

2. The Assessment Roll Description reads as follows: LOT 3 PLAT OF EASTSHORE CG. SEC. 1 T21N R10W.

2.4 Current Narrative:

1. The applicant submitted the initial Land Use Application on May 11, 2018. After a review of the appropriate R-2 (Residential District) standards, it was determined that the accompanying Site Plan did NOT demonstrate compliance and the Land Use Permit was DENIED via email communication dated May 16, 2018 for the following reason(s):
 - a. Failure to comply with waterfront setback
 - b. Failure to comply with front yard setback
2. Options were explained to the applicant and the applicant chose to seek dimensional variances from the provisions of the Wexford Joint Zoning Ordinance.
3. The Zoning Board of Appeals application was received and dated May 16, 2018.
4. The Zoning Board of Appeals should be made aware that the Zoning Administrator exhausts every administrative option during consultation with an applicant in order to gain compliance prior to the DENIAL of an application.

Example: Article 46, Section 4604.D.1.a.(2) provides for administrative averaging of front yard setbacks on nonconforming parcels (but not less than 25' (feet).
5. A site inspection was performed by the Planning and Zoning Administrator on May 25, 2018 in order to document the physical and surrounding characteristics of the area, as well as to aid in the preparation of this report. Photographs were also taken and included with this report.
6. An updated site plan with additional hand-written notations pointing out unobstructed views from neighboring property vantage points was received from the applicant on May 30, 2018.
7. A written narrative dated May 28, 2018 requesting the variance was received from the applicant on May 30, 2018.
8. A notice list was prepared using a 300' (foot) radial search from the Wexford County GIS mapping program to prepare mailing notices of the public hearing not later than a requested publication date of not later June 11, 2018
9. A PUBLIC NOTICE was prepared and forwarded the Cadillac Evening News for publication not later than June 11th, 2018.

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

3.1 9604. Variance

A variance from the terms of this Ordinance shall not be granted by the Appeals Board unless and until:

A. A written application for a variance is submitted, demonstrating:

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: *There are no special conditions or circumstances which exist that are peculiar to the land that are readily discernable. The subject property is in a platted subdivision where most all lots are of the same general size and physical characteristics. See the item in this packet marked as: Zoning Admin Mark-Up EXHIBIT that illustrates an approximate building envelope based up the survey provided and district setbacks. Recommend ZBA consider the arguments of the applicant for this particular issue.* In addition, because the Wexford Joint Zoning Ordinance specifically states in Article 96, Section 9604.B that “No nonconforming use of neighboring lands, structures, or buildings, in the same district, structures or buildings in other districts shall be considered grounds for the issuance of a variance”; ***recommend that the ZBA reject the arguments of the applicant as this is the premise on which the applicant basis an overwhelming portion of their argument.***

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 indeed the siting of the neighboring Accessory Buildings and dwellings are generally much closer to the roadway / water than permitted thus rendering them as nonconforming by reason of their setback(s). This ‘fact’ does not constitute a ‘right’ being commonly enjoyed by other properties in the same district under the terms of the Ordinance. The right would be the ability to build a lawful dwelling and/or Accessory Building in compliance with the ordinance even though it may not permit a specific size, location, and/or design. However, (administratively) interpreting the ordinance literally renders approximately 75% of the lot as ‘un-buildable’.* ***Recommend the ZBA accept this argument for the above stated reason.***

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

Staff Comment and Recommendations: *Research appears to indicate that the lot as it is today remains as it was originally platted. There is no history of anything*

that has been discovered that would indicate that any "actions of the applicant" effected the present conditions and circumstances related to this property.

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

Staff Comments and Recommendations: *The "essential character" of the area has already been altered as is evidenced by the numerous other setback discrepancies on adjoining property and throughout the 'neighborhood'. Granting this variance will continue to alter the essential character of the area. It will send a clear message that every property owner need only to seek a variance absent demonstration of a practical difficulty to achieve their goals and that the ordinance provisions are only in place to serve as a development guide rather than a strict law based upon the community plan. For the above reason, staff recommends the ZBA reject this argument.*

9607.F

2. Standards for Variance Decisions by the Appeals Board:

The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:

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

Final Staff Comment and Recommendation: Recommend that the Zoning Board of Appeals consider the remaining size of the building envelope (in conjunction with the review standards above: 9607.F) and determine whether a variance is justified or whether compliance will be unnecessarily burdensome and thus subject to the granting of the requested variance(s).

Respectfully submitted,



Robert (Bob) Hall
Planning and Zoning Administrator

Wexford Joint Planning Commission

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

231-775-1138x6

planningandzoning@wexfordjpc.orgwww.wexfordjpc.org**APPLICATION FOR ZONING BOARD OF APPEALS** [page 1 of 2]**[WARNING: THIS FORM IS NOT A LAND USE PERMIT]**

Property Owner: Govitz Duane Phone: (989)-430-5796
Last Name First Name
Owner Address: 6033 E. MEADOW DR BAY CITY MI 48706
Street # or P.O. Box City State Zip
Project Address: 1103 E. LAKE MITCHELL DR CADILLAC MI 49601
Street # or P.O. Box City State Zip
Parcel ID # 2110 - ESP - 03 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

R-2

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]

We are looking to construct a 30x30 house with
an attached garage. Looking for variance on road side & Lake Side.

The project address / property is located in the Cherry Grove Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # _____
Fee: \$ 520.00 Receipt # _____

Date Application Received: ____/____/____
Date of ZBA Action: ____/____/____

WEXFORD JOINT PLANNING COMMISSION

4830 E. M-55 Cadillac, Michigan 49601-9332

Phone: 231-775-1138x6

Fax: 231-775-0037 Attn: **ZONING**

planningandzoning@wexfordjpc.org

Municipality: (please check one)

☐ Antioch Twp. ☐ Boon Twp. ☒ Cherry Grove Twp. ☐ Greenwood Twp. ☐ Hanover Twp.

☐ Liberty Twp. ☐ Selma Twp. ☐ Slagle Twp. ☐ South Branch Twp. ☐ Springville Twp. ☐ Wexford Twp.

APPLICATION FOR LAND USE PERMIT [page 1 of 2]

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

Property Owner: Govitz Duane Phone: (989) - 430 - 5796

Last Name

First Name

Owner Address: 6033 E. MEADOW DR BAY CITY MI 48706

Street # or P.O. Box

City

State

Zip

Project Address: 1103 E. LAKE MITCHELL DR CADILLAC MI 49601

Street #

City

State

Zip

PARCEL ID # 2110 - ESP - 03

Are property lines and building site staked? ☒ YES ☐ NO

Email: duane.govitz@Charter.net

[circle one]

IF USING A CONTRACTOR PLEASE COMPLETE THIS SECTION

Contractor Information: Clous Construction / Richard Clous / Comer Taylor

[Company Name]

[Individual Name]

Contractor Address: 8049 Crestview DR CADILLAC MI 49601

Street # or P.O. Box

City

State

Zip

Contractor Phone: (231) - 920 - 7409

SITE PLAN: All applications must 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 Wexford Joint Zoning Ordinance. The Zoning Administrator may require that a registered survey accompany this application in order to insure compliance with any provision of the Wexford Joint Zoning Ordinance.

PROJECT DESCRIPTION (check all that apply)

☒ Residential / Dwelling ☐ New Comm. Construction ☐ Deck
☐ Residential Addition ☐ Comm. Addition ☐ Change of Use
☐ Residential Accessory Bldg. ☐ Comm. Accessory Bldg. ☐ Other

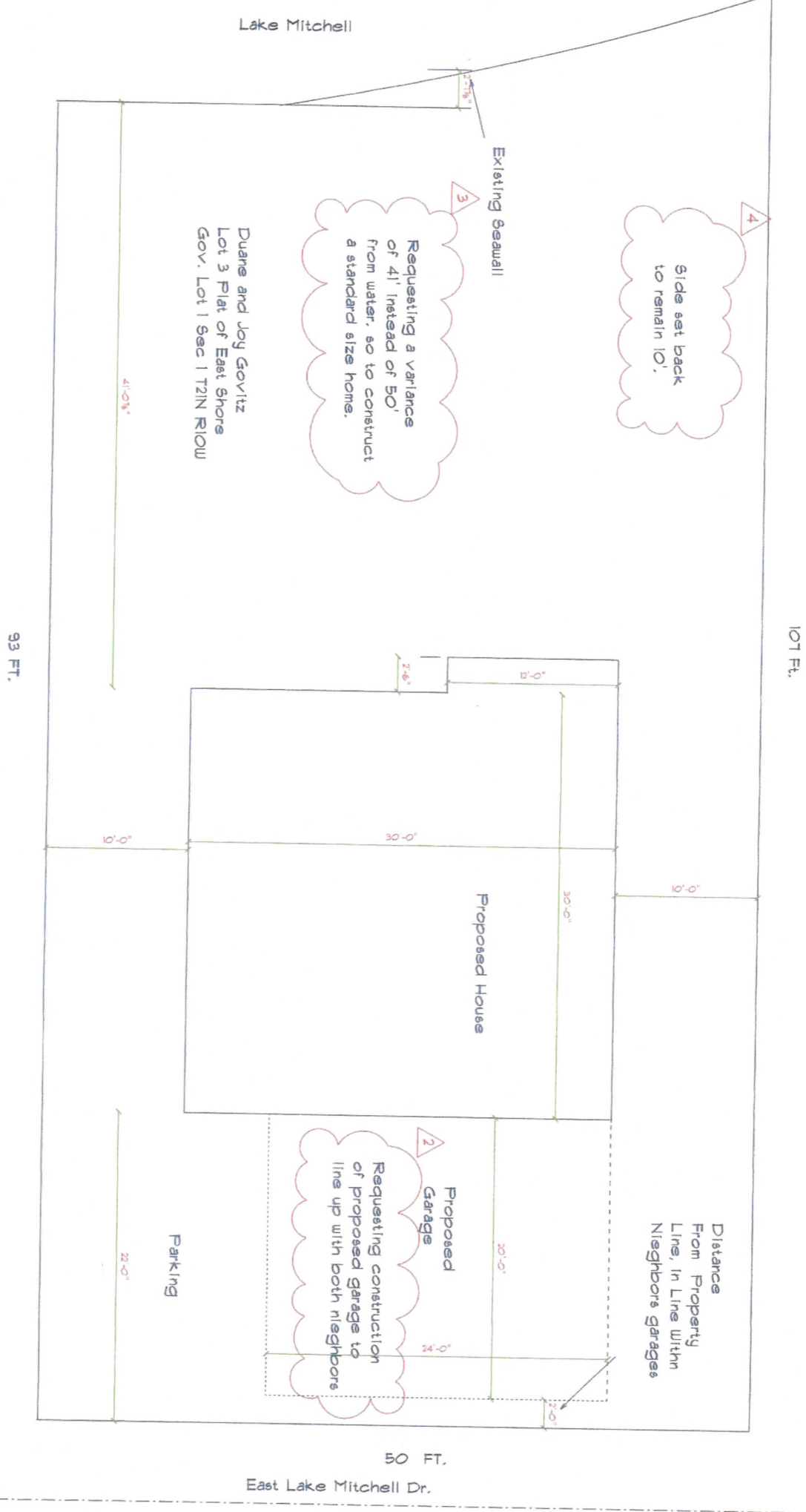
R-2

If 'other', please describe: _____

Please describe (in detail) the proposed 'use' of the building, structure and/or land as applicable: [do not leave blank]

Will this building and / or use be devoted 100% for Agricultural purposes? ☐ YES ☒ No

404.D(2)
for variance. See 3021



Date: May 10, 2018

Wexford Joint Planning Commission

4830 E M-55

Cadillac, MI 49601

Re: Variance to Build Standard Size Home

Dear Joint Planning Commission,

We have recently purchased an empty lot located at 1103 E. Lake Mitchell Drive, Cadillac, MI 49601. We are working with Clous Construction (Richard Clous and Conner Taylor) on our initial site plans and potential home construction.

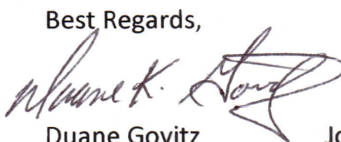
Based on our recent site plan; we need your consideration and approval for the following variances.

- Garage – We need to be able to construct the garage and have it even with the two neighbors' garages for us to have enough space to construct it.
- Setback (Lake Side) – We are also asking for a setback of 41' versus the standard 50'. This will allow us to have a minimum amount of space for our floor plan. As you can see; we are only asking for a 30' X 30' floor plan for our home.

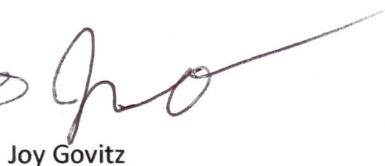
If we are able to receive your approval, it will allow us to build a standard size home. Along with this letter; you will also have the initial site plan and past survey that was completed on the property.

We would appreciate your review and approval of this request. If you have any questions, please feel free to call Duane's cell phone at 989-430-5796.

Best Regards,



Duane Govitz



Joy Govitz

WEXFORD JOINT PLANNING COMMISSION

c/o Cherry Grove Township 4830 E. M-55 Cadillac, Michigan 49601
231-775-1138 Ext. #6 planningandzoning@wexfordjpc.org

ZONING - LAND USE PERMIT # [CHE-2018-36]

ISSUED TO:

Govitz, Duane
6033 E Meadow Dr.
Bay City, Michigan 48706

Email: duane.govitz@charter.net

Property Number: 2210-ESP-03

Property location: 1103 E. Lake Mitchell Drive, Cadillac, Michigan 49601

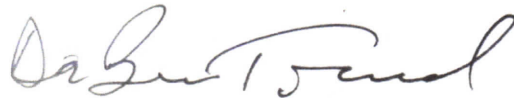
Specific Land Use allowed by this permit: [NONE - PERMIT DENIED]

Size of building, structure, addition: [30' X 30' [proposed] - DENIED, 20' X 24' Att. Garage - DENIED]

Township: [CHERRY GROVE TOWNSHIP]

Zoning District: [R2]

**Wexford Joint Planning Commission
Planning and Zoning Administrator:**

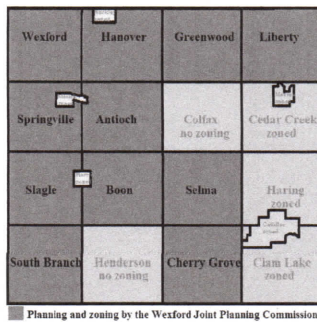


Dr. Ben Townsend **DENIED:** [Wednesday, May 16, 2018]

Wexford County Bldg. Department: [\[231-779-9465\]](tel:231-779-9465)

NOTES / CONDITIONS: [Denial letter accompanying this Denial, explaining the options to the homeowner.]

This Land Use Permit Expires one (1) year from date of issue



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

May 16, 2018

Re: Land Use Permit

Parcel: 2110-ESP-03

Dear Duane Govitz,

I received your application regarding the proposed new construction of a Residential Building with Attached 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.

- Front yard (Street side) setback not met according to the Zoning Ordinance. Ordinance provides for 20' (feet) from front property line, or "average setback of the existing dwellings on adjacent parcels..."
- Closer to Lake Mitchell than the Zoning Ordinance allows. Not less than 50' from water.

The required minimum setback based upon the site plan submitted requires 10' (feet). The required minimum distance from the lake is 50' (feet).

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, including an Application for Zoning Board of Appeals: www.wexfordjpc.org

Very truly yours,

Dr. Ben Townsend

Assistant Planning and Zoning Administrator

[May 18, 2018 (8:15am); \\svr12\users\bhall\My Documents\LUP ACTIVITY\LUP's Issued-2018\2110-ESP-03_Govitz DENIAL LETTER.wpd]

Date: May 16, 2018

Wexford Joint Planning Commission

4830 E M-55

Cadillac, MI 49601

Re: Appeal of Denied Zoning Permit

Dear Joint Planning Commission,

We have recently purchased an empty lot located at 1103 E. Lake Mitchell Drive, Cadillac, MI 49601. We are working with Clous Construction (Richard Clous and Conner Taylor) on our initial site plans and potential home construction.

Based on our site plan; we are asking you to re-consider your initial decision and approve the following variance requests.

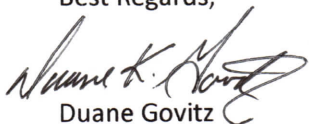
- Garage – We need to be able to construct the garage and have it even with the two neighbors' garages for us to have enough space to construct it.
- Setback (Lake Side) – We are also asking for a setback of 41' versus the standard 50'. This will allow us to have a minimum amount of space for our floor plan. As you can see; we are only asking for a 30' X 30' floor plan for our home.

Based on our site plan; we have no issue with the side setback of 10' on each side (this was mentioned in your denial letter). Our site plan will meet the side setback requirements. The above two bullet items are what we need approved from the zoning board. Based on my previous discussions with Ben and Bob, it appears that the garage would be accepted per our request. However, we also need the "lake side" approval and allow a setback of 41', so that we can construct this standard home size.

Along with this letter; you will also have the site plan and past survey that was completed on the property.

We would appreciate your review and approval of this request. If you have any questions, please feel free to call Duane's cell phone at 989-430-5796.

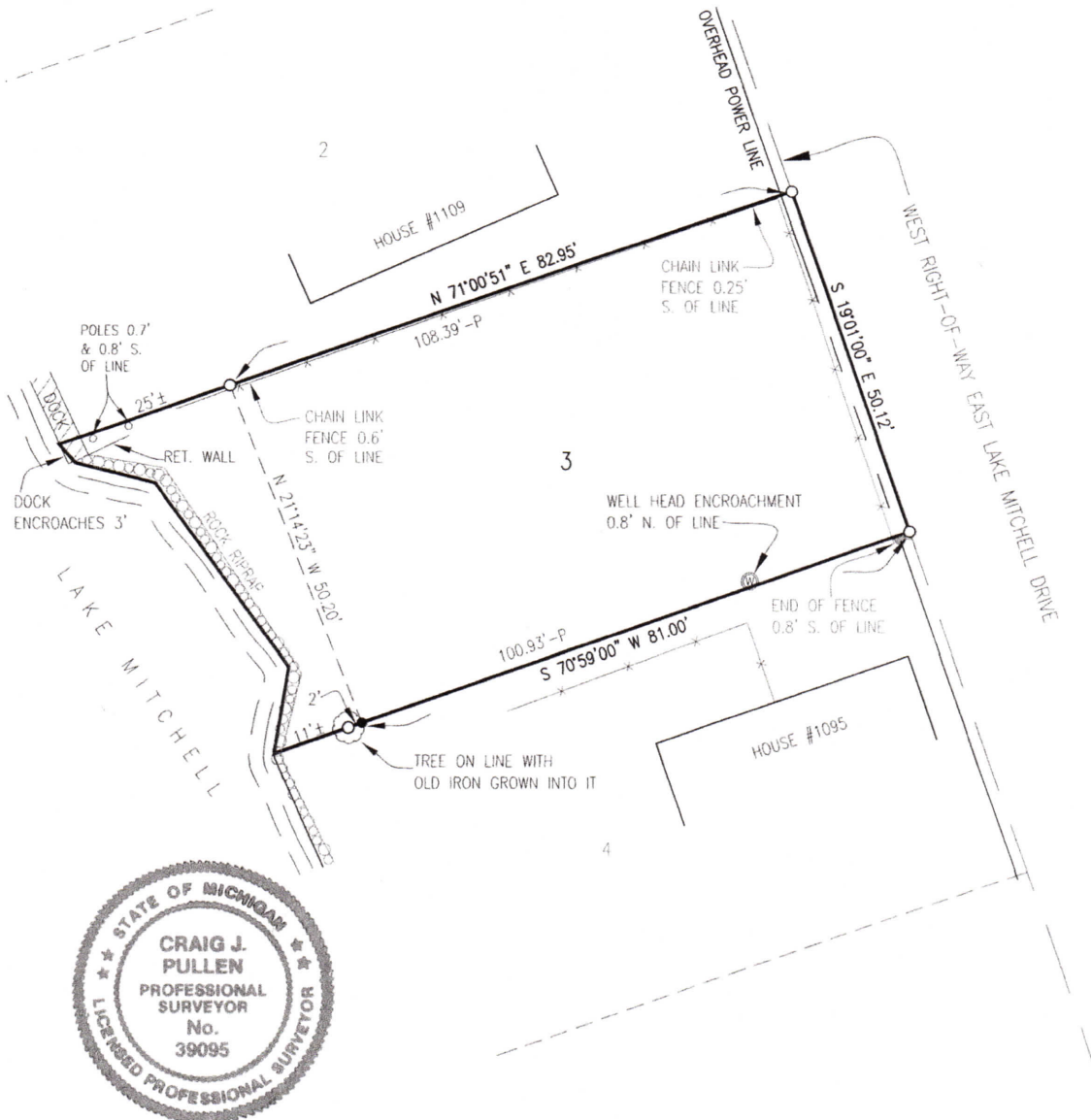
Best Regards,


Duane Govitz


Joy Govitz

CERTIFICATE OF SURVEY

LOT 3, PLAT OF EASTSHORE, BEING PART OF GOVERNMENT LOT 1, SECTION 1, T21N, R10W, CHERRY GROVE TOWNSHIP, WEXFORD COUNTY, MICHIGAN.



All dimensions are in feet and decimals thereof.

I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon, that the ratio of closure is 1 in 5000 and that this survey complies with the requirements of Act 132 P.A. 1970, as amended.

Craig J. Pullen

Craig J. Pullen, P.S.
Professional Surveyor No. 39095



0 10' 20' 40'
SCALE: 1 INCH = 20 FEET

- ⊕ = PLSS SECTION CORNER
- = FOUND IRON PIPE/ROD
- = SET IRON & CAP #39095

BASIS OF BEARING: PLAT OF EASTSHORE

FOR: JOHN KLARQUIST

LOT SURVEY
SECTION 1, T21N, R10W
CHERRY GROVE TOWNSHIP, WEXFORD CO.

R = RECORD, P = PLAT, M = MEASURED, D = DEED



Professional Services
1 Madison Avenue, Cadillac, MI 49601
PHONE (231) 775-7755 FAX (231) 775-3135

DATE: 6/12/07 JOB No. 90300.00054

REVISED: _____

SHEET 1 OF 1

Tax ID 2110-ESP-03

Cherry Grove Twp., Wexford County

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

Assessment Roll Owner Name(s):	KLARQUIST, JOHN C & THOMAS E KLARQUIST
Assessment Roll Owner Address:	425 SLOAN CREEK PKWY FAIRVIEW TX 75069
Assessment Roll Parcel Address:	1103 E LAKE MITCHELL DR CADILLAC MI 49601

Property Information

Jurisdiction:	Cherry Grove Twp.
Property Class:	401 Residential Improved
School District:	83010 Cadillac
Assessed Value for 2017:	\$62,000
Year SEV for 2017:	\$62,000
Taxable Value for 2017:	\$30,258
Homestead % for 2017:	0%
Assessed Value for 2016:	\$49,400
Taxable Value for 2016:	\$29,989
Property Square Feet:	5153.68533816 Sq Ft
Property Acreage:	0.11831280883 Acres

Assessment Roll Description

LOT 3 PLAT OF EASTSHORE CG. SEC. 1 T21N R10W - CAPS

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

Parcel Number: 2110-ESP-03

Jurisdiction: CHERRY GROVE TOWNSHIP

County: WEXFORD

Printed on

05/25/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
KLARQUIST C EDWIN TRT	KLARQUIST JOHN & THOMAS	0	02/07/2014	TD	ADD/REMOVE TRUS	665-2245	TA	0.0		
KLARQUIST C EDWIN TRT		0	02/09/2013	DC	INVALID		WD	100.0		
Property Address	Class: 401 RESIDENTIAL I	Zoning: AG	(Building Permit(s)	Date	Number	Status			
1103 LAKE MITCHELL DR	School: CADILLAC AREA PUBLIC									
Owner's Name/Address	P.R.E. 0%									
KLARQUIST JOHN & THOMAS 435 SLOAN CREEK PKWY FAIRVIEW TX 75069	MAP # : 2018 Est TCV 118,933 TCV/TFA: 0.00									
Taxpayer's Name/Address	X Improved	Vacant	Land Value Estimates for Land Table 34.EAST SHORE PLAT OF							
KLARQUIST JOHN & THOMAS 435 SLOAN CREEK PKWY FAIRVIEW TX 75069	Public Improvements Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		Description GOOD FF 50 Actual Front Feet, 0.00 Total Acres	Frontage 50.00 Front 0.00 Depth 1.0000 1.0000 Rate 2300 100 Total Est. Land Value =	* Factors * Depth 0.00 Front 1.0000 Depth 1.0000 Total Acres			Value 115,000 115,000		
Tax Description	X									
LOT 3 PLAT OF EASTSHORE CG. SEC. 1 T21N R10W - CAPS	X									
Comments/Influences										
	Topography of Site									
	X Level Rolling Low									
	X High Landscaped Swamp									
	X Wooded Pond									
	X Waterfront Ravine									
	Wetland Flood Plain									
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
				2018	57,500	2,000	59,500			30,893C
				2017	60,000	2,000	62,000			30,258C
				2016	47,500	1,900	49,400			29,989C
				2015	28,000	1,900	29,900			29,900S

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Cherry Grove ,
County of Wexford, Michigan

The Equalizer. Copyright (c) 1999 - 2009.
 Licensed To: Township of Cherry Grove,
 County of Wexford, Michigan

*** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage		
X Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang		X Gas Wood	Oil Coal	Elec. Stream	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Ga	Area Type		Year Built: 1967 Car Capacity: Class: D Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 18 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 240 % Good: 0 Storage Area: 0 No Cone. Floor: 0		Bsmnt Garage: Carport Area: Roof:	Cost	
X Wood Frame	(4) Interior Drywall Paneled Plaster Wood T&G		X	Forced Air w/o Ducts Forced Air w/ Ducts											
Building Style: Bi-LEVEL	Trim & Decoration			Electric Baseboard Elec. Cell. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling											
Yr Built 0	Remodeled 0	Size of Closets													
Condition: Good		Lg X Ord Small													
Room List	(5) Floors														
Basement 1st Floor 2nd Floor Bedrooms	Kitchen: Other:														
(1) Exterior	(6) Ceilings			No./Qual. of Fixtures											
X Wood/Shingle Aluminum/Vinyl Brick				Ex. X Ord. Min											
Insulation	(7) Excavation			No. of Elec. Outlets											
(2) Windows	Basement: 0 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			(13) Plumbing											
Many Avg. Large Avg. Small	(8) Basement			Average Fixture(s)											
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Treated Wood Concrete Floor			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Separate Shower Ceramic Tile Floor Ceramic Tile Alcove Ceramic Tub Alcove Vent Fan											
(3) Roof	(9) Basement Finish			(14) Water/Sewer											
X Gable Hip Flat Asphalt Shingle	Recreation SF Living SF Walkout Doors SF No Floor SF			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:											
Chimney: Brick	(10) Floor Support Joists: Unsupported Len: Cntr.Sup:														

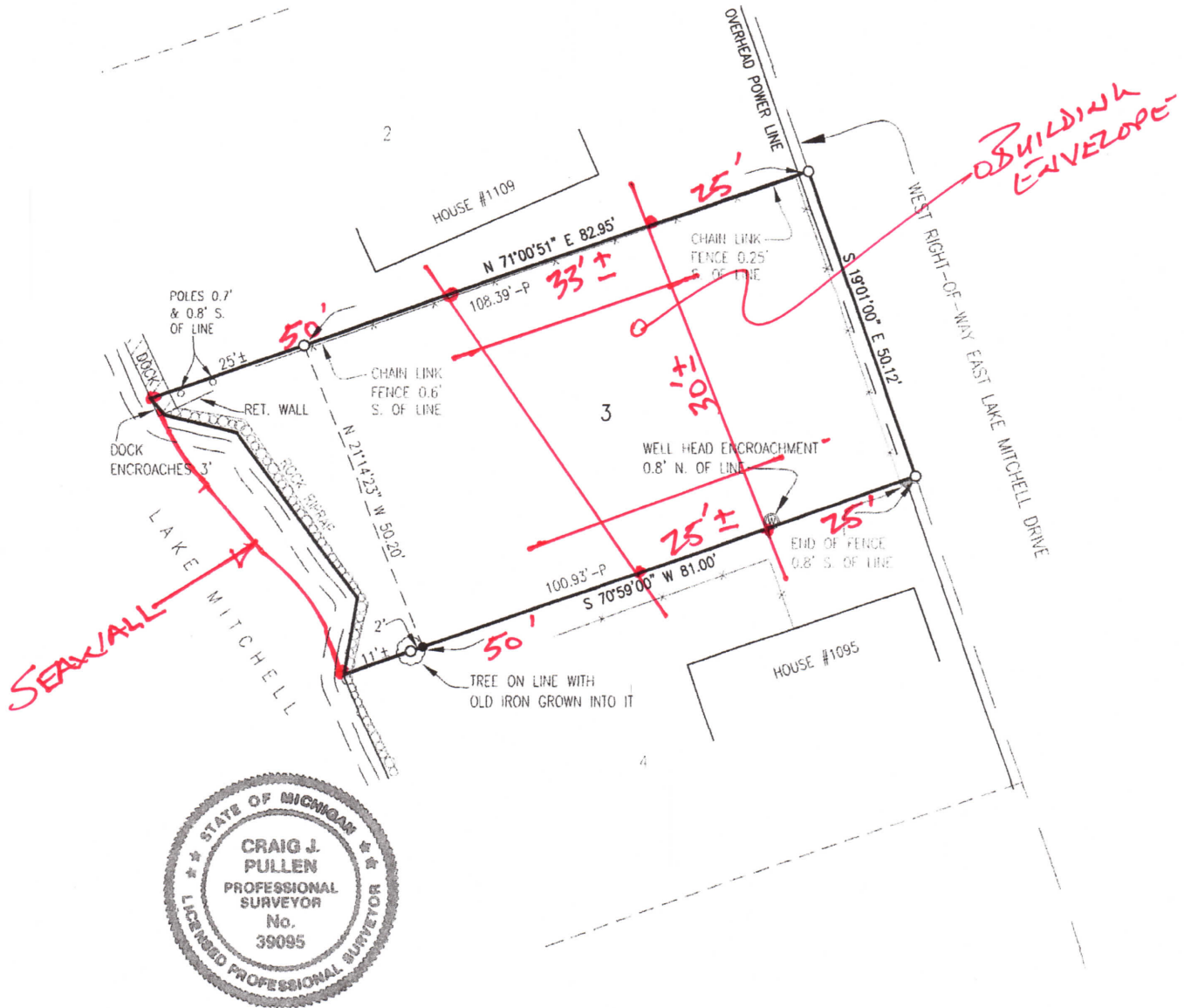
*** Information herein deemed reliable but not guaranteed***

CERTIFICATE OF SURVEY

*2021 with Admin
MARK-UP*

LOT 3, PLAT OF EASTSHORE, BEING PART OF GOVERNMENT LOT 1, SECTION 1, T21N, R10W, CHERRY GROVE TOWNSHIP, WEXFORD COUNTY, MICHIGAN.

EXHIBIT

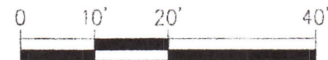


All dimensions are in feet and decimals thereof.

I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon, that the ratio of closure is 1 in 5000 and that this survey complies with the requirements of Act 132 P.A. 1970, as amended.

Craig J. Pullen

Craig J. Pullen, P.S.
Professional Surveyor No. 39095



SCALE: 1 INCH = 20 FEET

- ⊕ = PLSS SECTION CORNER
- = FOUND IRON PIPE/ROD
- = SET IRON & CAP #39095

BASIS OF BEARING: PLAT OF EASTSHORE

FOR: JOHN KLARQUIST

LOT SURVEY
SECTION 1, T21N, R10W
CHERRY GROVE TOWNSHIP, WEXFORD CO.

R = RECORD, P = PLAT, M = MEASURED, D = DEED



1 Madison Avenue, Cadillac, MI 49601
PHONE (231) 775-7755 FAX (231) 775-3135

DATE: 6/12/07 JOB No. 90300.00054 REVISED: SHEET 1 OF 1

May 28, 2018

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 East M-55
Cadillac, MI 49601

RE: Written application seeking variance from the terms and provisions of the Zoning Ordinance for property 1103 East Lake Mitchell Drive, Parcel: 21 10-ESP-03

Dear Appeals Board:

I am writing this letter in hopes that you will hear and approve our request for a dimensional variance regarding our property located at 1103 East Lake Mitchell Drive, Parcel: 21 10-ESP-03. This request is based on the denial letter we received on May 16, 2018 from the Planning and Zoning Administrator for our original application.

This past April, my husband and I acquired this property with the intentions of building a long-term home for ourselves. Over the past 10 years, we have bought and sold two different cabins on East Lake Mitchell Drive. In addition to the great memories our family has built enjoying time at these cabins, previously, I had the pleasure of spending all my summers at "Grandma's Cabin" just down the road. The first cabin we owned did not suit our long term needs and was sold. Our second cabin we completely remodel, which we anticipated to own well into our retirement years.

Unfortunately, due to unforeseen job changes, we were forced to sell. Since the sale, we built a long term plan to get back what we once had on Lake Mitchell. The purchase of the property in April was our first step. Our hearts and future is in Cadillac and we really look forward to the day we can be living there full time. We now ask for your assistance in getting us one step closer.

In the following, I will try to give you an overview of the reason for the appeal, what we are asking for and why we believe the ask is not unreasonable.

Let me start with the overall lot dimensions. The lot itself is fairly small. We have been working with Richard Clous on the drawing which you can find attached. The attached drawing can visually show you the lot dimension.

- Road side - width is 50 ft.
- Side lot - north length is 107 ft., south length is 93 ft.
- Water side – width is 52 ft

The house we would like to construct will be a modest size home with a two car garage. Total building square footprint on the proposed lot is a total of 1,335 (855 dwelling & 480 garage).

Based on the drawing you can see the side set-backs fit within the 10 ft requirement, however, we are asking for the garage setback to be 2 ft and the lakeside setback to be 41 ft. Next to the garage in the front, we would like to include 1 parking spot.

Let me first address the roadside setback. To try to minimize the needed variance on the water side, we are requesting the garage to have only a 2 ft setback. I believe this is quite reasonable and very close to many of the houses along East Lake Mitchell Drive. As you can see from the drawing, the setback on both neighbors garage is 0 ft.

As related to the waterside set-back, we are requesting a 9 ft variance making it a set-back of 41 ft. With a setback of 41 ft, we would not be obstructing the water view of either neighbor. This would also meet the average setback between both neighbors.

Our plans are not to build an enormous house, nor is it our intent to disrupt the neighbors. Our intent is to build a modest size home and in doing so, ensure respect for our neighbors, their property and views.

In closing, we really hope that you will consider and approve our requests. There is no ill intent or dishonesty in this case. We just want the opportunity to move forward and construct a new home and get back what we dearly miss... the community of Cadillac, the neighbors that we've grown close to and life on Lake Mitchell. I appreciate you taking the time to consider the requests and look forward to answering any questions you may have at this time.

Sincerely,

Joy Govitz

Contact info: joy.govitz@dowcorning.com; duane.govitz@charter.net;
989-430-6632; 989-430-5796

Neighbors house

This Neighbor is 41' from water
Garage on Property line →

107 Ft.

4

Side set back
to remain 10'.

Existing Seawall

3

Requesting a variance
of 41' instead of 50'
from water, so to construct
a standard size home.

Duane and Joy Govitz
Lot 3 Plat of East Shore
Gov. Lot 1 Sec 1 T21N R10W

Lake Mitchell

Proposed House

2
Proposed
Garage

Requesting construction
of proposed garage to
line up with both neighbors

Parking

Distance
From Property
Line, in Line With
Neighbors Garages

93 Ft.

Proposed Set backs

We would be, behind the
obstructed view of both neighbors

Neighbors House

This Neighbor's Garage
is on Property line →

50 Ft.
East Lake Mitchell Dr.