



# Wexford Joint Planning Commission

% Cherry Grove Township  
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## STAFF REPORT/Zoning Board of Appeals Case # ZBA-2017-05

### 1. Application

Applicant/Owner:	Blanchard, Sheryl 3245 W. Lake Mitchell Drive Cadillac, Michigan 49601
Site Address, And Proposed Location	3247 W. Lake Mitchell Drive, Cadillac Michigan 49618 Parcel ID# 2210-FW0121 – Selma Township
Zoned:	R2 [B1 and C Land Units-Lake Mitchell Overlay]
Site Plan:	Attached

### 2. Development Proposal

- 2.1 Property Description – Parcel ID# 2210-FW0121  
See Attached
- 2.2 Action Report – The Applicant is requesting dimensional variances from the Regulations and Standards listed in the Residential (R2) and the B1 and C portion of the Lake Mitchell Overlay District of the Wexford Joint Zoning Ordinance.
- 2.3 Background:
  1. This property has historically been used for the purpose of a single family dwelling – it has an existing 32' (feet) X 20' (feet) irregular shaped garage.

## 2.4 Current Narrative:

1. The applicant (Sheryl Blanchard) submitted the initial Land Use Application on May 31, 2017. The accompanying plot plan did NOT demonstrate compliance and a denial letter was sent to the applicant on June 16, 2017.
2. The applicant communicated with and visited with the Planning and Zoning Administrator to discuss the available options. The Zoning Board of Appeals application process and procedures were explained.
3. Application for a variance was made on July 19, 2017.
4. The applicant was informed that additional setback information would be required in order to deem the application complete. The applicant submitted the requested information on July 27, 2017.
5. The minimum parcel size in the R2 zoning district is 7,000 square feet. The Planning and Zoning Administrator has determined that this lot / parcel is considered nonconforming and would need to be considered under Article 80, Section 8004.B as a Class B Extension. The subject property was less than the minimum required area under the previous Wexford County Zoning Ordinance No. 5. ***A close examination of the zoning map (see below) indicates that the subject property is also incumbered by the B-1 and C Land Units as described in Article 72, (Lake Mitchell Overlay District), Section 7208.B and 7208.D. Of special interest is the impervious surface restrictions in these two Land Units; while the B-1 Land Unit allows 33% of the total site, the C Land Unit is restricted to 20% and specifically prohibits parking areas, driveways, and other on-site service areas from being surfaced with impervious materials. The Wexford County mapping system indicates that this parcel / lot is approximately 6,434.5 square feet. The existing dwelling and accessory structure (1,252 square feet) cover approximately 19.5% of the total area. The proposed accessory building expansion would increase the impervious surface coverage to approximately 24% (756 square foot dwelling plus the additional 792 square foot accessory structure equals 1548 square feet).***





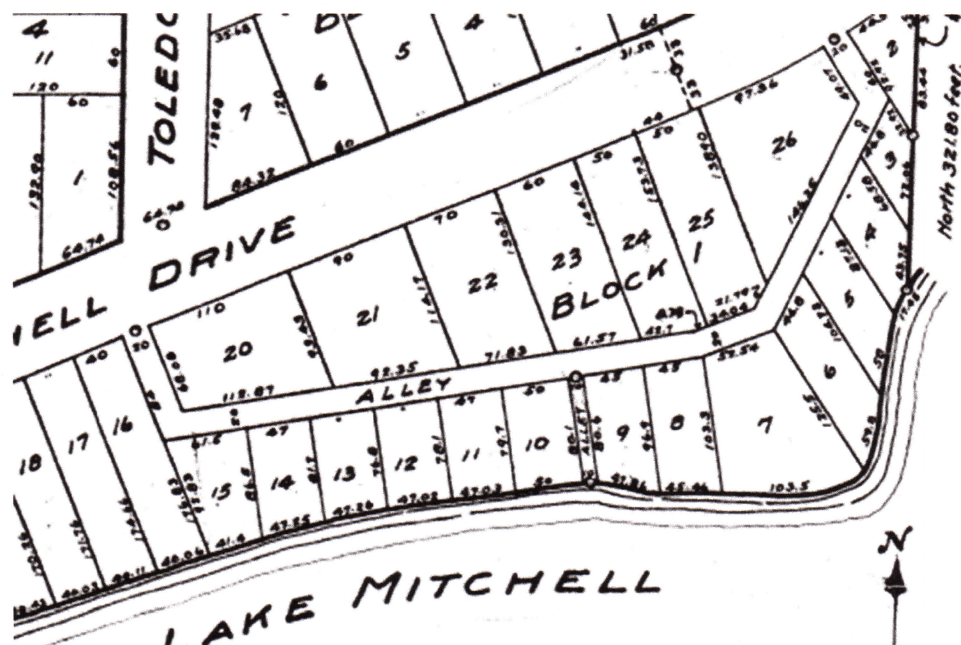
6. A Public Notice was caused to be placed in the Cadillac News on July 29, 2017 in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006.
7. On August 4, 2017, notices to all owners of real property within 300 feet were sent out in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006.

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

3.1 According to WJZO Article 9604 – The following standards shall be used by the Zoning Board of Appeals when considering a variance request.

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 some special conditions peculiar to this land as noted in Section 2.4.5 above, however, they relate to many other lands, structures, and buildings in the same district. This property only exists today as the result of dividing two previously platted lots. It is not known when the division of the adjacent lots No. 21 and 22 (as shown below) occurred to create a lot not previously platted or whether it was lawfully created without an extensive records search.*



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: The applicant currently enjoys very similar rights commonly enjoyed by other properties in the same district. The subject property has an existing 2 stall garage (albeit in poor physical condition according to the applicant).*

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

*Staff Comment and Recommendations: the term 'Applicant' refers to predecessors in title as well as the current owners / agents. It is obvious that since the original platting of the Flowing Well Park subdivision that adjacent parcels were made smaller in order to create a lot or parcel that was never intended to exist.*

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

*Staff Comments: The essential character of the area was altered when platted lots were further divided. Setting the forgoing conclusion aside, the character of the area has long been established as evidenced by the age of the subject accessory structure and dwelling. A decision granting the relief requested must be considered in light of the fact that the dwelling too is nonconforming as it does not contain the minimum 800 square feet. The Zoning Board of Appeals must establish boundaries to prevent the accessory structure from becoming the predominant structure on the property and overwhelming the principal use (dwelling), in the case of a variance request. The granting of the relief requested would not uphold the spirit and intent of the ordinance.*

*Final Staff Comment and Recommendations: Article 80, Section 8004.B suggests that the structures **shall not be expanded other than what is necessary to comply with other applicable state or federal laws**. The Zoning Administrator is not aware of any state or federal laws applicable in this case. **Recommend** that the Zoning Board of Appeals consider alternative solutions that will allow the applicant to continue to enjoy the similar property right of maintaining the current two stall garage; perhaps by allowing it to be rebuilt as a 22' by 22' (twenty-two by twenty-two feet) garage (same area as existing garage) and increasing the setback to 8' (feet) to match that of the dwelling along the 119.89' property line.*

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



Robert (Bob) Hall  
Planning and Zoning Administrator