



Wexford Joint Planning Commission

% Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601

www.wexfordjpc.org

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

STAFF REPORT ZBA BURCH

Applicant:
Burch, Brian
2961 E. Stewart Rd.
Midland, MI 49640

Property Location:
3469 W. Lake Mitchell Rd.
Cadillac, MI 49601
Parcel #2210-FW-0213

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

The Applicant originally applied for and was denied a Land Use Permit (LUP#35) for failure to meet / demonstrate setbacks in compliance with the Wexford Joint Zoning Ordinance. During deliberations with the Owner/Applicant it was determined that the only relief was to seek a variance under the provisions of the Zoning Ordinance.

The Wexford Joint Zoning Board of Appeals should first confirm that the Planning and Zoning Administrator properly interpreted the zoning ordinance and that the denial was administratively appropriate.

The captioned property fronts Lake Mitchell and is located within the R-2 Residential District. Article 46, Section 4604 outlines the various district regulations. The captioned parcel is also located in the general vicinity of similarly sized platted lots with similar circumstances.

The applicant has provided appropriate documentation of existing and proposed circumstances for review by the Zoning Board of Appeals.

Applicants are proposing to demolish existing dwelling and expand a new dwelling on the triangular property. The existing dwelling has the following setbacks: 36' from Lake Mitchell, **21' from west side property line, 1.5' from east property line**, and 103' from center of Lake Mitchell Road (bold already violates current Ordinance setbacks). The new dwelling proposes the following setbacks: **36' from Lake Mitchell, 9' from west property line, 2' from east property line**, and 85' to center of Lake Mitchell Road (Bold violates current Ordinance setbacks). (See attached certificate of survey.)

1. This parcel / lot / use may be treated as a nonconforming lot under the provisions of Article 80, Section 8003.B as a class A extension. The expansion exceeds the amount allowable under this Section.

2. The applicant is requesting a 2' (two foot) lot line set back for the side yard on the west of the property line. The provisions of Article 46 do not allow administrative discretion to the requested degree.
3. The Applicant is requesting a 6' (six foot) lot line set back for the side yard on the east of the property line. The provisions of Article 46 do not allow administrative discretion to the requested degree.
4. The Applicant is requesting a 36' (thirty-six foot) setback from the water. 1011 of the Ordinance on Water Protection, section A states in part: "No structure shall be built...closer to the water's edge than **fifty (50) feet** for buildings." "In **cases that are smaller** than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in particular district result in a building envelop **less than 25 by 40 feet** the **Appeals Board shall grant a further reduction of the side yard setback and/or a front yard setback prior to reducing the required water front setback.**"

All actions taken by the Zoning Board of Appeals shall be in accordance with the provisions of Article 96 as clearly delineated in Sections 9604 and 9608.F.2

The Planning and Zoning Administrator specifically points out the 'instuctive' material in Section 9604.B, C, D, and E.

Respectfully submitted for your review,

A handwritten signature in red ink, appearing to read "Zolt Hall", is written in a cursive style.