Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601
231-775-1138x6
planningandzoning@wexfordjpc.org
www.wexfordjpc.org

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

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

Property Owner: GRIEBE (Last Name) CHRIS (First Name) Phone: (586) 292 - 1917

Owner Address: 44189 HIGHGATE (Street # or P.O. Box) CLINTON TWP. (City) MI (State) 48038 (Zip)

Project Address: 2479 N LAKE MITCHELL DR (Street # or P.O. Box) CADILLAC (City) MI (State) 49601 (Zip)

Parcel ID # 2210 - IS - 02 Are property lines and building site staked? YES xxNOxx [Circle one]
PROPERTY LINES ONLY AT THIS TIME

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / _____ (Company Name) / MATTHEW JONIEC (Individual Name)

Agent / Address: 20375 CLINTON RIVER RD (Street # or P.O. Box) CLINTON TWP. (City) MI (State) 48038 (Zip)

Agent / Phone: (248) 331-7315 **Email:** matthew@mba-architect.com

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]

COTTAGE FOR SEASONAL USE.

The project address / property is located in the R-2 ~~RESIDENTIAL~~ Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # 2022-04 Date Application Received: 09 / 21 / 2022

Fee: $ 590 Receipt # 10126 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: Chris Drew ***Date:*** 9/17/22

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

October 6th, 2022

Wexford County
Joint Zoning Board of Appeals
85 W. Highway M-115
Boon, MI 49618

RE: 2479 N. Lake Mitchell Drive

Dear Board Members,

We respectfully request your favorable consideration of our request for relief from the Zoning Ordinance.

The site is approximately 3900 square feet with frontage on the 15' wide North Shore Drive, which is no longer serving its intended purpose, and beyond that the access road that is used to reach the properties to the east and west of the subject parcel. The south end of the parcel fronts on Lake Mitchell. There is an existing structure on the site, which is reaching the end of its useful life and is in need of major repairs, and is currently nonconforming with the ordinance in minimum floor area and side and front setback, with the west wall sitting nearly on the property line.

The existing special conditions and circumstances peculiar to the land are the property size, irregular shape, and proximity to North Shore Drive. The property is not as deep as adjacent parcels due to the unused drive at the front. The proposed house will actually be setback from the functioning road approximately 42 feet. However, the setback reduction will still keep the proposed house behind the front of the adjacent houses.

The provisions of the ordinance, I.E. setbacks, coupled with the size and the shape of the property restricts the size of the house as compared to other properties in the district. The small size of the lot means that following the ordinance would result in a buildable area of 621 square feet, less than what is required by the ordinance. Furthermore, the nonparallel front and rear setbacks would result in either an unconventionally shaped house or an even smaller footprint by way of stepping back or fitting a rectangular footprint into the boundaries. The house location on the site still provides side yard and front yard setbacks greater than setbacks at other properties.

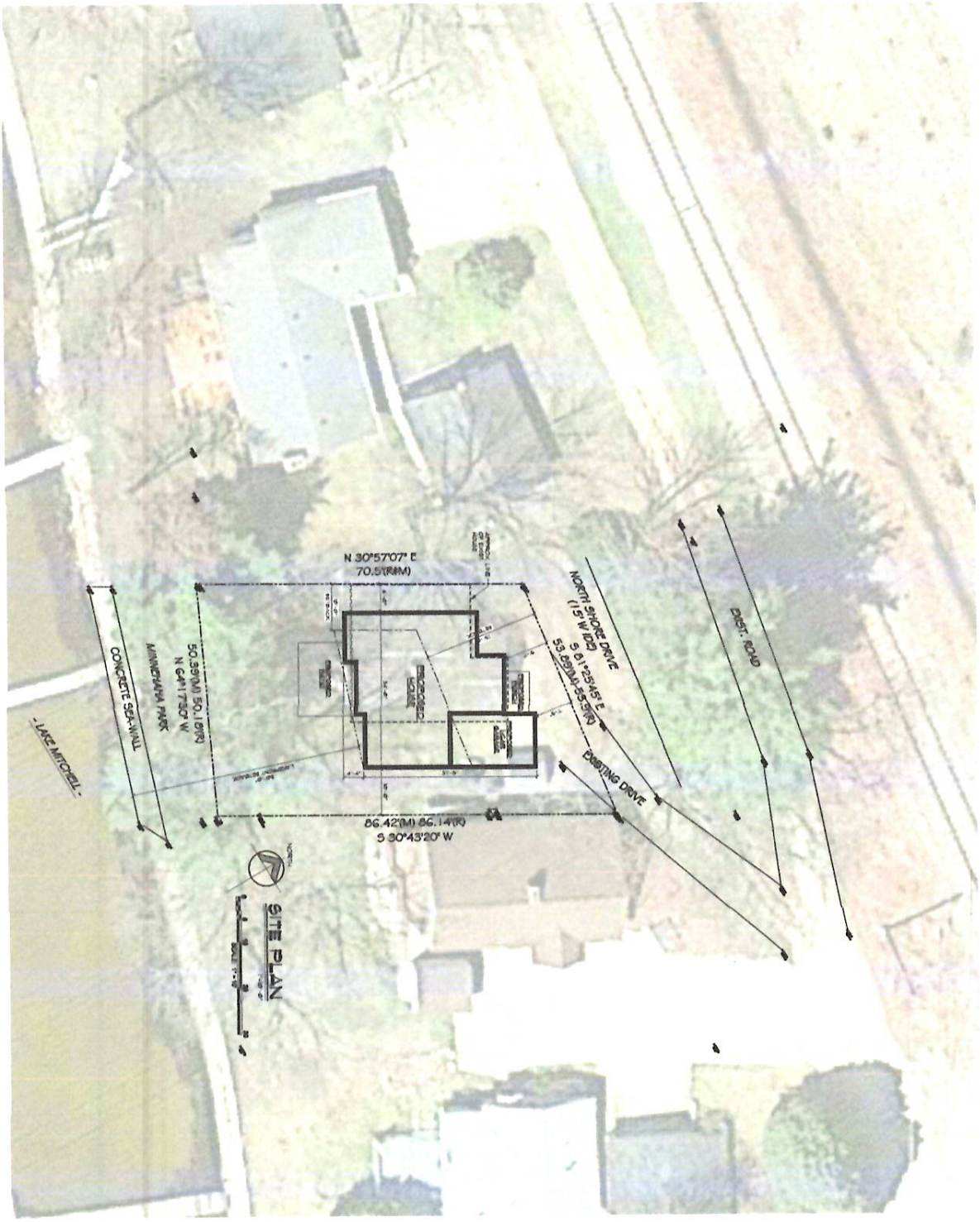
The special conditions and circumstances are not the result of actions by the applicant but rather are due to the size and shape of the property which are dictated by the lake to the south and the two roads at the front of the property as well as the railroad.

The variance will not be detrimental to the adjacent properties and the surrounding neighborhood. We are maintaining the essential character of the area by not building past the established front and rear setbacks of the surrounding homes. The proposed house is in keeping with the size and height of other homes in the area. We are also proposing maintaining the required 50' setback from the water's edge, which will continue to maintain the character of the area from the lake side. The use of the site and impact from traffic will stay the same, and there will be no changes to accessibility of light, air and views of the area. The variance will allow for a total improvement to the site thereby in our opinion benefitting the surrounding properties.

We look forward to presenting our project to the Zoning Board of Appeals and responding to any questions or concerns that may arise.

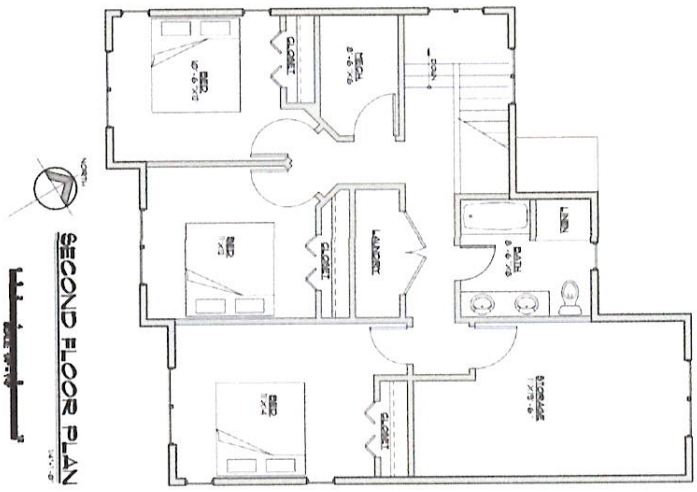
Sincerely,

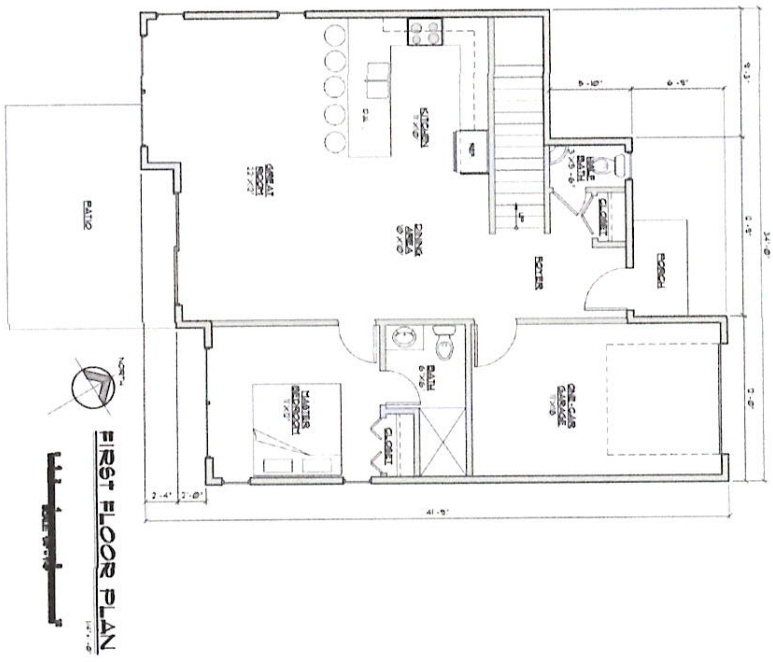
Matthew Joniec



SP-1	19 OCTOBER 2022 ZBA	SITE PLAN	2479 NORTH LAKE MITCHELL DRIVE SELMA TOWNSHIP, MICHIGAN

A-2	12 OCTOBER 2022 ZBA	PRELIMINARY EXTERIOR ELEVATIONS	2479 NORTH LAKE MITCHELL DRIVE SELMA TOWNSHIP, MICHIGAN





1ST FLOOR:	921 SQ. FT.
2ND FLOOR:	1136 SQ. FT.
TOTAL:	2057 SQ. FT.
GARAGE:	221 SQ. FT.

A-1	12 OCTOBER 2022 ZBA	PRELIMINARY FLOOR PLAN	**2479 NORTH LAKE MITCHELL DRIVE** **SELMA TOWNSHIP, MICHIGAN**

NAME1	N OWNER_ADD	OWNER_CTY	OV OWNER_ZIP	PARC_ADD1	PAR(PAI PARC_Z
ZAYAC, DANITA	2410 E LAKE MITCHELL DR	CADILLAC	MI 49601		
KISTLER, DAVID D & GAYLE A TRUST	99 WOODWIND DR	HOLLAND	MI 49424	2415 E LAKE MITCHELL DR	CAD MI 49601
CONRAD, JAMES G & ANN V	21187 BELLA TERRA BLVD	ESTERO	FL 33928	2429 E LAKE MITCHELL DR	CAD MI 49601
MAXWELL, ROSS W LIVING TRUST	2433 E LAKE MITCHELL DR	CADILLAC	MI 49601		
ANDERSON, RYAN D & DARCIA E	2608 HOLLYBERRY DRIVE	MIDLAND	MI 48642	2439 N LAKE MITCHELL DR	CAD MI 49601
SEIFERT, KEITH G & SHERRI TRUST	2238 LORRAINE AVE	KALAMAZOO	MI 49008-3932	2447 N LAKE MITCHELL DR	CAD MI 49601
KAPUSCINSKI, DARCY	2137 S RIVER RD	SAGINAW	MI 48609	2459 N LAKE MITCHELL DR	CAD MI 49601
GRIEBE, CHRISTOPHER R & MARY M	44189 HIGHGATE	CLINTON TWP	MI 48038	2479 N LAKE MITCHELL DR	CAD MI 49601
DROSTE, THOMAS A & LEANN S LE ETAL	13369 BLAISDELL DR	DEWITT	MI 48820	2483 N LAKE MITCHELL DR	CAD MI 49601
WEXFORD CO. ROAD	C P.O. BOX 34	BOON	MI 49618-0034		
SRYNIAWAKI, DAVID J.	8 24572 MIDDLEBELT	NEW BOSTON	MI 48164	2525 N LAKE MITCHELL DR	CAD MI 49601
STEVENS, KEITH A. & SUSAN	375 W LOWELL	PENTWATER	MI 49449	2527 N LAKE MITCHELL DR	CAD MI 49601
DERSHEM, DAVID	10604 DEER RIDGE CT	ZEELAND	MI 49464		
PHILO, KERRY JO & FARBUSH, NATHAN	8 2965 S WILLOW ST	DENVER	CO 80231	3604 W 13TH ST	CAD MI 49601
EDGAR, ZACHARY & JOELLE	9310 LEWIS RD	PORTLAND	MI 48875	2517 N LAKE MITCHELL DR	CAD MI 49601
DROSTE, THOMAS A & LEANN S LE ETAL	13369 BLAISDELL DR	DEWITT	MI 48820		
FENNER, BRYAN K & JILANE K LE ETAL	2561 S 23 RD	BOON	MI 49618	2521 N LAKE MITCHELL DR	CAD MI 49601
ROOSE, DAVID L TRUST	3460 W. 13TH ST.	CADILLAC	MI 49601		
COON, KAREN E & DWIGHT A WHITNEY	8042 PARKWOOD DRIVE	FENTON	MI 48430	3550 W 13TH ST	CAD MI 49601

Wexford Joint Planning Commission

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

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

September 28, 2022

To: Property Owner and / or Occupant

Re: PUBLIC NOTICE

Greetings –

The Wexford Joint Zoning Board of Appeals has received an application requiring a public hearing. In accordance with the Michigan Zoning Enabling Act (PA 100 of 2006, as amended), all owners of real property within 300' (three hundred) feet are required to be notified. According to our records, you are the owner of real property within 300' of the property subject to the below public notice.

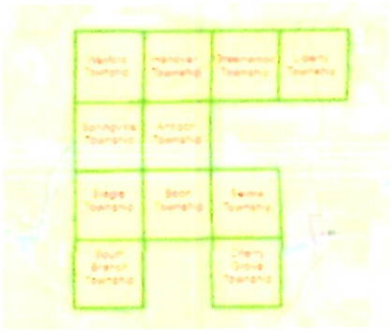
No action is required on your part in response to this notice.

All meetings of the Wexford Joint Zoning Board of Appeals are open to the public.

PUBLIC NOTICE
The Wexford Joint Zoning Board of Appeals has received an application requesting a variance from the terms and conditions of Article 46, Section 4604 of the Wexford Joint Zoning Ordinance regulating parcel and building area, and setbacks. The applicant is seeking a variance from the required front and side yard setbacks as listed in Section 4604.D.1.a. requiring a 25' front yard setback, and Section 4604.D.1.b requiring a 10' side yard setback. The subject property is parcel #2210-IS-02, a/k/a: 2479 N. Lake Mitchell Drive, Cadillac, Michigan 49601 in Selma 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 during established office hours or may be viewed on line at: www.wexfordjpc.org. under the ZBA MTGS tab. A public hearing will be conducted at the regular October 26th, 2022 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 October 26th, 2022 at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: planningandzoning@wexfordjpc.org

Sincerely,

Robert (Bob) Hall
Planning and Zoning Director
Wexford Joint Planning Commission



Wexford Joint Planning Commission

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

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

STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2022-04

1. Application

Owner(s):	Griebe, Chris 44189 Highgate Clinton Township, Michigan 48038
Site Address,	2479 N. Lake Mitchell Dr., Cadillac, MI 49601
And Proposed Location	Parcel ID# 2210-IS-02 -Selma Township
Zoned:	R2
Site Plan:	Attached

2. Development Proposal

2.1 Property Description – Lot 2 Indian Springs Park, Sel. Sec. 25. T22N R10W

2.2 Action Report – The Applicant house is currently approximately two (2) feet from the west property line. The house is also approximately twenty-two (22) feet from the east property line. Applicant wants to raze the existing house and build a house which would be closer to the zoning ordinance setback standards than it currently is. The Applicant is asking for a dimensional variance to move the proposed house over twelve (12) feet to the east, making the side setback ten (10) feet or equal to the ordinance side setback. The Applicant is also desiring to place the western side setback to six (6) feet, or four (4) feet more than it currently is, but four (4) feet into the side setback. (NOTE: The Applicant also wishes to move the new house back toward the current road to within a proper twenty (20) feet setback. This setback infringes upon a platted road that ends at the west side of his property {see platted subdivision}.)

2.3 Background:

1. This property is approximately 3920 square feet; far less than the required minimum of 15,000 (fifteen thousand) square feet, thus classifying it as nonconforming under the Wexford Joint Zoning Ordinance.

2. The property is located in the R-2 Residential Zoning District

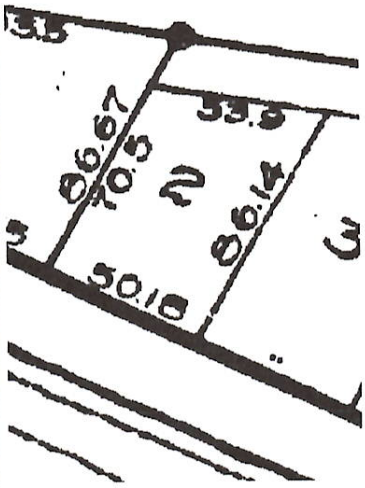
2.4 Current Narrative:

1. The Applicant's Agent first spoke with the Zoning Administrator on the phone on April 6, 2022 with a preliminary discussion on what a new house would look like in the place of the current house. Shortly after that, on the same day an email string started between the ZA and the Applicant's Agent.
2. Through email communication it was ascertained that the applicant's proposal could not be administratively approved. Staff looked at several alternate ideas as to how the shape of the property and required setbacks affected where building could take place.
3. The applicant was advised of the variance process and provided a copy of Article 96; Appeals Board, from the Wexford Joint Zoning Ordinance via email and asked to provide a brief narrative justifying the need for the requested variance.
4. Public Hearing Notification was published in the Cadillac News on: October 3, 2022; 23 days in advance of any required public hearing
5. 300 Foot Notices were sent out on October 5, 2022; 21 days in advance of any required public hearing.
6. Packets were sent out to the Zoning Board of Appeals members (and the Applicant's Agent on October 19, 2022.

3. Article 43: R-2 RESIDENTIAL DISTRICT

3.1 Section 4304 of Article 43 describes the regulations applicable to the specific zoning district – the following is presented for review by the Zoning Board of Appeals:

1. The minimum parcel area is: 15,000 (fifteen thousand) square feet; the subject parcel where the house is located is approximately 3,920 (three thousand, nine hundred and twenty) square feet.
2. The minimum buildable area is nine thousand four hundred (9400) square feet; this nonconforming lot would have far less of a buildable area for a house, and takes creativity in order to even replace the existing house.
3. The minimum parcel width is: 50 (fifty) feet wide where the house is located. It is seventy (70) feet long on the west side, and eighty six (8) feet long on the ease side. (See overhead of lot below.)



4. Setback requirements are as follows:

Front:	4604.D.1.a	the required setback is 20'
Side:	4604.D.1.b.(1)	the required setback is 10'
Water:	1011	the required setback is 50'

Back of house with tree line obstruction. Note: The trees are not on Applicant's property, but actually behind a platted subdivision road, which is between the trees and the house. The actual used road is to the right of the tree line.

Left picture: house measures 22' from east property line. Right picture: shows the west side of house approximately 2' from the property line

4. STANDARDS FOR GRANTING A DIMENSIONAL VARIANCE

4.1 According to WJZO, Article 9607.F.2.a.(1) thru (5) – The following standards **shall** be used by the Zoning Board of Appeals when considering a variance request.

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.

Staff Comments: This is the clearest reason for granting a variance in the zoning ordinance. This property is one of the smaller parcels around Lake Mitchell, at least the smallest this ZA has seen. The result of this small lot is because of the original platted map showed a short road directly behind this house leading to the house of the adjacent property to the west of this house. Also, when eight houses were built to the east of this subdivision, a new road was made farther to the north of this property which would reach those houses. The topography drops off drastically from the tree line to the platted road and the house.

2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

Staff Comments: The current landowner has not altered the property since the adoption of the Wexford Joint Zoning Ordinance or acted to create the need for the variance. Indian Springs subdivision was platted in 1923, so the road that was platted has not been used since then. The new road was built to reach the eight homes to the east of the subdivision, and are not apart of the subdivision as their properties have meets and bounds description.

3. That strict compliance with 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.

Staff Comments: One of the primary purposes of the Zoning board of Appeals is to ensure that: "...*the spirit of the Ordinance is observed, public safety secured, and substantial justice done...*** *" – this property is of such a small size that even the current small house could not be built upon this parcel. Specifically, the west side setback is currently two feet. Staff believes that the strict application of the ordinance standards would be unnecessarily burdensome. Also, the building of a new house as the Applicant's Agent has proposed does improve the west side setback by adding another four feet to that side, making that side setback six feet. It also brings the east side setback into conformity to the ordinance at ten feet.***

4. 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.

Staff Comments: The client has also asked the ZBA to be within 7'9" of the back property line, which is that distance from the platted road, is almost fifty feet from the actual road.

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

Staff Comments: The eight (8) houses to the west are not affected by this change because their access is a road that is at least fifty (50) feet from their property. The houses to the east are not affected because they have the regular road to access their properties. A newly built, modern house will only increase the property values in the neighborhood.

Staff recommends: ***that the Zoning Board of Appeals make independent findings and conclusions that support an approval of the requested variance(s) which keeps the house more than fifty (50) feet from the water, and improves the placement of the house to increase the setbacks. Also, the house still comes in less than the thirty-three (33) percent of the parcel.***

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

Dr. Ben Townsend
Zoning Administrator