

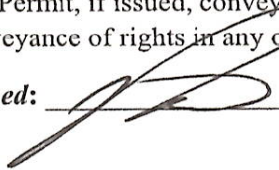
APPLICATION FOR ZONING BOARD OF APPEALS [page 2 of 2]

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: _____



Date: _____

11-26-2022

EMAIL: pfunkeemjd@1.com

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

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

RE: Zoning Board of Appeals Consideration
221 Sunset Point
Cadillac, MI 49601

November 29, 2022

ZBA Commissioners,

Patrick and Corinne Funke, owners of parcel #2110-10-116 at 221 Sunset Point, Cadillac, MI 49601 request consideration to improve our home and property. We have owned the subject property for almost 15 years, purchased January 2008. We have utilized the home and property as our secondary residence or "vacation cottage" since we purchased. Our two sons, Graham (20) and Brooks (17), were 5 and 2 years old when we purchased the property and we were able to create many memories for our boys, visiting our cottage every opportunity we could, 12 months a year including extended holiday and summer stays. We have generated many lifelong friendships in the neighborhood and community. Our goal is to make Cadillac our permanent residence, hopefully sooner than later.

Our architect, Mark J McBride, McBride STUDIO, has provided ideas and plans to expand our current home footprint from its current 865 s.f. to approximately 2,100 s.f. This 1,200 s.f. living space addition would including a large kitchen, larger family room, master suite, office, and new rear entry and bathroom. We would also like to expand the existing garage to store our pontoon boat and eliminate outdoor storage.

We intend to preserve the original structure and expand north (master suite), west (family room), south (kitchen/office/bath/rear entry), and east (garage).

Therefore, we are requesting a variance at North Side Yard and Rear Yard. For additional information refer to attached Proposed Site Plan.

CURRENT STRUCTURE

When the current home was built in 1989, the previous owner constructed the home all the way to the rear of the 0.55-acre property which is narrower than the front of the property. The placement of the home creates a large open space front yard which we would like to preserve with the proposed additions. There are numerous mature trees, and it is important for both of us to preserve a majority of these trees to maintain the character of the community, neighborhood, and "up-north" feeling of the property. Preservation of native trees is also especially important to me as a landscape architect and steward of the land. We intend to supplement additional trees and a balanced landscape design to knit the additions into the existing property.

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PROPERTY DESCRIPTION

The rear of the property where our home sits is the highest portion of the property in elevation with everything draining to the large open space front yard and eventually to Lake Mitchell across Sunset Point Rd. The large open space creates a natural retention and detention for all storm water before it enters the Lake Mitchell watershed. We have experienced many storm events in the 15 years we have owned the property and all storm water has been contained on our property without migrating into directly into Lake Mitchell. We are fortunate the existing soils are sandy and the water dissipates reasonably quickly. This front open space is very important to preserve for storm water management and esthetically for the neighborhood.

The property also has a unique easement along the south property line that we share with our neighbors, Tom and Sally Ederer at 225 Sunset Point. The 33'-0" wide easement was created many years before the current home was constructed for utilities and access. We share a single driveway with Tom and Sally, which we together did a significant improvement in 2015 with new paving (asphalt and brick paver accents) and landscape. The easement does limit buildable space on the property to the southside of the existing home.

REQUESTED VARINANCES

In order to preserve the front open space, easement to the south, and save existing mature trees we are respectively requesting two small encroachments:

- 1.) Side Yard Encroachment: 99 s.f. proposed, 5" on northwest corner and 5'-10" in northeast corner of the proposed 30' long master suite addition. We are proposing to maintain 9'-2" setback for the proposed addition in the required 15'-0" side yard setback.
 - a. There is an existing structure encroachment on our north property line. The pole barn at 151 Sunset Point, owned by Brian and Melissa Nyland, encroaches onto our property approximately 8" over 5 lineal feet. This encroachment occurred before we purchased the property and have no objection to it.
- 2.) Rear Yard Encroachment: 423 s.f. proposed for the garage addition. The existing garage does have an existing encroachment of 61 s.f. where the northeast corner extends into the rear yard setback approximately 3'-0" This was an existing encroachment when we purchased the home. We are proposing to maintain an 8'-10" wide setback (northeast corner) and a 10'-4" wide setback (southeast corner) within the required 25'-0" rear yard setback.
 - a. Currently this area is a gravel pad with a seasonal canopy structure to store our pontoon boat. Constructing the garage addition would conceal the boat and eliminate outdoor storage and seasonal canopy.

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CONCLUSION

The existing neighborhood and community character is particularly important to us to maintain. We have discussed our proposed improvements with our adjacent neighbors and have their support.

We genuinely appreciate your consideration for the proposed side yard and rear yard setback encroachments. We believe our proposed additions and improvements to our home and property will be an example of good architectural and site design, natural feature preservation, and improvement of property and neighborhood value. We are excited to create a permanent home for our family in this wonderful community.

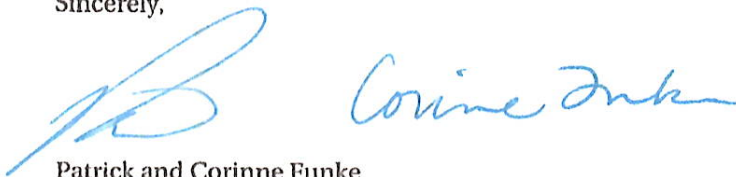
We realize a request for a ZBA Approval can be a sensitive issue in many communities and this group is no exception. However, we believe that the proposed renovations and additions are ideal for this neighborhood, local community, and surrounding citizens.

These renovations and additions will not impair an adequate supply of light and air to adjacent properties or increase the congestion in public streets near the lake. It will neither increase hazard of fire or flooding nor endanger public safety. It will not impair public health, safety, comfort, morals, or welfare of the inhabitants of the Lake Mitchell neighborhood.

It will increase property values in surrounding area. It will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick and Corinne Funke". The signature is stylized and cursive.

Patrick and Corinne Funke
221 Sunset Point
Cadillac, MI 49601

pfunke@mjdul.com 248-330-2970
corinnefunke@hotmail.com 248-207-4056



Wexford Joint Planning Commission

1/2 Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601

www.wexfordjpc.org

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

STAFF REPORT/Zoning Board of Appeals Case # ZBA-2022-05

1. Application

Owner(s):	Funke, Patrick and Corinne 221 Sunset Point Cadillac, Michigan 49601
Site Address,	221 Sunset Point, Cadillac, MI 49601
And Proposed Location	Parcel ID# 2110-10-1116 -Cherry Grove Township
Zoned:	R2
Site Plan:	Attached

2. Development Proposal

- 2.1 Property Description – PAR COM AT NE COR OF SEC; TH S 00D09M45S W 200 FT ALONG E LINE OF SEC; TH N 89D30M00S W 604.91 FT TO A PT ON E LINE OF LOT 25 OF UNRECORDED PLAT (C E STACKUS); TH S 00D09M45S W 63 FT TO SE'LY COR OF SAID LOT; TH S 00D09M45S W 189.67 FT; N 86D49M10S W 337.12 FT; TH N 88D16M22S W 105.40 FT TO E'LY R/W OF A 30 FT WIDE PUBLIC RD; TH N 01D06M18M W 143.21 FT TO POB; TH N 01D06M18S W 106.69 FT; TH S 82D26M05S E 13.52 FT; TH S 82D26M05S E 49.43 FT; TH S 73D34M00S E 45.87 FT; TH S 70D07M45S E 50.74 FT; TH S 77D17M30S E 62.28 FT; TH S 84D 28M57S E 27.17 FT; TH S 92.50 FT; TH N 80D22M12 S W 243.01 FT TO POB. AKA PARCEL A REC L02, PG 170 --.55 A M/L CG SEC 10 T21N R10W -CAPS-
- 2.2 Action Report – The Applicant attached garage is currently approximately three (3) feet into the setback from the east property line. The present house is well within the setbacks for the north, west, and south property lines. Applicant desires to add

additions to the existing house which would encroach into the north setback and further into the east setback. The Applicant is asking for a dimensional variance to build the proposed house addition into the north setback of fifteen (15) feet to nine (9) feet, two (2) inches. The Applicant is also desiring to build an addition to the two-car garage into the eastern rear setback of twenty-five (25) feet to eight (8) feet, ten (10) inches on the north end of the building to ten (10) feet, four (4) inches on the south end of the building. Both the west (front yard) and the south (side yard) will be in compliance with the zoning ordinance setbacks.

2.3 Background:

1. This property is approximately 24,026 square feet in area. Thus, it does not qualify as a non-conforming lot or building as per ZO 4604.A.
2. The property is located in the R-2 Residential Zoning District

2.4 Current Narrative:

1. The Applicant's Agent first spoke with the Zoning Administrator on the phone on November 23, 2022 with a preliminary discussion on what an addition to the current house would consist of. Shortly after that, on the same day an email string started between the ZA and the Applicant.
2. Through email communication it was ascertained that the applicant's proposal could not be administratively approved. Staff looked at several alternate ideas as to how the shape of the property and required setbacks affected where building could be redone.
3. The applicant was advised of the variance process and provided a copy of Article 96; Appeals Board, from the Wexford Joint Zoning Ordinance via email and asked to provide a brief narrative justifying the need for the requested variance.
4. Public Hearing Notification was published in the Cadillac News on: December 8, 2022; 23 days in advance of any required public hearing
5. 300 Foot Notices were sent out on December 9, 2022; 19 days in advance of any required public hearing.
6. Packets were sent out to the Zoning Board of Appeals members (and the Applicant on November 14, 2022.

3. Article 43: R-2 RESIDENTIAL DISTRICT

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

1. The minimum parcel area is: 15,000 (fifteen thousand) square feet; the subject parcel where the house is located is approximately twenty-four thousand (24,000) square feet.

2. The minimum buildable area is nine thousand four hundred (9400) square feet, which makes this parcel not a non-comforming lot. In other words, it does conform to what the ordinance states is more than enough area to build upon.
3. The minimum parcel width is: one hundred five point five (105.5) feet at the road and ninety-two point five (92.5) feet across the rear of the property.



4. Setback requirements are as follows:

Front: 4604.D.1.a	the required setback is 20'
Side: 4604.D.1.b.(1)	the required setback is 10'
Rear: 4605.D.1.c	the required setback is 25'



300' notification area from property in orange. These property owners were sent letters of notification so that they could voice their opinion on the variance as a pro or con.



Left picture: Rear property line along with cover for boat. Right picture: the north side of the parcel with the house on the right and the building on the left being a neighbor's building a couple of feet on the parcel.

4. STANDARDS FOR GRANTING A DIMENSIONAL VARIANCE

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

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

Staff Comments: This is the clearest reason for granting a variance in the zoning ordinance. The parcel involved in this appeal is wider than a normal parcel around Lake Mitchell and it is much deeper than a normal parcel.

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

Staff Comments: The current landowner has not altered the property since the adoption of the Wexford Joint Zoning Ordinance or acted to create the need for the variance. The house is where it is with the rear garage already being a few feet into the rear yard setback.

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Staff Comments: One of the primary purposes of the Zoning board of Appeals is to ensure that: "...the spirit of the Ordinance is observed, public safety secured, and substantial justice done..." this property is of such a good size to allow the applicant many variables for adding onto the house in order to expand it to a size that the applicant wishes.

4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Staff Comments: There are two variances that are asked here. The applicant has asked the ZBA to approve building into the rear yard setback with a new addition to the garage for his boat. He has also asked the ZBA to be able to build north an addition onto the house to less than ten feet from a building that is from a neighbor's encroachment onto his property. The applicant has a potential to go almost twenty (20) feet closer to the south side property line also.

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

Staff Comments: No doubt the improvements as presented will cause no adverse effects on the surrounding properties, and undoubtedly it would raise all property values.

Staff recommends: that the Zoning Board of Appeals make independent findings and conclusions that come to either approving, approving with conditions, or denying.

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



Dr. Ben Townsend
Zoning Administrator