

# Tax ID 2212-12-1302

Slagle Twp., Wexford County

\* Please contact Wexford County Register of Deeds for official ownership information.

**Assessment Roll Owner Name(s):** SQUIER, KEVIN  
**Assessment Roll Owner Address:** 1421 S 11 1/2 RD HARRIETTA MI 49638  
**Assessment Roll Parcel Address:** 1421 S 11 1/2 RD HARRIETTA MI 49638

## Property Information

**Jurisdiction:** Slagle Twp.  
**Property Class:** 401 Residential Improved  
**School District:** 83010 Cadillac  
**Assessed Value for 2018:** \$95,000  
**Year SEV for 2018:** \$95,000  
**Taxable Value for 2018:** \$54,156  
**Homestead % for 2018:** 100%  
**Assessed Value for 2017:** \$98,900  
**Taxable Value for 2017:** \$53,043  
**Property Square Feet:** 217798.31857 Sq Ft  
**Property Acreage:** 4.99998 Acres

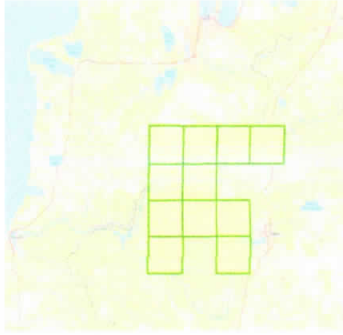
## Assessment Roll Description

PAR COM AT SEC CENTER, TH N 220 FT TO POB: TH E 495 FT; N 440 FT; W 495 FT; S 440 FT TO POB.  
--5 A. M/L SL. SEC. 12 T22N R12W -CAPS-

\* Please contact Wexford County Register of Deeds for official legal description.



TAXIDNUM	NAME1	NAME2	PARC_ADD1	PARC_CTY	PARC_ZIP	OWNER_ADD	OWNER_CTY	OWNER_ZIP
2212V-124	DUNNING FAMILY TRU		1515 S 11 1/2 RD	HARRIETTA MI	49638	1515 S 11 1/2 RD	HARRIETTA	MI 49638
2212V-124	PINKOSKI, DAVID F & LILIAN S					29954 MARQUETTE AVE	GARDEN CITY	MI 48135
2212-12-12	KAGE, JAMES JR		1309 S 11 1/2 RD	HARRIETTA MI	49638	2580 GRAVEL CREEK RD	NORTH BRANCH	MI 48461
2212-12-12	SQUIER, KEVIN		1421 S 11 1/2 RD	HARRIETTA MI	49638	1421 S 11 1/2 RD	HARRIETTA	MI 49638
2212-12-31	WALDO, G	LAWRENCE	1590 S 11 1/2 RD	HARRIETTA MI	49638	1714 S 11 1/2 RD	HARRIETTA	MI 49638
2212-12-24	MCROBERTS, ALBERT		6991 W 28 RD	HARRIETTA MI	49638	1218 S 11 1/2 RD	HARRIETTA	MI 49638
2212-12-24	DAVIS, IAN M		1492 S 11 1/2 RD	HARRIETTA MI	49638	7490 30TH ST SE	ADA	MI 49301



## Wexford Joint Planning Commission

c/o Cherry Grove Township  
4830 E. M-55  
Cadillac, Michigan 49601

[www.wexfordjpc.org](http://www.wexfordjpc.org)

Email: [planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)  
(231)775-1138x6

January 2, 2019

Greetings -

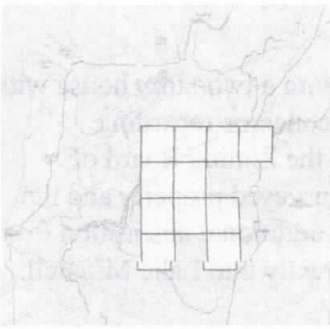
You are being notified under the requirements of the Michigan Zoning Enabling Act (PA 110 of 2006 as amended) that a public hearing is being conducted regarding property that is located within 300 (three hundred) feet of yours, according to the Wexford County standard property search data. The public hearing is described below. There is no action required on your part. All meetings of the Wexford Joint Zoning Board of Appeals are open to the public.

Very truly yours,

Robert (Bob) Hall  
Planning and Zoning Administrator

### **PUBLIC NOTICE**

The Wexford Joint Zoning Board of Appeals has received an application requesting a variance from the terms and conditions of Article 10, Section 1072 of the Wexford Joint Zoning Ordinance requiring all accessory buildings and structures to be built in the side yard or rear yard. The subject property is parcel #2212-12-1302, also known as: 1421 S. 11-1/2 Road, Harrietta, MI 49638 located in Slagle Township. Copies of the application documents may be viewed / copied at the Cherry Grove Township offices (Wexford Joint Planning Commission office of record) on Wednesday, Thursday or Friday by appointment or may be viewed at: [www.wexfordjpc.org](http://www.wexfordjpc.org). A public hearing will be conducted at a special January 23, 2019 meeting of the Wexford Joint Zoning Board of Appeals at 6:00 pm at the Wexford County Road Commission offices, 85 W. Highway M-115, Boon, MI 49618. Written comments may be sent to and will be received until noon on January 23, 2019 at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: [planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)



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The September 26, 2018 meeting of the Wexford Joint Zoning Board of Appeals was called to order by Vice-Chair Swank at 6:00 pm. In attendance were: Swank, Fleis, Prebay, and Vaughan (representing Cherry Grove Township). Vice Chair Swank led all in the Pledge of Allegiance.

Motion by Vaughan, seconded by Prebay to approve the minutes of the June 27, 2018 meeting of the Wexford Joint Zoning Board of Appeals. The agenda was confirmed as presented by consensus.

There were two members of the general public in attendance.

Vice-Chair Swank offered an opportunity for general public comment - none was presented.

Vice-Chair Swank declared the public hearing open for ZBA Case #2018-02 open at 6:02 pm. Chair Monroe arrived at this time and took a seat with the other board members.

Assistant Zoning Administrator Townsend presented the staff report to the Zoning Board of Appeals via a power point presentation summarizing some of the findings of staff such as: a representation of the original plat map (showing a park next to applicant's lot), survey, photographs from various vantage points, existing and proposed lot coverage, and extensive information regarding the impact of impervious surfaces adjacent to water including rates of evaporation, absorption, and resultant water / nutrient runoff. Assistant Zoning Administrator Townsend continued to inform the Zoning Board of Appeals of the fact that applicant previously had several encroachments onto park property that would be remedied with the new construction. Staff also included in their report information about the actual lot size, the size of lots in general within the plat and described the narrowness of the applicant's lot.

Vice-Chair Swank turned the meeting over to Chair Monroe at approximately 6:30 pm.

Staff continued briefly indicating that staff had recently been doing research regarding impervious surface coverage in the vicinity of lakes vs. water runoff issues of general concern. Staff brought to the attention of the ZBA comments for the WJPC planner Chris Grobbel as well as Dr. Jennifer Jones with Restorative Lake Sciences.

General discussion continued with member Prebay commenting that the park (or common property) between the applicant's surveyed property and the waters edge should be counted in the impervious surface calculations. Administrator Hall responded that there are no provisions in the zoning ordinance that permit this and that impervious surface calculations are based upon the individual lot size on a case by case basis.

Applicant Wagner along with his builder, Ken Orshal / Orshal Construction presented their case

summarizing the plans to demolish the existing structure and rebuild with a two-story house with an attached garage. The applicant utilized this time to address staff's concerns regarding impervious surface coverage and potential water run-off by informing the Zoning Board of Appeals that the park (or common property) between the applicant's surveyed property and the waters edge presented a natural swale that would potentially allow for additional absorption / water retention, and infiltration prior to allowing additional run-off directly into Lake Mitchell.

Chair Monroe offered an opportunity for public comment related to this specific public hearing. Assistant Zoning Administrator Townsend read letters in support of the applicant's proposal that were received by staff. Builder Ken Orshal (on behalf of the applicant) explained to the Zoning Board of Appeals that much time and effort went into the site and home design.

Hearing no more public comment, Chair Monroe closed the public hearing portion of the meeting at 6:42 pm.

Zoning administrator Hall requested to be recognized prior to the ZBA findings and deliberation. He reiterated that although the Park (or common area) between the applicants surveyed property and the waters edge could not be counted to off-set the impervious surface calculations, he did feel that it could be considered in offsetting the amount of run-off that would be expected to reach Lake Mitchell.

Member Vaughan (representing Cherry Grove Township) made it known that he was very familiar with the plat (as a former Assessor) and expressed concerns about the amount of impervious surface in light of the Lake Mitchell Sewer Authority and Lake Mitchell Improvement Board concerns regarding current and future water quality. He spoke favorably about wanting the applicant to investigate means by which onsite strategies can be taken to retain as much storm water runoff on the site and to mitigate the potential run-off into Lake Mitchell. He also mentioned that if weighed, the setbacks would not be as much of a concern as the impervious surface issue.

Member Swank asked of staff how a carport would be compared to a typical accessory building as it relates to impervious surface. Staff advised that they were comparable. Staff also advised member Swank that alternative storm water control methods and the extraordinary impervious surface was discussed with the applicant during the application process.

Flies commented that existing setbacks and the potential water runoff should be obvious to potential buyers.

Monroe observed that if the house is raised (demolished) then any new construction should conform to the zoning regulations - the house is too big; Flies agreed.

Chair Monroe called for additional discussion. Swank asked of staff what would be the effect if one wall was left standing. Administrator Hall explained that it was a 'myth' to believe that leaving a wall standing would somehow preserve the existing encroachments into the setback areas.

After a review of the appropriate standards for issuing a variance, was a motion by Flies to DENY the requested variance(s) - the motion was seconded by Vaughan. Chair Monroe asked for a roll call voted signalling YES or NO with a YES vote to support the motion to DENY the

variance request. The roll call vote indicated a unanimous decision to support the motion to DENY the variance request.

Chair Monroe advised the applicant that there were alternatives that could be pursued to comply with the impervious surface area and setback issues. Member Vaughan stressed that he wanted to see less pervious surface and that water quality was of paramount importance.

Under 'unfinished business' the zoning board of appeals briefly discussed possible zoning ordinance amendments that would recognize the many platted and substandard (nonconforming) lots surrounding Lake Mitchell.

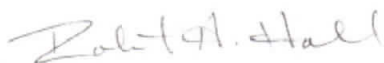
Chair Monroe offered an opportunity for public comment - none was presented.

The meeting was declared adjourned.

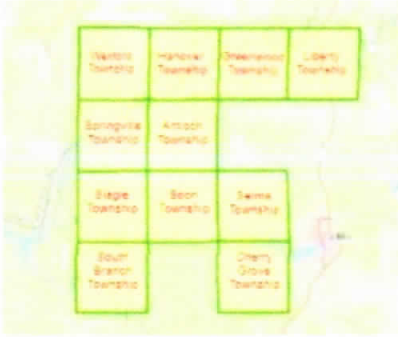
Respectfully submitted,

Ben Flies  
ZBA Secretary

Very truly yours,

A handwritten signature in cursive script that reads "Robert A. Hall".

Robert (Bob) Hall  
Planning and Zoning Administrator



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## STAFF REPORT/Zoning Board of Appeals Case # ZBA-2019-01

### 1. Application

Agent/Contractor:	Squier, Kevin 1421 South 11 ½ Rd. Harrietta, Michigan 49638
Owner(s):	Squier, Kevin 1421 South 11 ½ Rd. Harrietta, Michigan 49638
Site Address, And Proposed Location	1421 South 11 ½ Rd., Harrietta, MI 29638 Parcel ID# 2212-12-1302 – Slagle Township
Zoned:	Rural Residential
Site Plan:	Attached

### 2. Development Proposal

- 2.1 Property Description – Parcel ID# 2212-12-1302 - PAR COM AT SEC CENTER, THN 220 FT TO POB: TH E 495 FT; N 440 FT; W 495 FT; S 440 FT TO POB. --5 A. M/L SL. SEC. 12 T22N R12W -CAPS-
- 2.2 Action Report – The Applicant is requesting a dimensional variance for a 32' X 48' Accessory Building from the Regulations and Standards listed in the Rural Residential District of the Wexford Joint Zoning Ordinance. They wish to place their 1536 square foot Accessory Building in the side yard in a copse of trees seventy (70') feet north of the house. Where the dimensional variance comes in is that a portion of the Accessory Building, approximately one-fourth (1/4<sup>th</sup>) of the building would be slightly overlapping the front of the house.



### 2.3 Background:

1. This property of five (5) acres has an existing house that is approximately 2860 Square Feet. There is also a 642 Square Foot accessory building that is built seventy (70') off the road on the main driveway coming into the property. Also a two-hundred (200 ft<sup>2</sup>) square foot carport is located to the northwest of the house approximately sixty-five (65') feet.
2. The Assessment Roll Description reads as follows: PAR COM AT SEC CENTER, TH N 220 FT TO POB: TH E 495 FT; N 440 FT; W 495 FT; S 440 FT TO POB. --5 A. M/L SL. SEC. 12 T22N R12W -CAPS-

### 2.4 Current Narrative:

1. The owner of the property, who is also a licensed Contractor (Kevin Squier) came to the WJPC Offices on or about June 13, inquiring about the possibility of putting up a storage building on his five (5) acres in Selma Township. The Assistant Zoning Administrator (AZA) pointed out immediately to the Contractor that the proposed Accessory Building located with a portion in front of the principle dwelling, which is not allowed under the Ordinance.
  2. Options were discussed with the builder and the AZA visited the site on June 21, 2018 to view and measure the actual place where the owner wished to place this Accessory Building. The AZA noticed that the property was very hilly and sloped off drastically in front of the plateau where the house existed. This same plateau continued north to where the Accessory Building was proposed. Immediately behind the proposed building area the landscape sloped uphill at a forty-five (45) degree angle.
  3. A recommendation was given to Mr. Squier and his wife on June 21, 2018 that he consider appealing to the WJPC Zoning Board of Appeals to hear his case and see the conditions of the land.
  4. After months of deliberation, Mr. Squier approached the Administrators on December 12 with a check for the fee to take his request to the ZBA. the purpose of going directly to the ZBA with a Dimensional Variance Request to be able to place the Accessory Building on the land which he believed was best suited for this building. He was contacted the next day by the Zoning Director in order to fill out the paperwork for an appeal to the ZBA.
  5. Owner delivered the ZBA Application to the WJPC office on December 19, 2018.
  6. Public Notification was put into the Cadillac News for publication on January 2, 2019, to be in the newspaper by Friday, January 4, 2019.
  7. 300 Foot Notices were sent out on Wednesday, January 2, 2019.
  8. Packets were sent out to the Zoning Board of Appeals members on January 11, 2019.
3. Standards for consideration by the Zoning Board of Appeals under the provisions of Article 80, Section 8003.C [Class A Extensions] with Staff Comment and Recommendations

3.1 According to WJZO Article 8003.C – The following standards shall be used by the Zoning Board of Appeals to review requests for variances under this Article.

1. It is documented by the applicant the parcel existed prior to January 1, 2016, and

*Staff Comment and Recommendations: This is true concerning this property that it did exist prior to January 1, 2016.*

2. The parcel was not made smaller after January 1, 2016, and

*Staff Comments and Recommendations: This is true of this five (5) acres of property.*

3. It is documented by the applicant that contiguous land, or enough contiguous land, cannot be purchased, and

*Staff Comments and Recommendations: It would not matter if the applicant purchased contiguous lands in that the main problem is the land itself is so hilly that the parcel and surrounding topography slopes up on the northside and slopes back down drastically towards the back (west) of the remaining property. In other words, there is plenty of land, but not enough of the parcel and surrounding parcels are level enough with which to build an accessory building of this size.*

4. The parcel is large enough to accommodate required on-site sewage, if needed; well, with proper isolation; as determined by the District Health Department, and

*Staff Comments and Recommendations: A septic and drain field is located on the property, as is a well.*

5. Other standards for issuing a variance by the Appeals Board are met.

*Staff Comments and Recommendations: Again, the Application for the ZBA appeal was done after much deliberation as to any other sites on the property could have an Accessory Building of this particular size. The proposed area is more than two-hundred and sixty (260') feet from the road in a copse of trees and vegetation and the proposed building will not be able to be seen from the road. The majority of the building is in the side yard of the house.*

4. Standards for granting a variance with Staff Comments and Recommendations

4.1 According to WJZO Article 9604 – The following standards shall be used by the Zoning Board of Appeals when considering a variance request.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

**Staff Comment and Recommendations:** *Having been on-site personally, the AZA can see where the land slopes so drastically down from the house plateau both in front of the house and behind the house. Also, to the northwest side of the proposed area for the building the land slopes drastically up, and continues this upward slope for approximately 500 feet. The proposed area is literally the only area on the plateau where the house resides that an Accessory Building could be placed.*

- ***For this reason, Staff Recommends that this special condition and circumstance should be viewed favorably towards the Applicant.***

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

**Staff Comment and Recommendations:** *Staff notes that there were no alternate sites on the property for an Accessory Building and other properties in this hilly countryside would also find it most difficult to place structures on their properties also.*

- ***Staff Recommends the ZBA consider its finding for this reason also.***

3. That the special conditions and circumstances do not result from the actions of the applicant.

**Staff Comment and Recommendations:** *The Owner/Applicant had no control on the variation of the topography on his property.*

- ***Staff Recommends as a result of the existing driveway, the existing house, and the existing carport, that the only place on the level plateau where these structures exist, the only logical place left is to place this Accessory Building within the copse of trees to the north of the house. This location would require the least amount of change to the existing natural resources, i.e. trees, vegetation, dirt, and it also hides the Accessory building from the view of the road.***

4. That granting the variance will not alter the essential character of the area.

**Staff Comments and Recommendations:** *Granting this variance will not alter the essential character of the area. The Accessory Building will not be seen from the road, it will be hidden in trees, and it will primarily be consistent with the Zoning Ordinance with the majority of the building being in the side yard of the house.*

*Final Staff Comment and Recommendation:*  
***Recommend that the Zoning Board of Appeals Apply the Standards  
above and make independent findings of compliance and  
APPROVE the requested variance as submitted.***

Respectfully submitted for consideration by the Wexford Joint Zoning Board of Appeals,



Dr. Ben Townsend  
Assistant Planning and Zoning Administrator

**Wexford Joint Planning Commission**

c/o Cherry Grove Township  
4830 E. M-55  
Cadillac, Michigan 49601

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**APPLICATION FOR ZONING BOARD OF APPEALS [page 1 of 2]**

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

Property Owner: SQUIER KEVIN Phone: (231)-920-4051

Owner Address: 1421 SOUTH 11 1/2 Rd HARRIETTA MICH 49635  
Street # or P.O. Box City State Zip

Project Address: 1421 SOUTH 11 1/2 Rd HARRIETTA MICH 49635  
Street # or P.O. Box City State Zip

Parcel ID # 2212 - 12 - 1302 Are property lines and building site staked? YES NO  
[Circle one]

\_\_\_\_\_

**IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION**

Agent / Attorney: \_\_\_\_\_ / \_\_\_\_\_  
Company Name Individual Name

Agent / Attorney Address: \_\_\_\_\_  
Street # or P.O. Box City State Zip

Agent / Attorney Phone: (\_\_\_\_)-\_\_\_\_-\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_

**ZONING BOARD OF APPEALS - ACTION BEING REQUESTED**

(Check Only ONE)

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

**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 in accordance with Article 94 of the Wexford Joint Zoning Ordinance.

Please describe (*in detail*) the current use(s) of the buildings, structures, and / or land as applicable: **[do not leave blank]**

This building will be used for storage, workshop

The project address / property is located in the R-R Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # ZBA-2018-01 Date Application Received: 12/19/2018  
Fee: \$ 575.<sup>00</sup> Receipt # 301922 Date of ZBA Action:     /    /

APPLICATION FOR ZONING BOARD OF APPEALS [page 2 of 2]

**DEMONSTRATING PRACTICAL 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 the appropriate fee, a site plan (as required), and a narrative that addresses all of the standards 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 in reliance upon this application may be void. Further, I agree to comply with any conditions and regulations provided with any permit that may be issued in connection with this application. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Wexford Joint Zoning Ordinance (and all conditions attached) will be complied with. Further, I agree to notify the Planning and Zoning Administrator 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 the Wexford Joint Zoning Board of Appeals / Planning and Zoning Administrator, 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 an application to appear before the Wexford Joint Zoning Board of Appeals, (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:  Date: 12-19-18

**Please see Article 94 of the Wexford Joint Zoning Ordinance for Site Plan requirements related to any matter before the Zoning Board of Appeals:**

KEVIN SUVIC  
231-920-4051

PROPERTY LINE

SOUTH 1 1/2 RD HARRIETTA, MI

