

# Wexford Joint Planning Commission

% 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

September 13, 2017

## Greetings -

The Wexford Joint Zoning Board of Appeals has received an application and will conduct a public hearing as described in the Public Notice below. In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, owners and occupants of all real property within 300' (feet) of the subject property are to be notified. You are receiving this notice because you are listed as an owner of record on the most recent tax roll. You are not required to take any action. The hearing noticed below is open to the public.

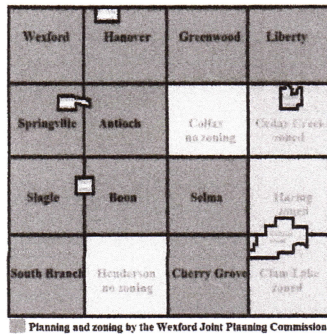
## PUBLIC NOTICE

The Wexford Joint Zoning Board of Appeals has received an application requesting dimensional variance(s) from the provisions of the Wexford Joint Zoning Ordinance. The subject property, parcel number 2110-WHB-43B, also known as: 557 E. Lake Mitchell Dr., Cadillac, Michigan 49601 is located in the participating municipality of Cherry Grove Township. A public hearing will be conducted at the regularly scheduled meeting of the Wexford Joint Zoning Board of Appeals at 6 o'clock in the evening on September 27, 2017 and will be held at the Wexford County Road Commission offices, 85 W. Hwy M-115, Boon, Michigan 49618. Written comments may be mailed to: Wexford Joint Zoning Board of Appeals, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, Michigan 49601 or you may attend this open meeting and speak during the time provided for public comment. Application materials may be viewed at the Cherry Grove Township offices during our regular business hours or on line at: [www.wexfordjpc.org](http://www.wexfordjpc.org)

Very truly yours,

  
Robert (Bob) Hall - Planning and Zoning Administrator

cc: property file



Wexford

Commission

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SENT  
DENIAL  
OR PERMIT

ON AUG. 11, 2017

SENT TO:

DAVID FAUNCE  
9901 FOLKS RD  
HANOVER, MI 49241

ALSO - 557 E. LAKE MITCHELL  
CADILLAC, MI 49601

ALSO - BARRY MEYERING, BUILDER  
3975 W FALMOUTH RD.  
M-BAIN, MI 49657

August 11, 2017

Re: Land Use Permit  
Parcel: 2110-WHB-43B

Dear David Faunce,

I received your application regarding the proposed new construction of an addition to your house and the rebuilding of a new garage on the above captioned property.

After a thorough review I am required to DENY the application based on at least one or more of the reasons stated below. Please understand that these reasons may not be all inclusive.

- Side yard setbacks not met

The required minimum setback based upon the site plan submitted requires 10' (feet) when rebuilding a garage or dwelling.

Upon receipt of this notice you may choose to:

- Accept the decision of the Zoning Administrator and take no further action.
- Appeal the decision of the Zoning Administrator if you believe that the ordinance was improperly interpreted.
- Seek a variance from the terms and provisions of the Zoning Ordinance.

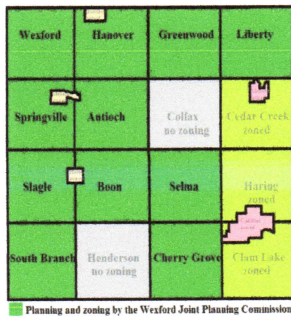
Please do not hesitate to contact me for assistance if you have any further questions or concerns. Much information may be found on our website: [www.wexfordipc.org](http://www.wexfordipc.org)

Very truly yours,

*Dr. Ben Townsend*

Dr. Ben Townsend

[August 11, 2017 (3:46pm); \\svr12\users\bhall\My Documents\DeskTop DOCUMENTS\LUP's Issued-2017\2210-WHB-43B\_Faunce-DENIAL.wpd]



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## STAFF REPORT/Zoning Board of Appeals Case # ZBA-2017-06

### 1. Application

Applicant / Owners:	Faunce, David and Pam 9901 Folks Road Hanover, Michigan 49241
Site Address, And Proposed Location	557 E. Lake Mitchell Drive, Cadillac, Michigan 49601 Parcel ID# 2110-WHB-43B
Zoned:	R2
Site Plan:	Attached

### 2. Development Proposal

- 2.1 Property Description – Parcel ID# 2110-WHB-43B  
N 48 FT OF A PAR COM 50 FT N'LY FROM NE COR OF LOT 43; W'LY 87.85 FT TO LAKE MITCHELL; N 27D30' W 143.8 FT; N 65D30' E TO HWY; S'LY TO BEG. PLAT OF WHITE BIRCH PARK CG. SEC. 1 T21N R10W
- 2.2 Action Report – The Applicant is requesting various dimensional variances from the Regulations and Standards listed in the R2 Residential District of the Wexford Joint Zoning Ordinance.
- 2.3 Background:
  1. This property has historically been used for the purpose of a single family dwelling and has an attached 24' (feet) X 14' (feet) garage.



## 2.4 Current Narrative:

1. The applicant (David and Pam Faunce) submitted the initial Land Use Application on August 10, 2017 by their Contractor, Mr. Barry Meyering. The accompanying plot plan did NOT demonstrate compliance and a denial letter was sent to the applicant on August 11, 2017 as well as to the property address and the contractor listed on the application.
  2. The applicant's builder, Barry Meyering communicated with and visited with the Planning and Zoning Administrator to discuss the available options. When Mr. Meyering showed the site plan and stated that he was going to raze the existing garage and build with the same side setbacks, it was explained to him that the Ordinance would then require the setbacks according to the Ordinance, which would be ten feet (10'). The Zoning Board of Appeals application process and procedures were explained.
  3. Application was made for a variance on August 16, 2017 and fee was paid. Pamela Faunce came in with Mr. Meyering with the ZBA Application and a completed record of narrative and letters from neighbors approving of their desire for granting the Applicant the variance. A new Site Plan was given showing proposed additions to the garage and house would be in the front of the house, and not razing the existing garage as originally stated by adding to the front of the existing garage and keeping the same side setbacks.
  4. They were added to the September 27, 2017 ZBA Agenda.
  5. On September 13, 2017, notices to all residences within 300 feet were sent out in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006.
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: There was no changes to the property after January 1, 2016.*
  3. It is documented by the applicant that contiguous land, or enough contiguous land, cannot be purchased, and



*Staff Comments and Recommendations: Due to the location of this property it is not viable for the Faunce's to purchase contiguous land. This property is located in a nonconforming properties area around Lake Mitchell.*

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: This property is on the Lake Mitchell Sewer Area and enjoys city water.*

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

*Staff Comments and Recommendations: These standards are listed below with Staff Recommendations.*

**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: This parcel is nonconforming and a relatively small parcel even for the District. It is 6535 square feet, but the front property line along East Lake Mitchell Drive is only forty-eight (48') feet. Even the WJZO only recognizes property as narrow as fifty (50') feet for the purpose of providing setbacks for ten (10') feet. **Recommend ZBA** take into consideration the peculiarity of the parcel in its narrowness. Even with proper setbacks in the Ordinance of ten (10') feet, it would allow a buildable area of only twenty-eight (28') wide. The current house and garage together are already thirty-eight (38') wide.*

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: This parcel has a single-story dwelling which currently meets the minimum square footage requirements with an attached (single story) single stall garage. Based upon the proposed addition to the garage (accessory building) it appears that the applicant is attempting to obtain enough area to house 2 vehicles, as well as upper level (second floor) storage similar to many of the other housing units in the vicinity.*

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

*Staff Comment and Recommendations: (Applicant includes all predecessors in title) [See: legal description] N 48 FT OF A PAR COM 50 FT N'LY FROM NE COR OF LOT 43: W'LY 87.85 FT TO LAKE MITCHELL; N 27D30' W 143.8 FT; N 65D30' E TO HWY; S'LY TO BEG. PLAT OF WHITE BIRCH PARK CG. SEC. 1 T21N R10W -CAPS- The original plat of White Birch Park contains only one (1) lot 43 – the applicant was contacted via phone on 9/13/2017 11:55 AM and the Planning and Zoning administrator requested to be provided with a survey if available to more accurately determine the 'exact' location of the property.*

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

*Staff Comment and Recommendations: The dwelling with the attached garage has obviously been on this lot for a number of years. Essentially, the only variance being requested is the extension of the existing northern setback of 2-1/2 feet that is currently 24' (feet) now, to 38' (feet) along the same property line. The extension of the existing nonconforming side yard setback as well as the proposed height may lend to continuing to 'altering' the essential character.*

*Final Staff Comment and Recommendations: **Recommend** that the Zoning Board of Appeals DENY the variance(s) requested as alternative design plans could be used which would comply with zoning ordinance setbacks.*

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



Robert (Bob) Hall  
Planning and Zoning Administrator

August 16, 2017

Dear Joint Planning Commission Members;

Thank you for taking the time to hear our appeal. Dave and I have owned this property at 557 E. Lake Mitchell Dr. for approximately 25 years, but Dave's family has owned the property since the mid 60's. So this shows you our long history and dedication to the community. With the improvements we are proposing, we would like to make this our permanent residence next summer.

We would like to put an addition of 10' to the house structure and 14' to the garage structure. Also, add a second story to the house and storage room above garage. The addition we are proposing does not change the current side yard setbacks of the house or garage. We would put the addition to the road side of the house and garage in accordance with the setback from the center of the road. We are asking you to grant the side yard variance of the new addition to meet the current structures side yard setbacks on the property.

We have provided letters from our immediate neighbors from both sides of our property. I have also included a drawing that shows current structures and proposed additions. Along with the Wexford Joint Zoning Ordinance-Zoning Board of Appeals Review Standards questions.

We again thank you for taking the time to hear our appeal.

Sincerely,

A handwritten signature in blue ink that reads "Pam & Dave Faunce". The signature is written in a cursive, flowing style.

Pam and Dave Faunce  
557 E. Lake Mitchell Dr.



## Wexford Joint Zoning Ordinance - Zoning Board of Appeals - Review Standards

For Dimensional Variances: *A dimensional variance may be granted by the Zoning Board of Appeals 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 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.

See Attached page

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

See Attached page

(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.

See Attached

(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.

See Attached

(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.

See Attached

# Review standards:

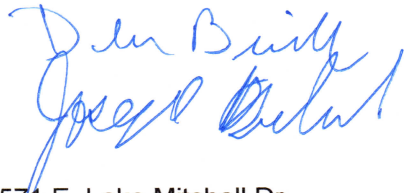
1. The requested variance is due to the unique circumstances of the lot size and complying with the setback from the lake. The lake side setback reduces our options on the addition to our house and garage. By approving the request it allows us to do the addition toward the road side of the property. Our proposed plan does not change the current foundation on the side dimension of the structures involved.
2. With the narrow lot size and the lake at one end of the property, building toward the road is our only viable option.
3. Under the zoning ordinance, the new side yard setback of 10 ft. Impacts the size of our lot which is 48'. The ability to improve our home under these setbacks would be impossible given the current structure and property lines in place.
4. The requested variance that would be beneficial for the property would be, 5 ft. from south property line and 3 ft from north property line. This would accommodate the use of the property and still maintain the current side yard property lines. This variance would also be in compliance with other properties on the lake with similar lot size and structures.
5. The requested variance would not cause an adverse impact on the surrounding area. By allowing the variance our home will become our permanent residence for year round living. The proposed renovation would add value to the property, which in turn would add value to the other properties in the area.

August 16, 2017

Dear Wexford Joint Planning Commission,

I am writing this letter in support of our neighbors; David and Pamela Faunce. We have lived next door to them for 3 years. They have shared with us their plans to renovate their home. We have discussed this with them on several occasions and do not have a problem with what they have proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Brink". The signature is written in a cursive style with a large, stylized "D" and "B".

571 E. Lake Mitchell Dr.  
Cadillac, Michigan 49601



August 16, 2017

Dear Wexford Joint Planning Commission,

I am writing this letter in support of our neighbors; David and Pamela Faunce. We have lived next door to them for 30+ years. They have shared with us their plans to renovate their home. We have discussed this with them on several occasions and do not have a problem with what they have proposed.

Sincerely,  
Sharon Schott,

A handwritten signature in cursive script that reads "Sharon Schott". The signature is written in dark ink and includes a long, horizontal flourish extending to the right.

543 E. Lake Mitchell Dr.  
Cadillac, Michigan 49601