of the Zoning Administrator STAFF REPORT dated September 20, 2016.

The complete file is in the Zoning and Planning office for your review. PLEASE do not remove these materials from the office. The FINAL Grading Plan and the FINAL Landscape Plan have been taped on to the full size versions so that you can see the changes the applicant made based upon the Planning Consultant's recommendations.

Respectfully,

Bob

Robert (Bob) Hall
Zoning Administrator