

## Wexford Joint Zoning Board of Appeals

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

(231)775-1138x6

planningandzoning@wexfordjpc.org | [www.wexfordjpc.org](http://www.wexfordjpc.org)

June 16, 2017

Greetings:

The Wexford Joint Zoning Board of Appeals has received an application requesting various dimensional variances from the provisions outlined in the Wexford Joint Zoning Ordinance. According to our records you own 'real' property within 300' (feet) of the subject property described in the below public notice and are subject to notice by mail. Further information is available on our website at: [www.wexfordjpc.org](http://www.wexfordjpc.org)

Robert (Bob) Hall  
Planning and Zoning Administrator

### PUBLIC NOTICE

The Wexford Joint Zoning Board of Appeals has received an application requesting a dimensional variance from the provisions of the Wexford Joint Zoning Ordinance. The subject property, parcel number 2210-FW0213, also known as: 3469 West Lake Mitchell Drive, Cadillac, Michigan 49601 and located in the participating municipality of Selma 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 Wednesday, June 28, 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.

## Affidavit of Publication

STATE OF MICHIGAN }  
County of Wexford }

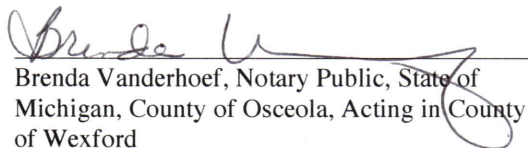
Ann Trucks of Cadillac News, a paper published in the County of Wexford and circulated in the Counties of Wexford, Missaukee, Osceola, and Lake; being duly sworn, deposed and says that she is the Business Department Clerk of said newspaper and that a notice, a true copy of which is annexed hereto, has been duly published in said paper on the following date(s):

June 10, 2017



Ann Trucks

Subscribed and sworn to before me this 12<sup>th</sup> day of June A.D. 2017.

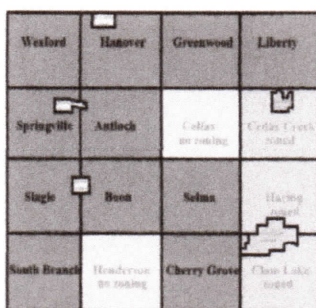


Brenda Vanderhoef, Notary Public, State of Michigan, County of Osceola, Acting in County of Wexford  
My commission expires: December 16, 2017

### CHERRY GROVE TOWNSHIP

#### PUBLIC NOTICE

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June 10



Planning and zoning by the Wexford Joint Planning Commission

## 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

May 24, 2017

Re: Land Use Permit  
Parcel #2210-FW-0213

Dear Mr. Brian Burch,

I received your application (by way of your Contractor - Charles Wiltzer) regarding the demolition and proposed new construction of a replacement dwelling w/ attached accessory building 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.

- Waterfront yard setback not met
- Side yard setbacks not met
- Front Yard setback not met

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

Very truly yours,



**Wexford Joint Planning Commission**

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

[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)

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231-775-1138x6

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

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

Property Owner: Burch Brian Phone: (989)-615-4041  
Last Name First Name  
Owner Address: 2961 E. Stewart Rd. Midland MI 48640  
Street # or P.O. Box City State Zip  
Project Address: 3469 W. Lake Mitchell Dr. Cadillac MI 49601  
Street # or P.O. Box City State Zip  
Parcel ID # 2210-FW0213 Are property lines and building site staked? (YES) NO  
[Circle one]

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

(Agent) / Attorney: Wiltzer Construction / Chuck Wiltzer  
Company Name Individual Name

Agent / Attorney Address: 15012 Lawrence David Dr. Leroy MI 49655  
Street # or P.O. Box City State Zip

Agent / Attorney Phone: (231)-878-0136 Email: wiltzerconstruction@gmail.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]

Please see attached

The project address / property is located in the B2-waterfront Zoning District.

**Do Not Write Below This Line - For Administrative Use Only**

Assigned ZBA Case # ZBA-2017-02  
Fee: \$ 590.00 Receipt # 975246

Date Application Received: 05 / 31 / 2017  
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:

*Brian C. Bush*

Date:

*5-30-17*

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

May 24, 2017

To: Wexford Joint Planning Commission

From: Brian C. Burch

Subject: Current Use(s) Of Property at 3469 W. Lake Mitchell Dr.

Commission Members,

This is a residential dwelling in a platted subdivision with a small out building approximately 4'x 6'. The current condition of the dwelling is the same as when my wife and I purchased in 2010(see photos). I believe, although not confirmed, that the previous owners had good intentions of remodeling the interior of the dwelling. I state this due to the entire interior of the dwelling being gutted upon the time purchased in 2010.

My wife and I purchased this property with full intentions of always building a new structure. Prior to purchasing I visited the Building/Zoning Dept. to inquire if I could demolish the existing building? The answer was "Yes", but to use the existing setbacks I would need to have a new dwelling on the property within 18 months. Due to our desire to completely payoff the debt. on this property prior to building we held off on demolishing the existing dwelling, thus the reason for the dwelling still existing. I repeated the same process with Bldg/Zoning dept. in 2016 when we got serious about building and received the same answer about the setback ordinance.

We currently use our property for recreational uses, such as swimming, boating, and enjoying the lakefront. Please feel free to contact me for any additional questions.

May 26, 2017

To: Wexford Joint Planning Commission

From: Brian C. Burch

Subject: Variance Request For Property Located at 3469 W. Lake Mitchell Dr.

Dear Commission Members,

I am writing this letter in hopes that you will hear, and honor, my request for a zoning variance regarding my property located at 3469 W. Lake Mitchell Drive in Selma Twp. This request is based on the denial letter I received on 5-24-17 from the Zoning Administrator regarding an earlier request. Since receiving that letter I have been working with the Administrator to begin the Appeals process and appreciate the feedback I have received and the manner in which I have received it.

I believe, as stated in the denial letter, that the challenge in this case are the property setbacks and the regulations that would apply to these setbacks compared to a conventional lot. I say conventional lot because I feel, and would challenge, that my lot is not conventional therefore the reason that I am appealing this decision. I would like to reference Art. 96, Section 9604.A(1-4) and Art. 9607.F.2.a(1-5). Without reciting every sentence, in both sections there are commonalities that I believe are important, and apply, in my case. In both sections the Ordinance references; special conditions, shape of the lot, the circumstances not resulting from any actions of the owner or applicant, not altering the essential character in the area, etc. I believe, in my case, that all the criteria spelled out in the two sections of Art. 96 (referenced above) allows the Commission to grant this variance.

When my wife and I purchased this property in 2010 we never had intentions of remodeling the existing structure. We were always planning on what type of cottage/home we would like to build on this lot. With this in mind I suspected that it would take a special place to be able to build on this lot, due to the triangular shape, and narrowness near the road. This is the reason I checked with the County authorities prior to purchasing the land. I honestly thought I was being proactive in checking with them to see what the stipulations were. I think we can all agree that I would not have invested \$95,000 into a piece of land if I were not able to do anything with it. Because of the feedback I verbally received, right or wrong, my wife and I planned for a future structure that would fit on this lot using the existing setbacks.

Our plans are not to build a big enormous cottage, nor is it our intent to disrupt the neighbors. My argument would be just the opposite. The current dwelling that is on this lot is worn down and has served its purpose. As you can see by our drawings, our intent is to build a modest dwelling that fits nicely on this irregular shaped lot, while at the same time respecting my neighbors.



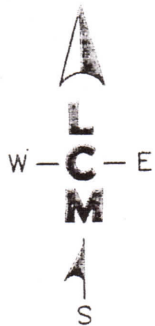
I also recognize, and would like to point out that on the east property line I am proposing a 2-3 ft setback. This part of the property is not usable and there is a fence that already exists between me and my neighbor. I would also like to mention that during the survey it was pointed out that the garage of the same neighbor to the east encroaches my property by 6". It is probably important to point out that this neighbor and myself have spoken and the relationship is positive.

In closing I hope that you will consider my request. My lot is not a conventional lot due to its shape and dimensions. I have done nothing to this property to create this odd shape or alter any property lines, and I certainly will not adversely impact my neighbors. My wife, Mr. Chuck Wiltzer (contractor), and myself have spent many hours dissecting house plans that would fit on this lot given the information we previously received. There is no ill intent or dishonesty in this case. In the end, my family and I have been fortunate enough to enjoy this community for several years and hope that we have many years left to enjoy it "up north" as we say. I hope you see it the same way and grant us the variance. I appreciate each of you taking the time to consider my request and look forward to answering any questions you may have. If you do have questions please feel free to contact me at [bcburch@sbcglobal.net](mailto:bcburch@sbcglobal.net) or I can be reached on cell phone at 989-615-4041. Thank-You

Sincerely,

A handwritten signature in cursive script that reads "Brian C. Burch". The signature is written in dark ink and is positioned above the printed name.

BRIAN C. BURCH

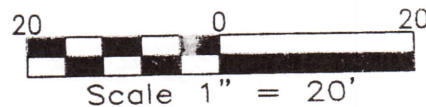


WILLIAM MITCHELL  
66' WIDE-PRIVATE  
N67°56'00"E(M) 41.12'(M)  
20.05'(M) 20'(R) 40'(R)

NEIGHBORS  
GARAGE  
WITH 1.0'  
EAVES  
ENCROACHES  
±0.5' OVER  
THE PROPERTY  
LINE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE  
PARCEL OF LAND DESCRIBED, THAT SAID SURVEY WAS  
PERFORMED WITH A FIELD ERROR OF CLOSURE "OF 1  
IN 5000 OR GREATER", AND THAT I HAVE FULLY  
COMPLIED WITH THE REQUIREMENTS OF ACT #132,  
P.A. 1970.

William E. Sikkema, P.S. No. 45505



FENCE LINE IS  
± ON THE  
PROPERTY LINE

LOT #12 BLK. 2  
0.14 ACRES

FENCE LINE IS  
± ON THE  
PROPERTY LINE

S00°15'16"W(M)  
148.18'(M)  
153.6'(R)

LOT #13 BLK. 2  
0.14 ACRES

#### LEGEND

- Set Spike/P.K. Nail
- Set Wood Lath On Line
- Set 1/2" Rod Iron & Cap
- Fd. Iron & Cap, As noted
- ◆ Fd. Concrete Monument
- ⊕ Section 1/4 Corner
- ⊙ Section Corner
- R Record Distance
- M Measured Distance

FENCE LINE IS  
± ON THE  
PROPERTY LINE

5.41'

66.99'(M) 67.8'(R)  
RECORD PLAT LINE  
68.74'(PR)

LAKE MITCHELL

119.21'(M) 117.8'(R)  
N66°19'55"E(M)

50.16'(M)  
50'(R)

N21°55'22"W(M)  
138.76'(PR)

4.31'

LEGAL DESCRIPTION: AS FURNISHED  
LOT #13 BLOCK 2, FLOWING WELLS PARK  
PART OF SECTION 35,  
T22N, R10W, SELMA TOWNSHIP,  
WEXFORD COUNTY, MICHIGAN



**Surveying &  
Engineering INC.**

1-888-223-4235  
PH. 231-743-3000 Fax. 231-743-3001  
225 E. MAIN ST. MARION, MI 49665

DATE: 02/16/2017

DRN BY: FTW

CHD BY: WES/CJM

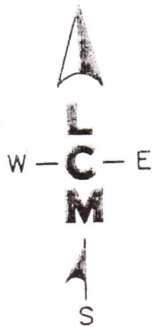
SHEET 1 OF 1

CLIENT: BRIAN BURCH

LOT #13 BLOCK 2, FLOWING WELLS PARK  
PART OF SECTION 35,  
T22N, R10W, SELMA TOWNSHIP,  
WEXFORD COUNTY, MICHIGAN

FB/PG:  
see file

JOB NO.:  
17038



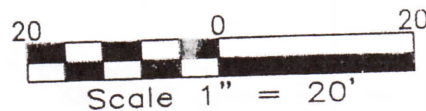
WILLIAM MITCHELL DR.  
66' WIDE-PRIVATE

N67°56'00"E(M) 41.12'(M)  
20.05'(M) 20'(R)

NEIGHBORS  
GARAGE  
WITH 1.0'  
EAVES  
ENCROACHES  
±0.5' OVER  
THE PROPERTY  
LINE

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William E. Sikkema, P.S. No. 45505



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#### LEGEND

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- Fd. Iron & Cap, As noted
- ◆ Fd. Concrete Monument
- ⊙ Section 1/4 Corner
- ⊙ Section Corner
- R Record Distance
- M Measured Distance

S00°15'16"W(M)  
148.18'(M)  
153.6'(R)

FENCE LINE IS  
± ON THE  
PROPERTY LINE

S18°06'56"E(M)  
135.36'(M)  
142.15'(R)

FENCE LINE IS  
± ON THE  
PROPERTY LINE

50.16'(M)  
50'(R)

N21°55'22"W(M)  
138.79'(R&M)

4.31'

66.99'(M) 67.8'(R)

RECORD PLAT LINE  
68.74'(PR)

LAKE MITCHELL

LEGAL DESCRIPTION: AS FURNISHED  
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PART OF SECTION 35,  
T22N, R10W, SELMA TOWNSHIP,  
WEXFORD COUNTY, MICHIGAN



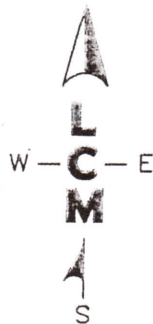
**Surveying &  
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1-888-223-4235  
PH. 231-743-3000 Fax. 231-743-3001  
225 E. MAIN ST. MARION, MI 49665

DATE: 02/16/2017  
DRN BY: FTW  
CHD BY: WES/CJM  
SHEET 1 OF 1

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LOT #13 BLOCK 2, FLOWING WELLS PARK  
PART OF SECTION 35,  
T22N, R10W, SELMA TOWNSHIP,  
WEXFORD COUNTY, MICHIGAN

FB/PG:  
see file  
JOB NO.:  
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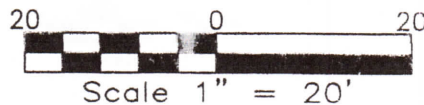




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PART OF SECTION 35,  
T22N, R10W, SELMA TOWNSHIP,  
WEXFORD COUNTY, MICHIGAN

FB/PG:  
see file

JOB NO.:  
17038

# WINDOW AND DOOR NOTES

- ALL WINDOWS AND PATIO DOORS SHOWN ARE ANDERSEN 400 SERIES UNLESS NOTED OTHERWISE
- TOP OF WINDOW TO DOOR ROUGH OPENING ARE
- INSULATED FRONT TOP OF WINDOW 6" - 7" UNLESS NOTED OTHERWISE
- WINDOW DOOR WINDOW AND PATIO DOORS THAT ARE TO RECEIVE
- ALL WINDOWS TO BE VIEWED WITH GRILL

# WALL FRAMING NOTE

- ALL EXTERIOR WALLS ARE DRUM
- ALL INTERIOR WALLS ARE 2" X 6" UNLESS NOTED OTHERWISE
- OUTSIDE FACE OF RIGID ARE FILLED
- WITH CORROSION RESISTANT
- AND ROOFING

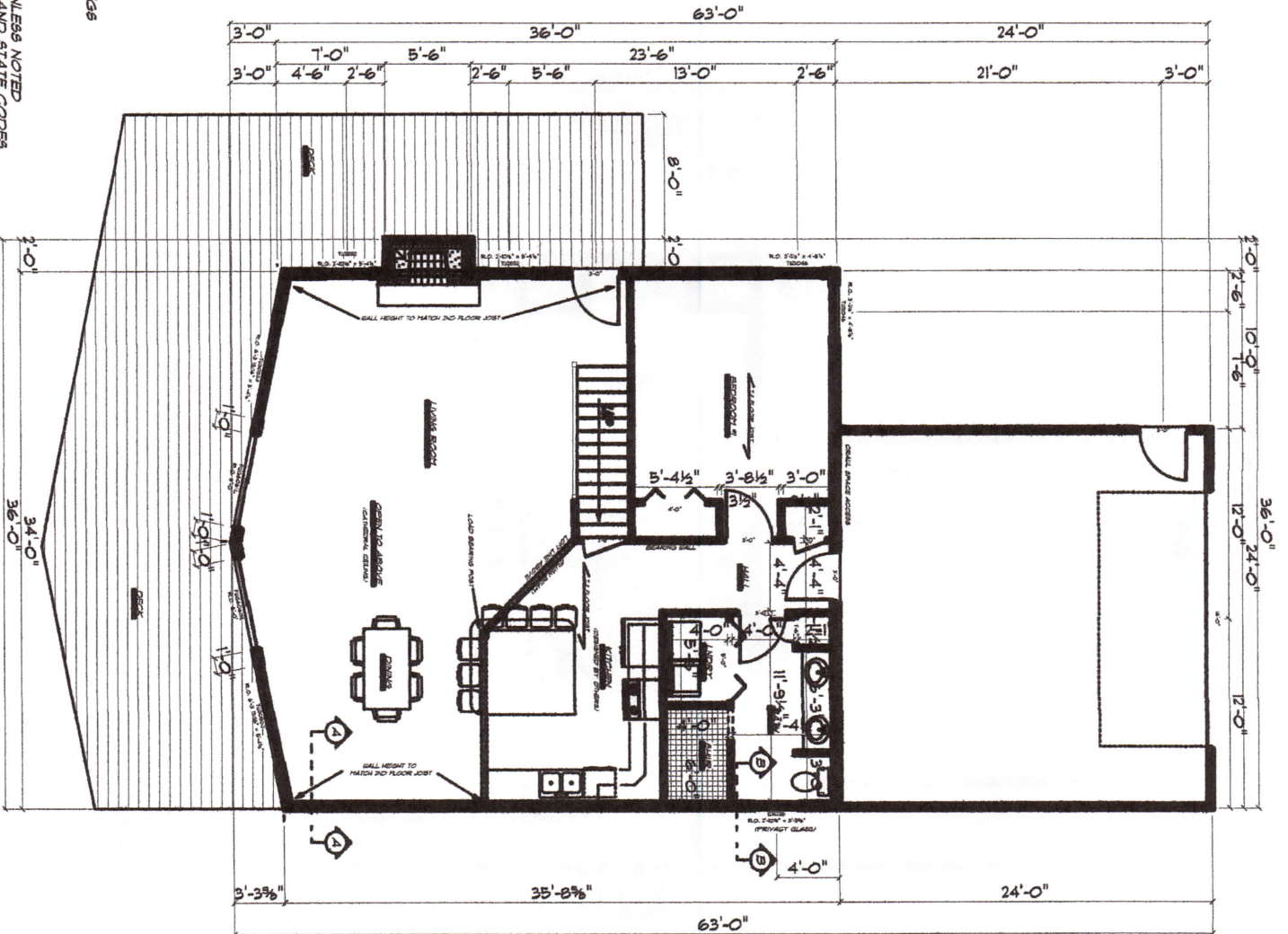
ALL MAIN FLOOR CEILING HEIGHTS ARE 9' 1 1/8" AND FLAT UNLESS NOTED OTHERWISE

# MAIN FLOOR PLAN

SCALE 1/4" = 1'-0"

## NOTES:

- 2" X 6" EXTERIOR WALLS
- ANDERSEN WINDOWS LISTED BUILDER TO VERIFY ROUGH OPENINGS
- ALL DIMENSIONS ARE TO CENTER OF ROUGH OPENINGS
- 1289 SQUARE FEET (LIVING AREA)
- ALL PLUMBING MECHANICAL AND ELECTRICAL BY OTHERS
- ALL EXTERIOR HEADERS TO BE 3 1/2" X 9 1/2" TIMBERSTRAND UNLESS NOTED
- SMOKE ALARMS SHALL BE INSTALLED TO COMPLY WITH LOCAL AND STATE CODES



BRIAN & DENISE BURCH  
MAIN FLOOR PLAN

SHEET  
1 of 5

DRAWN BY:  
K. SCHAEFER  
(20) 500-500  
DATE:  
04/17

ALL GABLES AND PORCH ROOF  
ARE TO BE SOLID ALUM. ROOF  
ALL EAVES TO BE VENTED ALUM. ROOF

TOP CORN LIVE LOADS 60' GROUND AND LOAD AREA - 55.5 P.S.F.  
60" GROUND AND LOAD AREA - 46.7 P.S.F.  
40" GROUND AND LOAD AREA - 37.2 P.S.F.  
(THUS HAVE TO VERIFY GROUND AND LOAD LOCATION WITH CHAIRS / BULBS)

TOP CORN DEAD LOAD 10 P.S.F.  
BOTTOM CHORD DEAD LOAD 10.0 P.S.F.

INSTALL ICE AND WATER SHIELD MATERIAL  
AT ALL VALLEYS, EAVES PER CODE



## FRONT ELEVATION

