

Wexford Joint Planning Commission

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

planningandzoning@wexfordjpc.org

www.wexfordjpc.org

231-775-1138x6

\$590.00

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

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

Property Owner: BACHA MARK Phone: (248)-797 - 8570
Owner Address: 24745 CROCKER HARRISON TWP MI 48045
Project Address: 253 W LAKE DR. CADILLAC MI 49601
Parcel ID # 2110-HP-09 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 Name
Agent / 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. SEE ATTACHED

Please describe (*in detail*) the current use(s) of the buildings, structures, and / or land as applicable: [do not leave blank]

CURRENT BUILDING IS USED AS A PART-TIME COTTAGE.
SEE ATTACHED DOCUMENT FOR ADDITIONAL DETAIL.

The project address / property is located in the LAKE MITCHELL
OVERLAY Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # ZBA-2017-08 Date Application Received: 09 / 13 / 2017
Fee: \$ 590.00 Receipt # 975317 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: _____

Mark M. Bacha

Date: _____

9/8/17

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

9/8/17

Wexford County Joint Planning Commission
Zoning Board of Appeals
c/o Cherry Grove Township
4830 E. M-55
Cadillac, MI 49601

**RE: Dimensional Variance
 253 W Lake Drive
 Cadillac, MI 49601**

Members of the Appeals Board,

Thank you for hearing our Application for a Dimensional Variance at 253 W Lake Dr. Before addressing the Practical Difficulty pertaining to our Lot...we would like to provide some background on our Property and the Proposed Expansion.

BACKGROUND

My wife and I have owned the Property since 1994. The majority of this time the Property has been used as a year round weekend cottage with numerous longer term uses for holidays and vacations. Most recently the Property has also been used full time by my wife during the Summer, as she is currently the YMCA Camp Coordinator at Camp Torenta. As we now are reaching retirement age...it is our intent to permanently move to this Property and as such...build a 3rd Bedroom in order to accommodate our children and grandchildren during their visits.

Our Property is a one-story log structure built circa 1948 (Refer to **Exhibit A**). We have spent much time researching the history of our Log Home. Our research guided us to the Granddaughter of the original Owner and Builder of our Log Home and that of the "Hidaway" Resort (Refer to **EXHIBIT B** for some original photographs). After obtaining further information regarding the "Hidaway", we had custom signs made that replicated those when this was a Resort (Refer to **EXHIBIT C**). We have long honored "Log Cabin Day" and was actually interviewed by the Cadillac News regarding our Log Home (Refer to **EXHIBIT D**).

Our Goal for this Project is to respect the scale and architecture of the existing log structure as well as respect the overall impact this Project would have to the existing neighborhood and environment. In order to minimize any potential variances, we considered a vertical addition, which was dismissed due to the structural capacity of the existing log structure (Refer to **EXHIBIT E** for confirming letter from Natural Log Cabins). In 2016 we negotiated a property transfer with the neighbor at 247 W Lake Dr. in order to facilitate this Project (Refer to **EXHIBIT F**).

EXISTING PROPERTY CONDITIONS

Property Address: 253 West Lake Drive
Parcel Number: 2110-HP-09
Lot Width: 60.34 Feet @ Street / 61.20 Feet @ Lake
Lot Depth: 120.33 Feet & 106.94 Feet
Lot Area: 6,907 SQFT
Building Area: 1,020 SQFT
Shed: 96 SQFT
Porch: 72 SQFT
Total Impervious Surface: 1,188 SQFT or 17%

ZONING DISTRICT / DIMENSIONAL REQUIREMENTS

Zoning District: Lake Mitchell Overlay District
Side Yard Setback: 15 Feet, 10 Feet for Non-Conforming Lots
Front Yard Setback: 35 Feet, 25 Feet for Non-Conforming Lots
Rear Yard setback: 25 Feet, 15 Feet for Non-Conforming Lots
Water Body Setback: 50 Feet from Ordinary High Water Mark
Impervious Surface: 33%

PROPOSED DIMENSIONAL REQUIREMENTS

Proposed Addition: 366 SQFT
Total Revised Building Area: 1,386 SQFT
Side Yard Setback: 5.50 Feet
Front Yard Setback: 21.33 Feet
Rear Yard Setback: 67.50 Feet (Measured to Rear Property Line)
Shed: 96 SQFT
Total Impervious Surface: 1,482 SQFT or 21%

REQUESTED DIMENSIONAL VARIANCE

Side Yard Variance: **4.50 Feet** (10.0 Feet REQUIRED less 5.50 Feet REQUESTED)
Front Yard Variance: **3.67 Feet** (25.0 Feet REQUIRED less 21.33 Feet REQUESTED)

PRACTICAL DIFFICULTY

9607.F.2.a (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.

- **Narrow Lot Width – 60.34 Feet** limits a reasonable building configuration
- **Irregular and Non-Orthogonal Lot Shape** – Does not provide reasonable building configuration
- **Placement of Existing Structure on Lot** – Location and non-orthogonal orientation of existing log structure does not provide a reasonable building configuration

9607.F.2.a (2): That the need for the requested variance is not the result of actions of the property Owner or previous property owners (self-created).

- **Lot was platted PRIOR to adoption of the Current Zoning Ordinance** – The “Hideaway Plat” was recorded in circa 1946, Current Zoning Ordinance was adopted 2015.
- **Log Structure built PRIOR to adoption of the Current Zoning Ordinance** – The existing log structure was built in circa 1948, Current Zoning Ordinance was adopted 2015.

9607.F.2.a (3): That the 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 the permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

- **Vertical Expansion Option** – This Option was determined unreasonable as the existing structure was not capable of withstanding the additional building loads. (Refer to EXHIBIT E).
- **Rear Yard / Lake Front Option** – This Option provides minimal relief to the Side Yard Variance yet directly further encroaches on Lake Mitchell. The Lake Mitchell Set Back was determined as **PRIORITY** as such, any further encroachment unwarranted.
- **The Proposed Addition is limited to 366 SQFT yielding a NEW Building Area of 1,386 SQFT. The NEW Building Area remains SMALLER than adjacent Properties, by way of example:**
 - 255 West Lake Drive = 1,612 SQFT including Basement
 - 247 West Lake Drive = 2,100 SQFT including Basement
 - 243 West Lake Drive = 2,496 SQFT including Basement
 - 239 West Lake Drive = 3,202 SQFT including Basement
- **The Requested 4.50 Foot Side Yard Variance is EQUAL to or LESS than recently granted variances for adjacent Properties (Refer to Drawing C-3), by way of example:**
 - 243 West Lake Drive = 5.50 Foot Side Yard Set Back...or 4.50 Variance
 - 239 West Lake Drive = 5.00 Foot Side Yard Set Back...or 5.00 Variance
- **The Requested 21.33 Foot Front Yard Setback is GREATER than adjacent Properties (Refer to Drawing C-3), by way of example:**
 - 255 West Lake Drive = 18.0 Foot Front Yard Set Back
 - 247 West Lake Drive = 15.7 Foot Front Yard Set Back
 - 243 West Lake Drive = 14.0 Foot front Yard Set Back

9607.F.2.a (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.

- **Width of the Addition is minimum necessary in order to accommodate the Intended Use** – The proposed width of the Addition is 15.50 Feet. This dimension is dictated by the thickness of the log walls, full bathroom and closet. (Refer to the Architectural Floor Plan – Sheet A-1)

- **Substantial Justice to Applicant – Opportunity to Build a 3rd Bedroom.** Design decisions regarding area, setback, frontage, and height were governed by the intent to respect the scale and architecture of the existing log structure and surrounding neighborhood (Refer to the Building Elevations – Sheet(s) A-3, A-4, A-5).
- **Substantial Justice to Other Property Owners – Setback dimension(s) still provides sufficient distance between the Subject Property and Adjacent Property in order to provide ample view of Lake Mitchell from Lake Drive.** (Refer to Drawing C-3) By way of example:
 - Distance between Subject Property and 247 W Lake Dr. = 19.88 Feet @ Rear Yard / 20.70 Feet @ Front Yard
 - Distance between 243 W Lake Dr. and 239 W Lake Dr. = 10.50 Feet
 - Distance between Properties (Per Ordinance) = 20.0 Feet (10.0 Feet + 10.0 Feet)
- **Also Refer to Responses to 9607.F.2.a (4).**

9607.F.2.a (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.

- **Property Values – Variance will INCREASE surrounding property values as the Proposed New Building Area of the Subject Property will be more consistent with adjacent properties.**
- **Enjoyment of Property – Variance will provide ample distance between the Subject Property and 247 W Lake Dr., therefore providing surrounding property owners the enjoyment of viewing Lake Mitchell.**

CONCLUSION

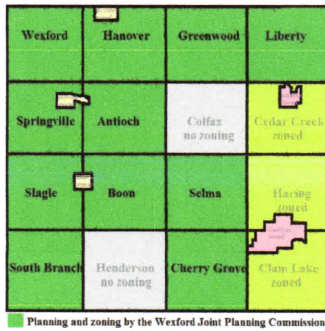
We hope this document provides the Zoning Board of Appeals sufficient information in order to determine if the requested Dimensional Variance observes the Spirit of the Ordinance, Safety of the Public, and that Substantial Justice has been Served. If there are any questions we will be happy to respond at the Public Hearing.

Best Regards...


Mark & Karen Bacha

Mark & Karen Bacha
24745 Crocker Blvd.
Harrison Township, MI 48045

(248) 797-8570
mark.bacha@bartonmalow.com



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October 4, 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.

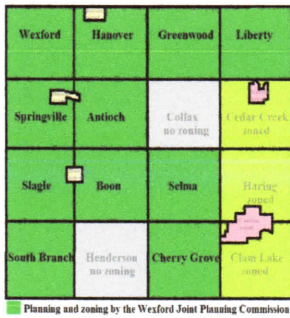
PUBLIC NOTICE

The Wexford Joint Zoning Board of Appeals has received an application requesting that dimensional variances be issued for Parcel 2110-HP-09, also known as: 253 West Lake Drive, Cadillac, Michigan 49601. A public hearing will be conducted during the regularly scheduled meeting of the Wexford Joint Zoning Board of Appeals on October 25, 2017, 6:00 pm being held at: Wexford County Road Commission, 85 W. Hwy M-115, Boon, Michigan 49618. Written comments may be addressed to and application documents may be viewed at: WJPC c/o Cherry Grove Twp., 4830 E. M-55, Cadillac, Michigan 49601 on Wednesdays between 8 am and 5 pm.

Robert Hall

Robert (Bob) Hall

Planning and Zoning Administrator



Wexford Joint Planning Commission

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

www.wexfordjpc.org

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STAFF REPORT/Zoning Board of Appeals Case # ZBA-2017-08

1. Application

Applicant / Owners: Bacha, Mark and Karen
24745 Crocker
Harrison Township, Michigan 48045

Site Address,
And Proposed Location 253 West lake Drive, Cadillac, Michigan 49601
Parcel ID# 2110-HP-09

Zoned: R2 [land Unit B-2]

Site Plan: Attached

2. Development Proposal

2.1 Property Description – Parcel ID# 2110-HB-09
PART OF LOT 9 DESC AS COM AT NE COR OF SD LOT; N70°35'10"W 4 FT TO POB;
S12°59'35"W 106.94 FT; N83°06'59"W 61.20 FT; N13°24'58"E 120.33 FT;
S70°35'10"E 60.34 FT TO POB. THE HIDEAWAY PLAT CG. SEC. 3 T21N R10W

2.2 **Action Report** – The Applicant is requesting a dimensional variance from the east (Side Yard) setback of 10' (feet) as required in the R2 Residential District of the Wexford Joint Zoning Ordinance for a lot with a width of at least 50' (feet) and not more than 64' (feet).

2.3 Background:

1. This property (most recently) has been used for the purpose of a single family dwelling meeting and exceeding the minimum square footage requirement of 800 square feet

2.4 Current Narrative:

1. The applicant (Mark Bacha) communicated with the Planning and Zoning Administrator at various times inquiring as to the specifications listed in the zoning ordinance pertaining to the subject property. The applicant personally visited the office with proposed plans for the remodel / addition to the subject property. After a careful review of the proposal and the zoning ordinance standards, the applicant was advised that a denial of any Land Use Permit application would be imminent based upon the proposed plan and was advised of alternatives in an attempt to more fully comply. The applicant was also informed of the variance process and was advised to review the relevant portions of the Wexford Joint Zoning Ordinance prior to making application. The Planning and Zoning Administrator accepted the variance request application in lieu of a Land Use Permit application based upon prior discussions with the applicant and at the applicants' request.
2. Application was made for a variance on September 13, 2017 and fee was paid. The applicant submitted the ZBA Application and a completed Site Plan.
4. They were added to the October 25, 2017 ZBA Agenda.
5. On or before October 11, 2017, notices to all residences within 300 feet were sent out in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 and a public notice was caused to be published in the Cadillac Evening News.

4. Standards for granting a variance with Staff Comments and Recommendations

4.1 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: The parcel (as it currently exists) is approximately 60' X 110'. It is ,6884 square feet, according to the Wexford County mapping system (a difference of 23 square feet based upon calculations of the applicant). Article 46, Section 4604.D.1.b(3) permits a side yard setback of not less than 10' (feet). The Planning and Zoning Administrator brings to the attention to the Zoning Board of Appeals that lot 9 of the Hideaway Plat shows a width of 104' (feet along the road and 118' (feet) along the water's edge in the 1964 plat that amended the 'original' 1919 plat of Boulevard Beach Subdivision No. 7. [see staff presentation exhibits] The Planning and Zoning Administrator has not had an opportunity to research the entire history to document exactly how the 'original-amended' Lot 9 with a 109' (feet) width has been diminished to approximately 60' (feet).

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: This parcel has a single-story dwelling which currently meets the minimum square footage requirements. The structure currently encroaches into the south (front yard) and west (side yard) setback areas.

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

Staff Comment and Recommendations: (Applicant includes all predecessors in title) A plat search seems to indicate that this subdivision was 'originally' platted as Boulevard Beach Subdivision No. 7 in 1919. In 1964 the plat was amended and renamed 'The Hideaway' in 1964. Although this particular applicant has not taken any action, it is very apparent that predecessors in title have slowly given away bits and pieces of the 'amended' Lot #9 and as a result have reversed the apparent intentions of the 1964 amended plat to make larger lots available for development.

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

Staff Comment and Recommendations: The dwelling has obviously been on this lot for a number of years. The variance being requested is a relaxation of the east (side yard) setback from 10' (feet) to 5-1/2' (feet) at the point closest to the street. The character of the neighborhood is currently being established based upon the enforcement of the zoning ordinance provisions.

*Final Staff Comment and Recommendations: **Recommend** that the Zoning Board of Appeals DENY the variance(s) requested as alternative design plans are available to be used which would not further encroach upon zoning ordinance setbacks.*

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



Robert (Bob) Hall
Planning and Zoning Administrator