

**Wexford Joint Planning Commission**

c/o Cherry Grove Township

4830 E. M-55

Cadillac, Michigan 49601

231-775-1138x6

[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)[www.wexfordjpc.org](http://www.wexfordjpc.org)**APPLICATION FOR ZONING BOARD OF APPEALS [page 1 of 2]****[WARNING: THIS FORM IS NOT A LAND USE PERMIT]**Property Owner: PANKHURST SAM Phone: (989)-287-2592Owner Address: 205 ALEXANDER ST. CADILLAC MI 49601Project Address: 2379 E. LAKE MITCHELL DR CADILLAC MI 49601Parcel ID # 2210 - IS - 14 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 NameAgent / 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]THE CURRENT STRUCTURE IS A VACANT, 90+ YEAR  
OLD COTTAGE, IN A STATE OF DISREPAIR.The project address / property is located in the R-2 Zoning District.**Do Not Write Below This Line - For Administrative Use Only**Assigned ZBA Case # ZBA-2017-01  
Fee: \$ 50.00 Receipt # 975226Date Application Received: 04 / 26 / 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: \_\_\_\_\_

*Sam Penblurst*

Date: \_\_\_\_\_

*4/26/17*

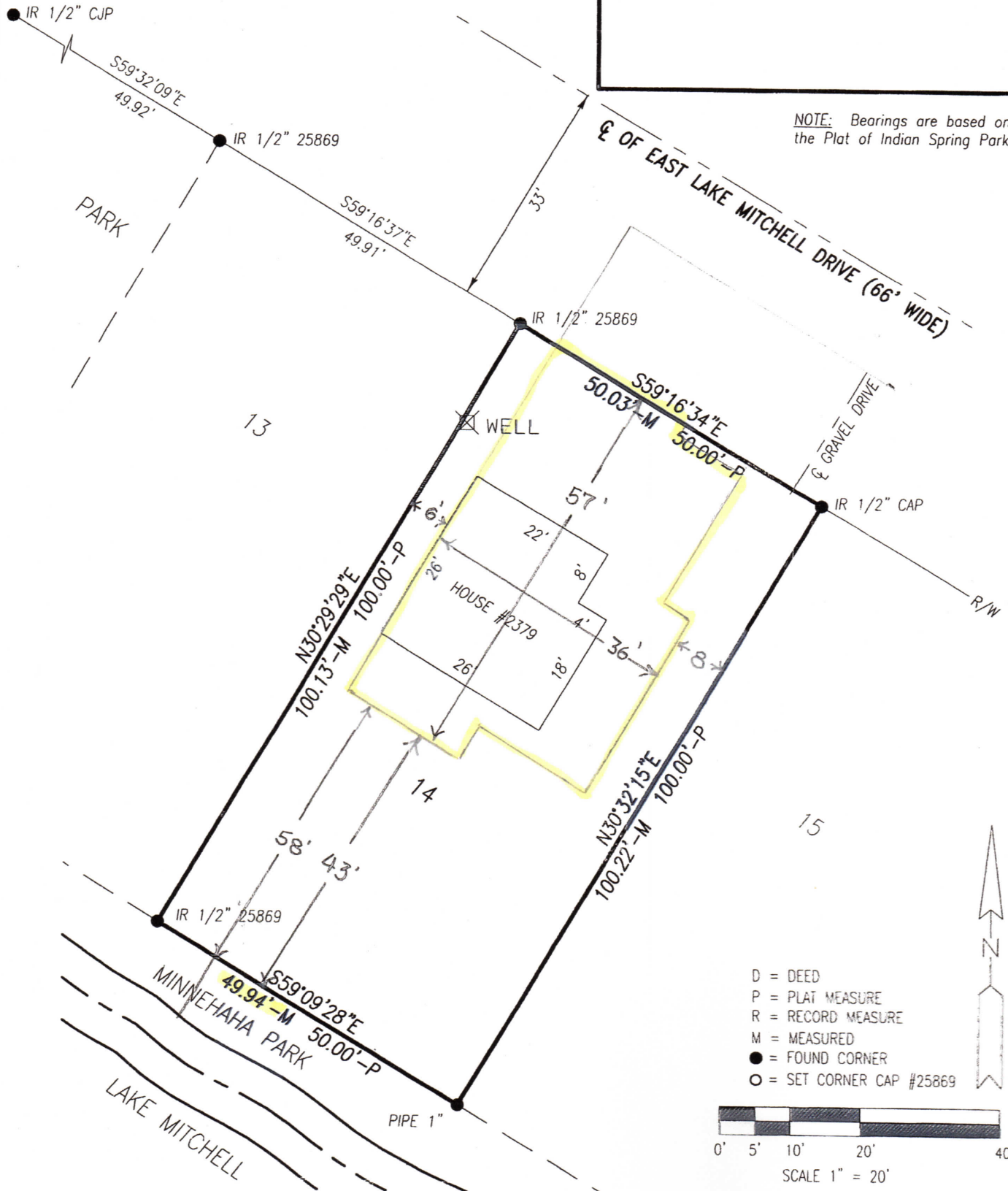
**Please see Article 94 of the Wexford Joint Zoning Ordinance for Site Plan requirements related to any matter before the Zoning Board of Appeals:**

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

# CERTIFICATE OF SURVEY

LOT 14, PLAT OF INDIAN SPRING PARK, SECTION 25, T22N,  
R10W, SELMA TOWNSHIP, WEXFORD COUNTY, MICHIGAN.

NOTE: Bearings are based on  
the Plat of Indian Spring Park.





RE: Side yard setback

planningandzoning@wexfordjpc.org

Thu 4/20/2017 6:39 AM

To: sam pankhurst <sampan48@hotmail.com>;

Sam and Marcia -

I have had an opportunity to review your application and accompanying materials including your informative letter of April 8, 2017. At this time I am required to DENY the application because the dwelling / structure does NOT meet the front (road) setbacks.

I am more than willing to discuss options / alternatives that can be administratively approved by me as well as discuss the Zoning Board of Appeals process.

As I am out of the office until next Wednesday, please feel free to email me with any questions and/or concerns.

Thank-you,

Bob

**Robert (Bob) Hall**  
**Planning and Zoning Administrator**  
**Wexford Joint Planning Commission**  
**c/o Cherry Grove Township**  
4830 E. M-55  
Cadillac, Michigan 49601

**Email:** planningandzoning@wexfordjpc.org

**Phone:** 231-775-1138 Extension #6

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

<http://www.wexfordjpc.org>

----- Original Message -----

Subject: Side yard setback

From: sam pankhurst <sampan48@hotmail.com>

Date: Tue, April 18, 2017 8:15 am

To: "planningandzoning@wexfordjpc.org"

<planningandzoning@wexfordjpc.org>



[Print](#) | [Close Window](#)

**Subject:** RE: Side yard setback

**From:** planningandzoning@wexfordjpc.org

**Date:** Thu, Apr 20, 2017 9:38 am

**To:** "sam pankhurst" <sampan48@hotmail.com>

Sam and Marcia -

I have had an opportunity to review your application and accompanying materials including your informative letter of April 8, 2017. At this time I am required to DENY the application because the dwelling / structure does NOT meet the front (road) setbacks.

I am more than willing to discuss options / alternatives that can be administratively approved by me as well as discuss the Zoning Board of Appeals process.

As I am out of the office until next Wednesday, please feel free to email me with any questions and/or concerns.

Thank-you,

Bob

**Robert (Bob) Hall**  
**Planning and Zoning Administrator**  
**Wexford Joint Planning Commission**  
**c/o Cherry Grove Township**  
**4830 E. M-55**  
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----- Original Message -----

Subject: Side yard setback

From: sam pankhurst <sampan48@hotmail.com>

Date: Tue, April 18, 2017 8:15 am

To: "planningandzoning@wexfordjpc.org"  
<planningandzoning@wexfordjpc.org>

Hi Bob,

We have several local individuals who are bidding on demolishing our existing structure at 2379 E. Lake Mitchell Drive. We do not want to do anything that would jeopardize grandfathering the north side yard setback on our building project. Please advise on the status of our land use permit when practicable as we also have four contractors preparing bids on constructing our new house. We realize spring is a busy time for zoning issues and appreciate your assistance in this matter.

RECEIVED APR 19 2017

WEXFORD JOINT PLANNING COMMISSION

4830 E. M-55 Cadillac, Michigan 49601

Phone: 231-775-1138 Ext. #6

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

CZServices@hotmail.com

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: PANKHURST Sam + Marcia Phone: (989) - 287 - 2592

Last Name

First Name

Email: SAMPAN48@HOTMAIL.COM

Owner Address: 6755 Hemlock Rd LAKEVIEW MI 48850

Street # or P.O. Box

City

State

Zip

Project Address: 2379 E LAKE MITCHELL DR CADILLAC MI 49601

Street #

City

State

Zip

PARCEL ID # 22-10-IS-14

Are property lines and building site staked? YES NO

PROPERTY STAKES YES [Circle One]  
BUILDING SITE - SEE DRAWING ON  
CERTIFICATE OF SURVEY

IF USING A CONTRACTOR PLEASE COMPLETE THIS SECTION

Contractor Information: SEVERAL LOCAL CONTRACTORS / ARE PREPARING BIDS FOR  
HOME OWNERS [Company Name] [Individual Name]

Contractor Address: \_\_\_\_\_

Street # or P.O. Box

City

State

Zip

Contractor Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_ Email: \_\_\_\_\_

**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 Commercial Construction ☐ Deck / Pool  
☐ Residential Addition ☐ Commercial Addition ☐ Change of Use  
☐ Residential Accessory Bldg. ☐ Commercial Accessory Bldg. ☐ Other

If 'other', please describe: \_\_\_\_\_

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

RESIDENTIAL HOME - PRIMARY

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



APPLICATION FOR LAND USE PERMIT [PAGE 2 OF 2]

**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 may be void. Further, I agree to comply with any conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Wexford Joint Zoning Ordinance will be complied with. Further, I agree to notify the Planning and Zoning Administrator for the Wexford Joint Planning Commission 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 officials of the Wexford Joint Planning Commission, 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 a [Land Use Permit] application, (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: Sam Tankhurst Date: 4/6/17

**Minimum Requirements for a Site Plan [Residential / Residential Accessory Use]**

- ☒ Show length of all parcel lines
- ☒ Show all known easements
- ☒ Show sizes of all existing and proposed structures
- ☒ Show setbacks to all existing and proposed structures from all property lines
- ☒ Show distances from all existing and proposed structures to all bodies of water (lake, river or stream)
- ☒ Show elevations of buildings / structures as appropriate to demonstrate compliance with maximum height requirements

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

Assigned Land Use Permit # LUP20

Date Application Received: 04/19/2017 Date of Land Use Permit Action:   /  /  

Fee: \$ 70.00 How Paid: ☐ Cash ☒ Check # 7356 Receipt # 975214



# RECEIPT

DATE 05 APRIL 2017 No. 975214

RECEIVED FROM PAZKHURST, SAM/MARCIA \$ 70.00

Seven DOLLARS

☐ FOR RENT  
☒ FOR LAND USE APPLICATION

ACCOUNT		<input type="radio"/> CASH	
PAYMENT	<u>70.00</u>	<input checked="" type="radio"/> CHECK	<u># 7354</u>
BAL. DUE	<u>0</u>	<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY Robert A. Hall

Name: \_\_\_\_\_

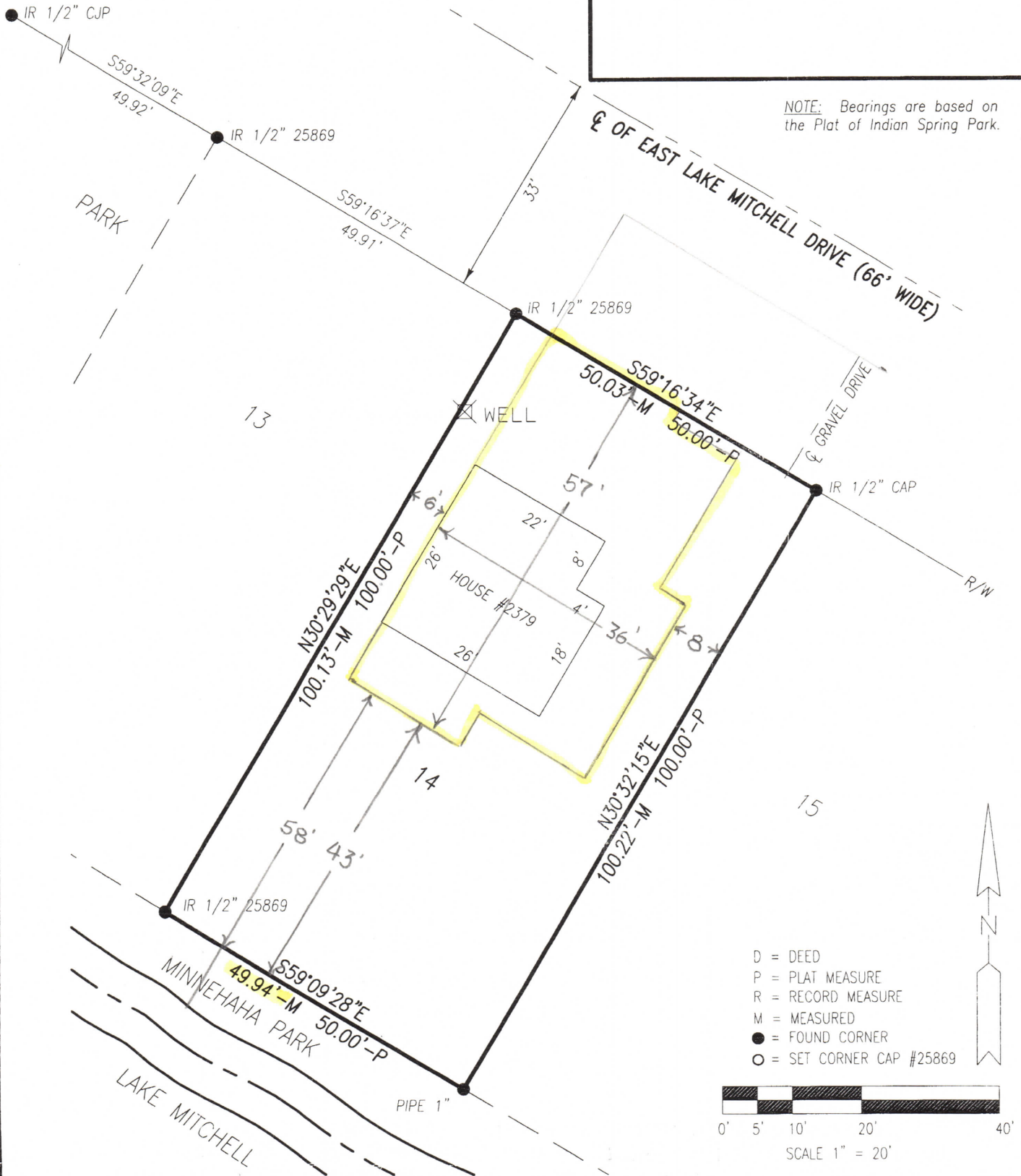
## Wexford Joint Planning Commission

PLEASE SEE CERTIFICATE OF SURVEY with  
APPLICABLE DRAWINGS

# CERTIFICATE OF SURVEY

LOT 14, PLAT OF INDIAN SPRING PARK, SECTION 25, T22N,  
R10W, SELMA TOWNSHIP, WEXFORD COUNTY, MICHIGAN.

NOTE: Bearings are based on  
the Plat of Indian Spring Park.



I hereby certify that I have surveyed and mapped the land platted and/or described hereon, that the ratio



Mr. Robert Hall  
Planning and Zoning Administrator  
Cherry Grove Township Hall  
4830 E. M-55  
Cadillac, MI 49601

April 8, 2017

Dear Bob,

Enclosed are the application for land use permit, survey and some supporting documentation. We accessed the Wexford Joint Zoning Ordinance (WJZO) of 2017 online in an effort to familiarize ourselves with applicable regulations. We do not profess to be experts in zoning and/or regulations, but want to be as informed as possible while protecting our financial interests.

The WJZO has eliminated the side yard setback guidelines for nonconforming lots that are less than 50 feet in width. The prior zoning ordinance did address this issue, at least in part, because some of the other lots within Indian Spring Park were deemed to be nonconforming lots of record. Apparently, this development was platted and subdivided in accordance with local and state regulations, and as zoning expanded over the years it became nonconforming.

On several occasions, we contacted the Wexford County Zoning Department (WCZD), which was administered by the building inspector, to make sure we were compliant with regulations for planning and developing our house prints. We were advised that the north side of our property could be grandfathered with a 6 foot setback because of the existing structure. You confirmed during our 4/5/17 meeting that this setback was still applicable. We were also advised by the WCZD that the setback on our south lot line could be 8 feet because our lot was less than 50 feet wide at lakeside. Upon review of the WJZO, we do not find anything that prohibits an 8 foot setback, as it simply does not address lots that are less than 50 feet in width, as the previous zoning regulations did.

Also, we believe that our lakeside setback meets all regulations. However, the roadside setbacks for homes in Indian Spring Park Subdivision and most of the neighborhood along East Lake Mitchell Drive necessitate that driveways be placed on the county right-of-way so garage construction can start near the property line. These reasonable modifications and variance considerations make the neighborhood congruous and maintain consistency as you travel East Lake Mitchell Drive. Please note that the WCZD and the WJPC both address considering adjacent parcels on each side of the proposed building site to maintain continuity in the neighborhood. We feel this area is an example of using reasonable accommodation zoning to improve the quality and uniformity of the neighborhood. The length of our house in the drawings/plans submitted is the same or less than the adjacent homes and the width is six feet narrower than the house next door.

## ARTICLE 80: NONCONFORMITIES

### 8001. Purpose

Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued or abandoned but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.

### 8002. Regulations

- A. No nonconforming use of land shall be moved, relocated or expanded in whole or in part to any other portion of the land, or to a different parcel, not occupied by the nonconforming use on the effective date of adoption or amendment of this Ordinance, except as provided in this section and Sections [8003](#), [8004](#).

### 8003. Class A Extensions

A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered or expanded during its life; and a nonconforming parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions. Class A nonconformities are uses or structures that existed as lawful uses or structures under the Wexford County Zoning Ordinance number 5 and which have been made nonconforming by the adoption of this Ordinance. Uses or structures that existed as lawful uses or structures under the Wexford County Zoning Ordinance and uses or structures first lawfully established under this Ordinance and which later become nonconforming by an amendment to this Ordinance are also Class A nonconformities. Class A nonconformities may be extended and altered as permitted in this Section.

- A. If the nonconformity land use is a use which is not otherwise allowed in the district; then the use and the structures upon which the use is associated shall not be expanded more than fifty (50) percent in size, hours of operation or level of service, or any other extension which exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.
- B. If the nonconformity is that the parcel is too small and already has existing uses and structures; then the structures shall not be expanded more than:
1. fifty (50) percent of the ground area occupied by the structure at the time of adoption of this Ordinance, or
  2. spatially possible while such expansion shall comply with all applicable setback regulations in this Ordinance.
- whichever is less. Any expansion of the structure shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the zoning district.
- C. If the nonconformity is that the parcel is too small, and the parcel is vacant; and the parcel does not qualify for consideration under , then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, except the appeals board may grant a variance if the following conditions are found to be met:



1. It is documented by the applicant the parcel existed prior to January 1, 2016, and
  2. The parcel was not made smaller after January 1, 2016, and
  3. It is documented by the applicant that contiguous land, or enough contiguous land, can not be purchased, and
  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
  5. Other standards for issuing a variance by the Appeals Board are met.
- D. If the nonconformity is that the parcel is too small, and the parcel is vacant; then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, except the zoning administrator can issue a permit for a dwelling and its accessory buildings after documenting the nonconformity and the following standards are met:
1. It is documented by the applicant that parcel existed prior to April 8, 1993, and
  2. The parcel is 15,000 square feet or greater, and
  3. The parcel is in a subdivision, and
  4. The parcel is in the rural residential district, and
  5. Is large enough to accommodate required on-site sewage, if needed; well, with proper isolation; as determined by the District Health Department.
- E. If the nonconformity is that the structure is too small; then the use shall not be expanded more than fifty (50) percent in hours of operation or level of service, or other similar extension than what exists at the time of adoption of this Ordinance. Nothing here is intended to prevent any amount of addition to the size of the structure, if:
1. The size of the structure is the only nonconformity,
  2. The addition results in the structure being in full compliance, or as a second choice, closer to compliance, and
  3. No structure shall be replaced or reconstructed unless it results in being in full compliance except as provided in section of this Ordinance.

#### 8004. Class B Extensions

A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered or expanded during its life; and a nonconforming parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions. A Class B nonconformity is a use or structure that existed as a lawful nonconforming use or structure under the Wexford County Zoning Ordinance number 5 on December 31, 2106 and which has not been made conforming by the adoption or amendment to this Ordinance. Class B nonconformities may be extended and altered as permitted in this Section.

- A. If the nonconformity land use is a use which is not otherwise allowed in the district; then the use and the structures upon which the use is associated shall not be expanded in size, hours of operation or level of service, or any other extension which exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.
- B. If the nonconformity is that the parcel is too small and already has existing uses and structures; then the structures shall not be expanded other than what is necessary to comply with other applicable state or federal laws. Any expansion of the structure shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the zoning district.
- C. If the nonconformity is that the parcel is too small, and the parcel is vacant; and the parcel does not qualify for consideration under , then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, except the appeals board may grant a variance if the following conditions are found to be met:
  1. It is documented by the applicant the parcel existed prior to January 1, 2016, and
  2. The parcel was not made smaller after January 1, 2016, and



**ARTICLE 46: R-2 RESIDENTIAL DISTRICT (map color ■)****4601. Purpose**

It is the intent of this district to provide for medium, or smaller, parcel neighborhoods with public water or sewer or cluster on-site sewage systems in certain parts of the County, to promote a compatible arrangement of land uses for homes, to keep neighborhoods relatively quiet and free from detrimental uses and to implement the Master Plan. It is also the intent to extend the boundary of this district concurrent with the extension of public sewer, or approval of cluster on-site sewage systems.

**4602. Permitted uses**

Only the following uses shall be permitted, by permit, as specified in Section [8401](#) *et seq.* of this Ordinance:

- A. dwelling and duplex.
  - 1. Agriculture-Like in areas of this district where right to farm act and GAAMPs do provide for local jurisdiction for crops, community garden, market garden, bees, poultry (chickens), small farm animal (rabbit), aquiculture, farm market.
  - 2. State licensed residential facility for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care pursuant to M.C.L. 125.216a.
  - 3. On lake front lots, one boat dock for private use.
- B. Accessory Buildings and uses to the above, including Wind energy system and other energy systems for generation of power predominantly for use on the parcel where located.

**4603. Special uses**

Only the following uses shall be permitted, by Special use Permit, as specified in Section [8601](#) *et seq.* of this Ordinance:

- A. parks
- B. apartment buildings
- C. Agriculture-Like in areas of this district where right to farm act and GAAMPs do provide for local jurisdiction for crops, community garden, market garden, bees, poultry (chickens), small farm animal (rabbit), aquiculture, farm market.
- D. Cottage Industry for short term rental of dwelling(s).
- E. Mobile home park [45393]
- F. Elementary & secondary schools [6111]
- G. Child Day Care Services [6244]
- H. Marinas [713930]
- I. Religious organizations [8131].
- J. Fire Protection [92216]
- K. Planned Unit Development
- L. Accessory Buildings and uses to the above, including Wind energy system and other energy systems for generation of power predominantly for use on the parcel where located.

**4604. Regulations and Standards**

The following regulations shall apply to all Permitted uses and Special uses in this District:

- A. Minimum parcel area - No Building, structure or use shall be established on any parcel less than seven thousand (7,000) square feet, and an apartment building shall not be established on any parcel less than five

*unique situation*

- thousand (5,000) square feet per each housing unit on the ground floor, or a total of seven thousand (7,000) square feet, which ever is greater. Minimum parcel areas, here, do not apply as provided for as part of an open space development or a planned unit development.
- B. Buildable Area - Each parcel shall have a minimum of 7,500 square foot Buildable Area per principal unit or five thousand (5,000) square feet per each housing unit on the ground floor, whichever is greater.
- C. Minimum parcel Width - parcel width shall be no less than seventy five (75) feet and it shall front on a road.
- D. Minimum setback Requirements:
1. The following requirements shall apply to every parcel, Building, structure or use:
    - a. Front yard -
      - (1) The minimum front setback shall not be less than forty (20) feet from the front property line, or fifty three (53) feet from the centerline of the road, whichever is greater.
      - (2) If the parcel is nonconforming, the front yard setback shall be the average setback of the existing dwellings on adjacent parcels on each side, or twenty (25) feet, whichever is greater.
    - b. Side yards - The minimum setback of either side yard shall not be less than fifteen (15) feet. If a nonconforming parcel width is:
      - (1) 85 to 100 feet wide the setback shall be 15 feet,
      - (2) 65 to 84 feet wide the setback shall be 12 feet,
      - (3) 50 to 64 feet wide the setback shall be 10 feet;
    - c. NOTE \* Rear yard - LESS THAN 50' EXCLUDED FROM NEW ZONING ORDINANCE
      - (1) The minimum rear setback shall not be less than twenty five (25) feet.
      - (2) If the parcel is nonconforming due to its size, the rear yard setback shall be the average setback of the existing dwellings on adjacent parcels on each side, or fifteen (15) feet, whichever is greater.
    - d. Waterfront yard: See Section 1011 of this Ordinance.
    - e. wetland setback: The minimum wetland setback shall not be less than fifty (50) feet or as required by Section 1011 of this Ordinance, whichever is greater.
  2. When a proposed non-residential or non-park use is contiguous to any dwelling, the Commission shall require one of the following buffers in addition to the setbacks along the contiguous boundary of the parcel on which the dwelling is located:
    - a. a buffer area (setback), or
    - b. a berm, or
    - c. a solid wall.
- E. Buildings and parcel Coverage:
1. No dwellings and principal Buildings shall be constructed in this District which contain less than - eight hundred (800) square feet of Building Area, and is not less than twenty (20) feet on all building faces.
  2. No Accessory Building shall be constructed in this District which contains more than one thousand (1,000) square feet or the size of the principal dwelling, which ever is greater. An Accessory Building shall not be more than seventeen (17) feet from average grade to the side eave. An Accessory Building shall be built at the same time, or after, the principal structure.
  3. A parcel shall not be more than thirty three (33) percent covered by impervious surface, structures, and Buildings.

#### 4605. Land Division Options.

New parcels may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et seq.*) and as provided in Section 1204.A of this Ordinance.

[MODELZONE40S.ANY]



The Commission may take direct enforcement action only after a finding that cooperation by the Administrator with other agencies has not been successful.

### 1011. Water Protection

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply:

- A. No structure shall be built, located or constructed closer to the water's edge than fifty (50) feet for buildings, or one hundred (100) feet for nutrient sources (such as but not limited to drain fields, highly fertilized areas, manure storage), measured on a horizontal plane to the water's edge. In the event the water's edge recedes (moves landward), the setback line shall also be construed as to have moved landward a distance equal to the water's edge recession. In cases where parcels are smaller than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in a particular district result in a building envelope less than 25 by 40 feet the Appeals Board shall grant a further reduction of side yard setback and/or a front yard setback prior to reducing the required water front setback. This setback shall not apply to a dock, bridge, or stairs and path to the shore.
- B. Within ten (10) feet of the water's edge (or landward beach/vegetation line) a vegetation belt shall be maintained by not removing trees with a trunk diameter of three inches at breast height, or greater, unless dead or chronically diseased. Trees and other woody plant material of a smaller diameter at breast height (4½ feet), shall not be removed, except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain this vegetation belt in a healthy state.
- C. No building or structure shall be built, located or constructed within a 100 year flood plain of any water bodies in any land use district as may be determined by the DNR or DEQ. This shall not apply to a dock, bridge, or stairs and path to the shore.

### 1012. Hazardous Substance Groundwater Protection.

- A. All businesses and facilities which use or generate hazardous substances (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor, (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):
1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
  2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
- shall comply with the groundwater protection requirements in this Section.
- B. Groundwater Protection requirements:
1. Groundwater Protection, generally:
    - a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.
    - b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
    - c. General purpose floor drains and storm drains shall be:
      - (1) connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
      - (2) authorized through a state groundwater discharge permit, or
      - (3) connected to a public sewer system.
    - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting



Planted/landscaped area				Vegetation Quantity (including existing) per 100 feet of width (except for driveways)			
Type (column 1)	Plant multipliers		Depth in feet (column 4)	Number of Canopy Trees (column 5)	Number of Flowering Trees or large shrubs (column 6)	Number of shrubs (column 7)	Number of Evergreens and conifers (column 8)
	Six foot wall (column 2)	Three foot berm (column 3)					
			40	3	5	38	3
			45	5	6	30	4
			50	5	6	30	4
All other yards.	0.50	0.75	10	1	1	4	
			15	1	1	3	
			20	1	1	3	
			25	1	1	3	

- E. All Buildings, Fences, walls, and gates, shall meet the following standards:
1. New Building exterior shall be masonry, brick, stone or similar material which matches the area's decor of office Buildings. No Building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same Building. Nothing in this Section shall prevent using different Building exteriors which would be acceptable as representative of good architectural design and does not involve use of inferior materials on sides which face adjoining property and, may adversely impact existing or future development. Plain (without any architectural features), pole-type, vinyl, or metal sided Buildings shall not be acceptable architectural facade design.
  2. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the Building.
  3. For all commercial establishments, servicing or processing shall be conducted within completely enclosed Buildings, except for off-road parking, loading, unloading, and open air uses which are specifically approved by the Commission.
  4. Building size and design shall complement the dominant shape and form of surrounding structures.
  5. All Accessory Buildings shall be designed and constructed to the same standards as in this Section of this Ordinance. All Buildings shall be less than two thousand (2,000) square feet in size or attached to the original structure.

## 107. Structure Regulations

### 1070. Height

No building or structure or part thereof shall be erected or altered to a height exceeding 35 feet, except

- A. That non-dwelling buildings or structures other than accessory buildings or structures, may be erected or altered to a height not exceeding 50 feet. (For height for accessory buildings or structures, see [1072.](#))
- B. Appendages to structures which are ornamental in purpose, such as church steeples, belfries, cupolas, domes, towers and flag poles so long as such appendages to structures do not exceed 20 percent of the roof area.

### 3.9: NON-CONFORMING USES (See Definition)

on approval of the Zoning Administrator, who shall determine the minimum yard and setback requirements for such use.

#### Non Conforming Lots of Record

Front and back yard setback requirements shall be determined by the average setback of the nearest structure on either side of the substandard lot in case of no nearby structures, to the setback requirements for that district. In no event shall the front yard setback be less than twenty-five (25) feet and the rear yard setback be less than fifteen (15) feet unless authorized by the Zoning Board of Appeals pursuant to Article 13 of this Ordinance. Side yard setbacks shall be not less than eight (8) feet except that a garage may be erected five (5) feet from either side yard lot line on lots fifty (50) feet or less in width.

#### Supplementary Side Yard Requirements for Non-Conforming Lots

85' to 100'	_____	15 feet
65' to 84'	_____	12 feet
50' to 64'	_____	10 feet
Under 50'	_____	8 feet

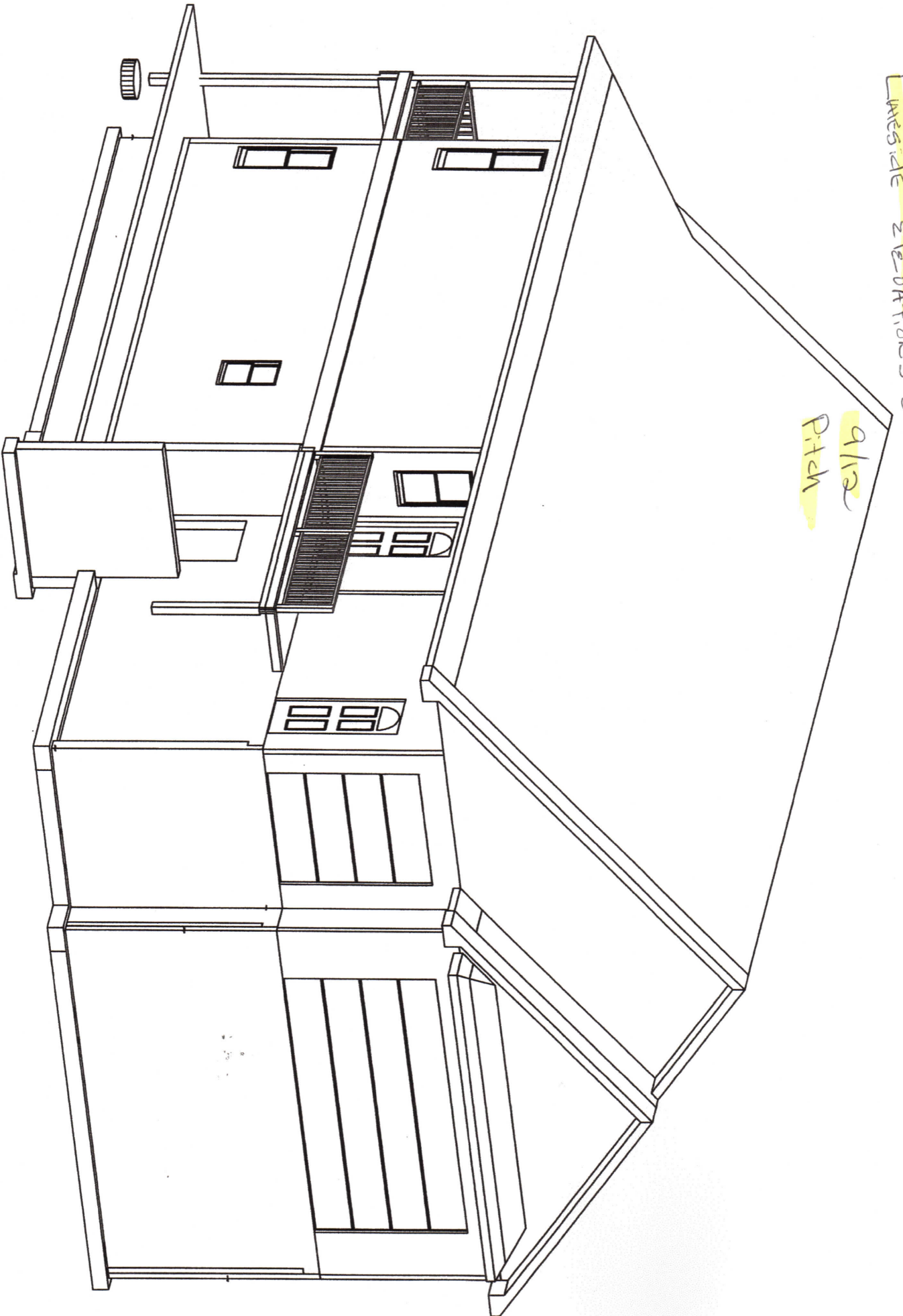
#### Waterfront Non-Conformance

In the event a dwelling or other main building is erected on a lot located on a public road, or on a lot abutting the shoreline of a water body on which a building having a lesser setback than required by this Ordinance has been erected on a lot adjacent thereto prior to the effective date of this Ordinance then the setback of such building shall not be less than the average setback of the buildings on both adjacent lots and, if only one lot, then the setback of such building. Refer also to Sections 3.3, 3.7



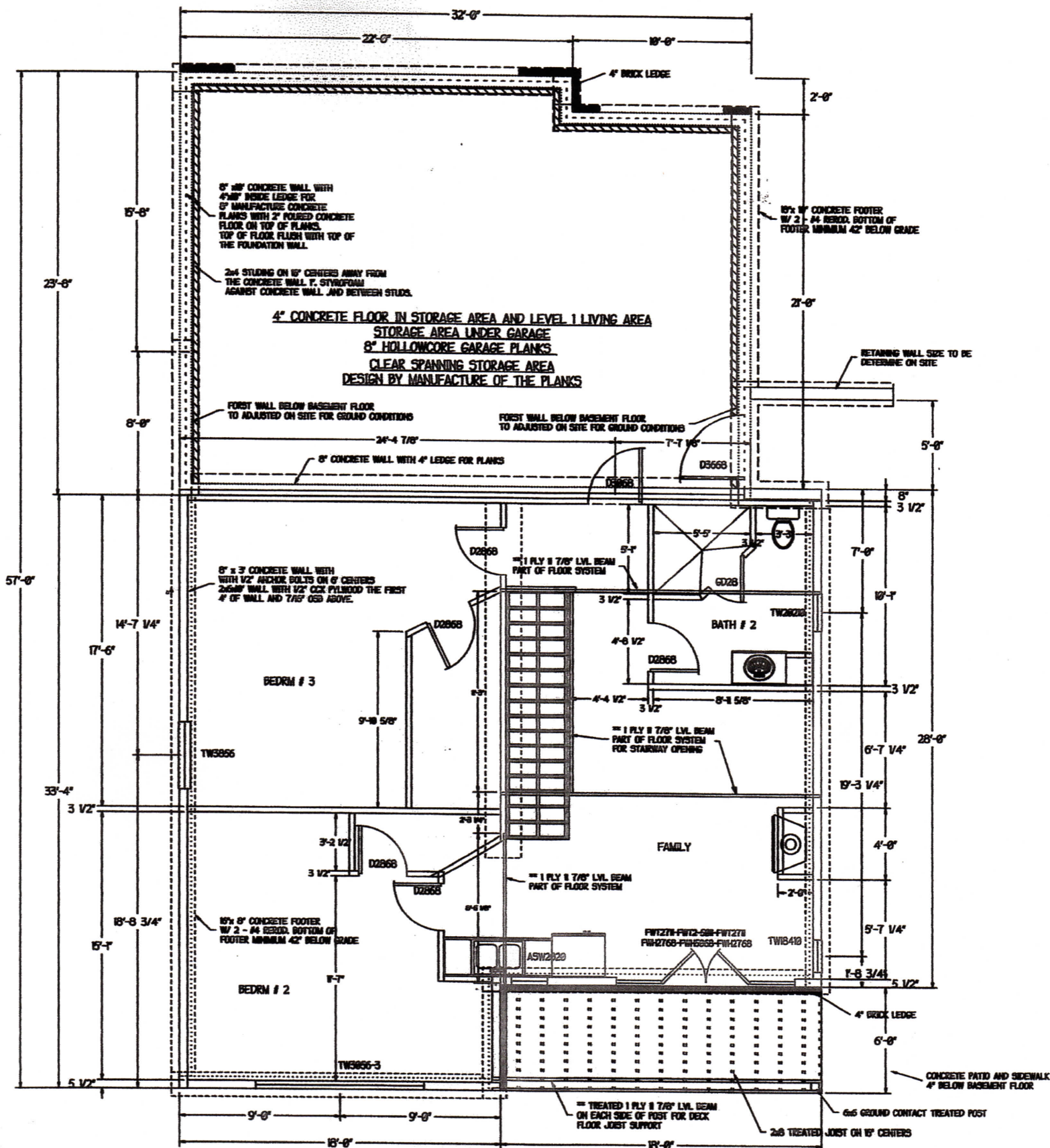
blueprints still being prepared by De Witt Lumber prints and design center  
Roadside elevation 23'11"  
Laneside elevations 34'7"

9/12  
Pitch









BASEMENT PLAN



## Tax ID 2210-IS-14

[Close This Window](#) | [Permalink](#) | [Find Location on Map](#) | [300 Foot Radial Search](#)

## Selma Twp., Wexford County

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

**Assessment Roll Owner Name(s):** PANKHURST, SAMUEL F & MARCIA L  
**Assessment Roll Owner Address:** 6755 HEMLOCK CT  
LAKEVIEW MI 48850  
**Assessment Roll Parcel Address:** 2379 E LAKE MITCHELL DR  
CADILLAC MI 49601

## Property Information

**Jurisdiction:** Selma Twp.  
**Property Class:** 401 Residential Improved  
**School District:** 83010 Cadillac  
**Assessed Value for 2016:** \$60,300  
**Year SEV for 2016:** \$60,300  
**Taxable Value for 2016:** \$60,300  
**Homestead % for 2016:** 0%  
**Assessed Value for 2015:** \$60,300  
**Taxable Value for 2015:** \$60,300  
**Property Square Feet:** 4999.98030748 Sq Ft  
**Property Acreage:** 0.11478421275 Acres

## Assessment Roll Description

LOT 14 INDIAN SPRINGS PARK SEL. SEC. 25 T22N R10W -CAPS-

**\* Please contact Wexford County Register of Deeds for official legal description.**Powered by Community Center™ software from the [Land Information Access Association](#)

04/05/17 Rec'd \$7000 ch # 7356  
Pardon Application  
Lit # 975214



Wexford Joint Planning Commission  
Zoning Board of Appeals  
4830 E. M-55  
Cadillac, Mi 49601

May 1, 2017

Dear Members of the ZBA,

In August 2014 we purchased lake lot #14, Indian Springs Park, at 2379 E. Lake Mitchell Dr. Cadillac, Mi. There is a 90 year old small cabin on the property which is in a state of disrepair. The scenic view of the lake and nice neighborhood of moderately sized homes met our goal for downsizing.

Before closing on the property we had the land surveyed and went to the Wexford County Zoning Administrator/Building Inspector for information. We were informed of regulations, restrictions and general data concerning building a house in Indian Springs Park, Selma Township. Also, we were provided photo copies pertinent to nonconforming lots of record, waterfront nonconformance, and front/rear/side yard setbacks. We visited the zoning/building department during the summers of 2015 and 2016 for site specific information so we could prepare our house design and blueprints.

On 4/6/17 we submitted our application for land use permit to Robert (Bob) Hall, Planning and Zoning Administrator for WJPC. Our application was denied via determination issued 4/20/17 for not meeting the front (road) setbacks. In accordance with article 96 (Appeals Board) of the WJPO we are requesting further consideration of our application.

Article 96 of the WJZO provides us with an opportunity to advise the ZBA of special circumstances and conditions that exist with our property. Section 9608, F (2) a (1) cites variances may be granted when unique circumstances or physical conditions of subject property involve:

- (1) Narrowness - Lakeside lot width is 49.94 ft.; roadside lot width is 50.03 ft. with a lot average of 49.985 ft.
- (2) Shallowness - Some lots in Indian Spring Park exceed 120 ft while our average lot depth is 100.175 ft.
- (3) Proximity to water - The 15 ft wide Minnehara Park easement borders our lakeside lot survey stakes.
- (4) Topography - Approximately 20 ft from E. Lake Mitchell Dr. the property has a steep decline (please see photos #1 & #2).

Also, section 9608, F (2) a (2-5) states the need for the requested variance:

- (1) Was not self-created - We contacted the Wexford County Zoning Administrator and Building Inspector on numerous occasions to make certain we complied with all zoning and building regulations.
- (2) Strict compliance with setback requirements will unreasonably prevent the property owner from using the property for a permitted purpose and/or will become unnecessarily burdensome.

- (3) Variance is necessary to do justice for property owner as well as other property owners in the district.
- (4) Variance will not cause an adverse impact on surrounding property, property values, use or enjoyment of property in the neighborhood. Rather, removing the existing structure and building a new, moderately sized home will enhance the neighborhood.

The tight road/lake configuration necessitates that driveways be placed on the county right-of-way, while utilizing front yard set back reductions, allowing garage construction to start at the property line. These modifications and variance considerations make the neighborhood congruous and set a precedent, while maintaining the waters edge set back of 50 ft. Please note that the Wexford County Zoning Ordinance and Wexford Joint Planning Commission Ordinance both address considering adjacent parcels on each side of the proposed building site to maintain continuity in the neighborhood. The seven homes in a row, closest to our property, all start at the county right-of-way/front yard lot line (please see photos #3 & #4). The length and width of our proposed house is very similar to the existing adjacent homes.

Lastly, we are requesting that the Zoning Administrator and/or ZBA consider a south side setback of 8 ft. The WJZO of 2017 fails to address side yard setbacks for lots averaging less than 50 ft. The WCZO of 2/15/95 allowed 8 ft. setbacks for non-conforming lots less than 50 ft. (please see attachment). Some of the lots in Indian Springs Park which were platted and subdivided decades ago, in accordance with local and state regulations, have become non-conforming over time.

Our house design and blueprints were prepared utilizing front and side yard setbacks to maximize space and make our home senior friendly and barrier free. The additional two feet side yard setback would allow for:

- (1) A main floor laundry.
- (2) Doors and hallways that would accommodate a walker or wheelchair.
- (3) A wider stairwell that would accommodate a chair lift.
- (4) A soaking tub in the master bath.

Our goal is to build a home in Indian Spring Park that is consistent in size and with corner boundaries similar to the adjacent and surrounding homes in the neighborhood. We believe that removing the existing structure and building a new, moderately sized home will add to the aesthetics and character of the neighborhood. In conclusion, the size of lot #14 has not changed since it was platted and we feel we have a unique site specific situation that warrants further consideration.

Thank you for your time and consideration concerning the aforementioned setbacks. If you need additional information or have any questions, please contact us.

Sam & Marcia Pankhurst





#1



#2





#3



#4



### 3.9: NON-CONFORMING USES (See Definition)

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