

Tax ID 2110-15-2402

Cherry Grove Twp., Wexford County

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

Assessment Roll Owner Name(s): WELLIVER, RODNEY L LE

Assessment Roll Owner Address: 3478 E M-55 HWY
CADILLAC MI 49601

Assessment Roll Parcel Address: 3478 E M-55 HWY
CADILLAC MI 49601

Property Information

Jurisdiction: Cherry Grove Twp.

Property Class: 401 Residential Improved

School District: 83010 Cadillac

Assessed Value for 2018: \$106,500

Year SEV for 2018: \$106,500

Taxable Value for 2018: \$81,167

Homestead % for 2018: 0%

Assessed Value for 2017: \$100,300

Taxable Value for 2017: \$79,498

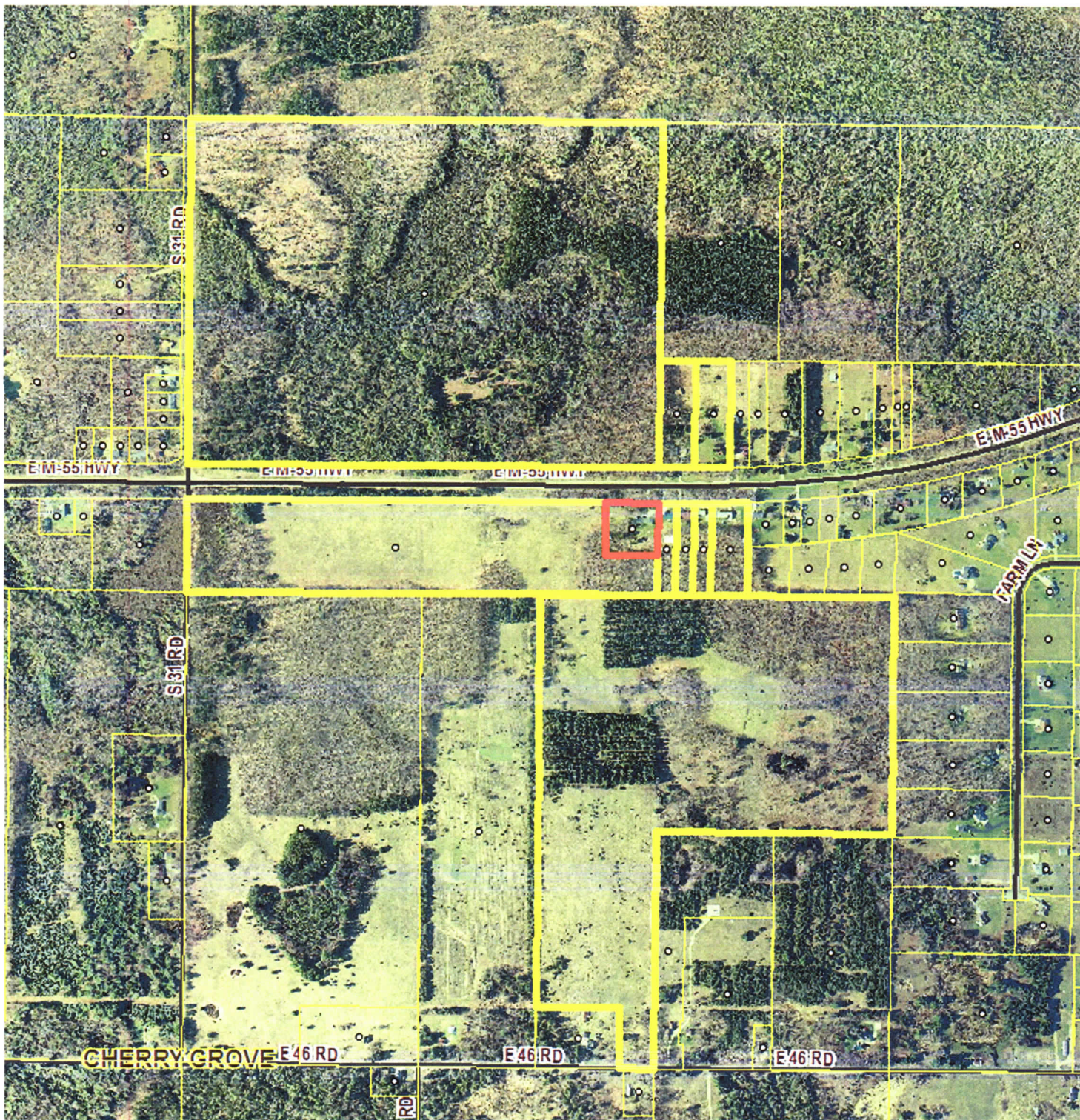
Property Square Feet: 87142.48083 Sq Ft

Property Acreage: 2.00052 Acres

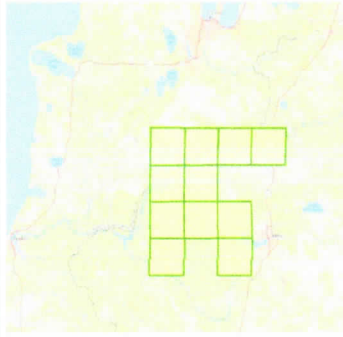
Assessment Roll Description

E 295.2 FT OF N 295.2 FT OF THAT PART OF NW 1/4 LYING S OF HWY M-55 2 A. M/L CG. SEC. 15
T21N R10W -CAPS-

* Please contact Wexford County Register of Deeds for official legal description.



TA NAME1	NAME2	PARC_ADD1	PARC_CTY	PAR	PARC_	OWNER_ADD	OWNER_CT	OWN	OWNER_ZIP
21 WHITTINGTON, KELLEY S TRUST		3523 E M-55 HWY	CADILLAC	MI	49601	3523 E M-55 HWY	CADILLAC	MI	49601
21 STRZYNSKI, ELEANOR		3567 E M-55 HWY	CADILLAC	MI	49601	3567 E M-55 HWY	CADILLAC	MI	49601
21 GALLOWAY INVESTMENTS II LLC						8902 S 33 RD	CADILLAC	MI	49601
21 U.S.A.						WASHINGTON,	D.C.	FA	
21 WELLIVER, RODNEY L LE		3478 E M-55 HWY	CADILLAC	MI	49601	3478 E M-55 HWY	CADILLAC	MI	49601
21 U.S.A.						WASHINGTON,	D.C.	FA	
21 KELLER, RAYMOND M.	& LORALYN	3510 E M-55 HWY	CADILLAC	MI	49601	2345 S GREEN RD	LAKE CITY	MI	49651
21 GALLOWAY INVESTMENTS II, LLC		3528 E M-55 HWY	CADILLAC	MI	49601	8902 S 33 RD	CADILLAC	MI	49601
21 TAYLOR, SPENCER J		3562 E M-55 HWY	CADILLAC	MI	49601	12203 N WHITEHOUSE ST	SPOKANE	WA	99218-2571
21 LUNDOQUIST, BENJAMIN B		3576 E M-55 HWY	CADILLAC	MI	49601	3576 E M-55 HWY	CADILLAC	MI	49601



Wexford Joint Planning Commission

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

www.wexfordjpc.org

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

May 8, 2019

Dear property owner and / or current resident -

You are being notified in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) that a request has been received requiring a public hearing to be conducted that involves real property located within 300 (three hundred) feet of yours according to the Wexford County public records. No action is required on your part. All Wexford Joint Zoning Board of Appeals meetings are open to the public.

PUBLIC NOTICE

The Wexford Joint Zoning Board of Appeals has received an application requesting a variance from the terms and conditions of Article 37, Section 3704.D.1.b and c of the Wexford Joint Zoning Ordinance requiring all buildings and structures to be setback specific distances from the side yard and rear yard property lines. The subject property is parcel #2110-15-2402, also known as: 3478 E. M-55, Cadillac, Michigan located in Cherry Grove Township. Copies of the application documents may be viewed / copied at the Cherry Grove Township offices (Wexford Joint Planning Commission office of record) on Wednesday, Thursday or Friday by appointment or may be viewed at: www.wexfordjpc.org under the ZBA MTGS tab. A public hearing will be conducted at the May 22, 2019 meeting of the Wexford Joint Zoning Board of Appeals at 6:00 pm at the Wexford County Road Commission offices, 85 W. Highway M-115, Boon, MI 49618. Written comments may be sent to and will be received until noon on May 22, 2019 at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: planningandzoning@wexfordjpc.org

Very truly yours,

Robert (Bob) Hall
Planning and Zoning Administrator

Affidavit of Publication

STATE OF MICHIGAN }
County of Wexford }

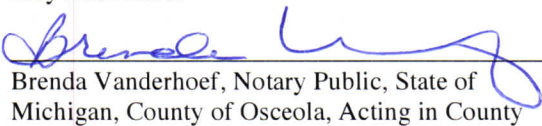
Tara Hall of Cadillac News, a paper published in the County of Wexford and circulated in the Counties of Wexford, Missaukee, Osceola; being duly sworn, deposed and says that she is the Business Department Leader of said newspaper and that a notice, a true copy of which is annexed hereto, has been duly published in said paper on the following date(s):

May 3, 2019



Tara Hall

Subscribed and sworn to before me this 3rd day of May A.D. 2019.



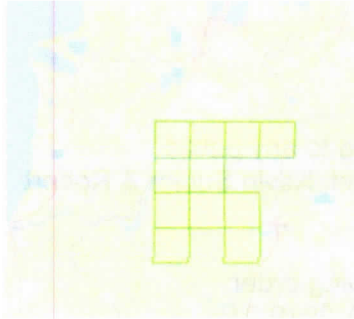
Brenda Vanderhoef, Notary Public, State of Michigan, County of Osceola, Acting in County of Wexford

My commission expires: December 16, 2023

PUBLIC NOTICE

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RECEIVED MAY 08 2019



Wexford Joint Zoning Board of Appeals

% Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601
(231)775-1138x6

planningandzoning@wexfordjpc.org | www.wexfordjpc.org

Proposed Meeting Minutes

Time & Date: 6pm, Wednesday, January 23, 2019

Meeting location: Wexford County Road Commission Meeting Room, 85 West Highway M-115, Boon, Michigan. Coordinates: 44° 19' 32.5" N, 85° 34' 53.4" W (44.325685, -85.581500)

A. **Call to Order, Roll Call of the Panel to hear the case, Pledge of Allegiance**

Panel Present: Beverly Monroe, Chairman (Liberty)
Bill Swank, Vice Chairman (Antioch)
Ben Fleis, Secretary (Wexford)
Jack Prebay (Selma)
Phil Wendel (Slagle)

Others Present: Ben Townsend, Assistant Zoning Administrator
Heather O'Connor, Recording Secretary

B. **Approval of Minutes for September 26, 2018** - With no corrections/additions, it was moved by Jack Prebay & seconded by Ben Fleis to approve the Meeting Minutes as presented. A Roll Call vote was taken & the motion was passed unanimously by Panel Members present.

C. **Set / Amend Agenda** - With no corrections/additions, it was moved by Ben Fleis & seconded by Jack Prebay to approve the Meeting Agenda as presented. A Roll Call vote was taken & the motion was passed unanimously by Panel Members present.

D. **New Business** (organizational meeting /other business and communications).

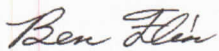
1. Election of Officers

- a. Chairman – Bev Monroe was recommended by Jack Prebay, seconded & with roll call vote of Panel Members present, Beverly Monroe was elected unanimously to the Chairman role.
- b. Vice Chair – Bill Swank was recommended by Bev Monroe, seconded & with roll call vote of Panel Members present, Bill Swank was elected unanimously to the Vice Chairman role
- c. Secretary – Ben Fleis was recommended by Bev Monroe, seconded & with roll call vote of Panel Members present, Ben Fleis was elected unanimously to the Secretary role

2. 2019 Meeting Dates (proposed 4th Wednesday of each month as needed) - With no corrections/additions, it was moved by Bev Monroe & seconded by Jack Prebay to approve the 2019 Meeting Dates (proposed 4th Wednesday of each month as needed) as presented. A Roll Call vote was taken & the motion was passed unanimously by all Panel Members.

- E. **Public Participation for Agenda Items** (not including matters related to any public hearing on this agenda) – Two (2) members of the public were present, Kevin Squier & Robert Dunning
- F. **Matters pertaining to citizens present at the meeting**, in the following order:
1. Advertised Public hearing: (Squier Variance Request / Case # ZBA-2019-01)
Slagle Township - Phil Wendel
 - a. The Chair shall declare the public hearing open – Chair Bev Monroe declared the public hearing open
 - b. Planning and Zoning Administrator - Staff Presentation - Ben Townsend, Assistant Zoning Administrator delivered the Staff Report noting the following in reference to the Squier Variance request:
 - Topographical map of the 300ft Notice Range inclusive of the Dunning Property
 - Email from Mr Dunning does not oppose the variance, it supports the Squier Variance Request
 - The proposed building is 335ft from the road at one end and 264ft from the road, noting approximately twenty percent (20%) of the building falls outside the zoning ordinance, hence the request to approve the Squier Variance Request is presented to the Panel
 - The Standards of Review to be applied for the approval/denial of the Squier Variance Request were presented as detailed in the Assistant Zoning Administrators Report
 - c. Applicant Presentation – Kevin Squier represented that due to the location of the home and topography of the property, the proposed location for the building was strategically placed to the best of his ability and request for variance was respectfully submitted. He noted that the property is heavily wooded and less than ten percent (10%) of the building would be visible from the road.
 - d. The Chair shall allow public comment – Mr Robert Dunning, owner of the neighboring property reiterated his agreement with the Squier Variance Request both by his email and his presence at this meeting.
 - e. The Chair shall declare the public hearing closed – With no further comments, Chair Bev Monroe declared the public hearing closed
 2. Zoning Board of Appeals [Deliberations / Findings / Conclusions ZBA-2019-01]
The Zoning Board of Appeals may ask additional 'fact-finding' questions of the applicant, staff, or members of the public – It was noted by discussion that three 930 of the panel members present had personally visited the Squier property, noting the proposed location of the Squier Variance Request. Jack Prebay inquired of the applicant if the other temporary structure as noted on the map (a temporary carport type structure) was to be removed should the variance be granted. Mr Squier noted that the temporary structure (a non-permanent carport structure) will be removed. It was then moved by Phil Wendel, seconded by Ben Fleis to accept the Variance Request for the Squier Property based on the Standards of Review, Assistant Zoning Administrator report, neighbor comments and in lieu of the physical conditions & topography the Squier Variance Request should not be limited by the Ordinance. A Roll Call vote was taken & the motion was passed unanimously by all Panel Members.

- G. **Unfinished Business and Reports** (items considered here are taken up in the same order as established by the Appeals Board to fix a priority for consideration and work done in the planning office).
Ben Townsend noted the Annual Meeting of Wexford Joint Planning Commission is February 25, 2019 at 6:30pm. Pertinent data for the Annual Meeting is the conclusion reached regarding the conditional rezoning and differences in ordinance language, as well as township voting and the status of the escrow account. Letters have been sent to the fifty-five (55) officers of the eleven (11) townships to attend the Annual Meeting.
- H. **Public Participation for Non-Agenda Items** – no further comments/items were offered by members of the public present
- I. **Report / Comments from each member of the ZBA** regarding their respective participating municipality - Phil Wendel noted the ordinance language is unclear for voting purposes. Chair Bev Monroe reported that funds from permits is allowing more leeway.
- J. **Adjournment** – It was moved by Ben Fleis & seconded by Phil Wendel to adjourn the meeting at 6:38pm. The motion was passed unanimously.





Wexford Joint Planning Commission

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

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STAFF REPORT/Zoning Board of Appeals Case # ZBA-2019-02

1. Application

Agent/Contractor:	Welliver, Rodney 3478 E. M-55 Cadillac, Michigan 49601
Owner(s):	Welliver, Rodney 3478 E. M-55 Cadillac, Michigan 49601
Site Address, And Proposed Location	Same as Above Parcel ID# 2110-15-2402 – Cherry Grove Township
Zoned:	Rural Residential
Site Plan:	Attached

2. Development Proposal

- 2.1 Property Description – Parcel ID# E 295.2 FT OF N 295.2 FT OF THAT PART OF NW 1/4 LYING S OF HWY M-55 2 A. M/L CG. SEC. 15 T21N R10W -CAPS-
- 2.2 Action Report – The Applicant is requesting a dimensional variance for a 40' X 48' Accessory Building from the Regulations and Standards listed in the Rural Residential District of the Wexford Joint Zoning Ordinance. Applicant wishes to place their 1920 square foot Accessory Building in the rear yard of the two (2) acre property thirty feet (30') from the rear property line and twenty feet (20') from the side property line.
- 2.3 Background:

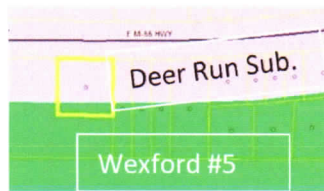
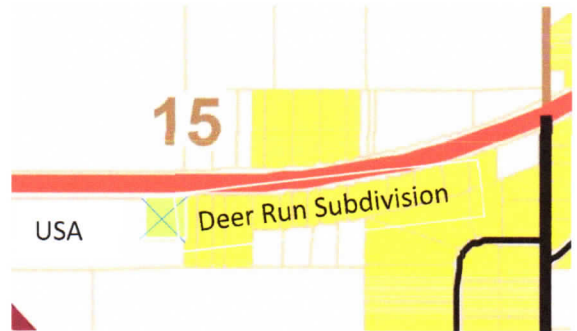
1. This property of two (2) acres has an existing house with an attached garage that is approximately 4700 Square Feet. There is also a 516 Square Foot accessory located southeast of the house.
2. The Assessment Roll Description reads as follows: E 295.2 FT OF N 295.2 FT OF THAT PART OF NW 1/4 LYING S OF HWY M-55 2 A. M/L CG. SEC. 15 T21N R10W -CAPS-

2.4 Current Narrative:

1. The Applicant and owner of the property, came into the WJPC on Wednesday, April 17, 2019, inquiring about the possibility of putting up a storage building on his two (2) acres in Cherry Grove Township. The Applicant had already done research in the fact that the setbacks of the Zoning Ordinance would not be able to be met by him. He requested setbacks which were more of what he wanted. We advised Applicant that he would have to fill out a proper Land Use Application, have it reviewed by the Administrator, and then denied before he could appeal to the Zoning Board of Appeals for a decision.
 2. A Permit of Denial and a Letter of Denial (both attached) was written and emailed to Applicant the afternoon of April 17, 2019.
 3. Applicant came to the WJPC office on Thursday, April 18, 2019, with an Application for Zoning Board of Appeal. This Application also included his Narrative and supplemental documents which are included in the record.
 4. The Assistant Zoning Administrator made a site visit the afternoon of April 24 and measured the Applicant's stakes in the yard to confirm that they were exactly where the Applicant showed in his site plan. I confirmed that they were in the correct places and took pictures of the yard area. I also noted that if the building were built with correct setbacks there would be at least eight (8) large trees would have to be cut down to make room for the building.
 5. Public Notification was put into the Cadillac News for publication on April 26, 2019, to be in the newspaper by Friday, May 3, 2019.
 7. 300 Foot Notices were sent out on Wednesday, May 8, 2019.
 8. Packets were sent out to the Zoning Board of Appeals members on May 15, 2019.
3. Standards for consideration by the Zoning Board of Appeals under the provisions of Article 80, Section 8003.C [Class A Extensions] with Staff Comment and Recommendations
- 3.1 According to WJZO Article 8003.C – The following standards shall be used by the Zoning Board of Appeals to review requests for variances under this Article.
 1. It is documented by the applicant the parcel existed prior to January 1, 2016, and

Background helps: This property is located at the end of Deer Run Subdivision along M-55, a Residential-1 District. This property is the only property on the south side of M-55 along a two mile stretch which is NOT in the R-1 District, but is in the Rural Residential (RR) District. In other words, the neighbor's setbacks are basically side fifteen feet (15') and rear twenty-five feet (25'), whereas the Rural Residential setbacks are side thirty feet (30') and rear fifty feet (50').

Of a NOTE: the Wexford County Zoning Ordinance, #5, off of which the



current Zoning Ordinance takes much of its setbacks, shows the entire corridor of M-55 which includes this property as Residential, with setbacks of: Side fifteen feet (15') and Rear twenty-five feet (25').

Staff Comment and Recommendations: This is true concerning this property that it did exist prior to January

1, 2016.

2. The parcel was not made smaller after January 1, 2016, and

Staff Comments and Recommendations: This is true of this two (2) acres of property.

3. It is documented by the applicant that contiguous land, or enough contiguous land, cannot be purchased, and

Staff Comments and Recommendations: This particular lot has the Deer Run Subdivision joining its east property line and United States of America property joining its west and south property lines. There is no contiguous land that can be purchased.

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

Staff Comments and Recommendations: This property is two (2) acres. It is well groomed and taken care of around the yard. Large trees are across the property in the front and back yards. Well and septic are both in an area that will not affect the Accessory Building. There are overhead electrical lines running across the property in the rear yard which will come into play if the Accessory Building meets the proper setbacks in the Zoning Ordinance. Neither the electrical lines nor the large trees will come into play if the variance is given for the Accessory Building.

5. Other standards for issuing a variance by the Appeals Board are met.

Staff Comments and Recommendations: *Again, the Application for the ZBA appeal was done after much deliberation as to any other sites on the property which could have an Accessory Building of this particular size which would require encroachment into the electrical line setbacks and cutting down of large trees.*

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: *Having been on-site personally, the AZA can see where the back yard buildable area is drastically hindered by the electrical lines which cross the yard, and is hindered by the copse of trees in several areas in the back yard, especially in the south west corner of the property.*

- **For this reason, Staff Recommends that this special condition and circumstance should be considered when making its decision.**

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: *Staff notes that directly to the east of Applicant's property is the Deer Run Subdivision, which is entirely in the Residential-1 Zoning District. All of the Applicant's neighbors enjoy the most limited setbacks which the R-1 District enjoys, which setbacks are fifteen (15) feet in the side yard and twenty-five (25) feet in the rear yard. Adjacent to the west and south is property belonging to the United States of America and is undeveloped property.*

- **Staff Recommends the ZBA consider its finding for this reason also.**

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

Staff Comment and Recommendations: *The Owner/Applicant had no control over the placement of the electrical lines or the large trees in his yard.*

- ***Staff Recommends that the ZBA consider these factors in making its decision.***

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

Staff Comments and Recommendations: Granting this variance will not alter the essential character of the area. The Accessory Building will be approximately three-hundred and eight (308) feet from the road, it will be hidden in trees, and it will primarily be consistent with the Zoning Ordinance with the majority of the building being still being in the setback area according to the Zoning Ordinance.

Final Staff Comment and Recommendation:

Recommend that the Zoning Board of Appeals Apply the Standards above and make independent findings of compliance and either approve, approve with conditions, or deny the requested variance as submitted.

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



Dr. Ben Townsend
Assistant Planning and Zoning Administrator

WEXFORD JOINT PLANNING COMMISSION

4830 E. M-55 Cadillac, Michigan 49601-9332

Phone: 231-775-1138x6

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

planningandzoning@wexfordjpc.org

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: WELLIVER RODNEY Phone: (231) - 429 - 6677

Last Name

First Name

Owner Address: 3478 E. M 55 CADILLAC MICHIGAN 49601

Street # or P.O. Box

City

State

Zip

Project Address: 3478 E. M 55 CADILLAC MICHIGAN 49601

Street #

City

State

Zip

PARCEL ID # 832110 - 15 - 2402

Are property lines and building site staked? ☒ YES ☐ NO

Email: EAGLE1977@charter.net

[circle one]

IF USING A CONTRACTOR PLEASE COMPLETE THIS SECTION

Contractor Information: RELIABLE BUILDERS LLC / MARIO DiMAMBRO

[Company Name]

[Individual Name]

Contractor Address: 17954 180TH AVENUE LEROY MICHIGAN 49655

Street # or P.O. Box

City

State

Zip

Contractor Phone: (866) - 763 - 2625

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 Comm. Construction ☐ Deck
☐ Residential Addition ☐ Comm. Addition ☐ Change of Use
☒ Residential Accessory Bldg. ☐ Comm. 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]

The two story, two stall garage will house historic vehicles, lawn equipment, snowmobiles, and trailers. The second floor will be storage

Will this building and / 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: Rodney Welliver Date: April 17, 2019

www.wexfordjpc.org

Do Not Write Below This Line – For Administrative Use Only

Assigned Land Use Permit # LOP19

Date Application Received: 4/17/2019 Date of Land Use Permit Action: / /

Fee: \$ 20.00 How Paid: ☐ Cash ☒ Check # 1960 Receipt # 301942

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

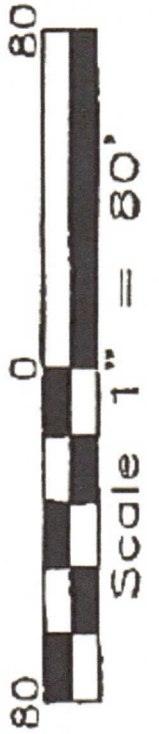
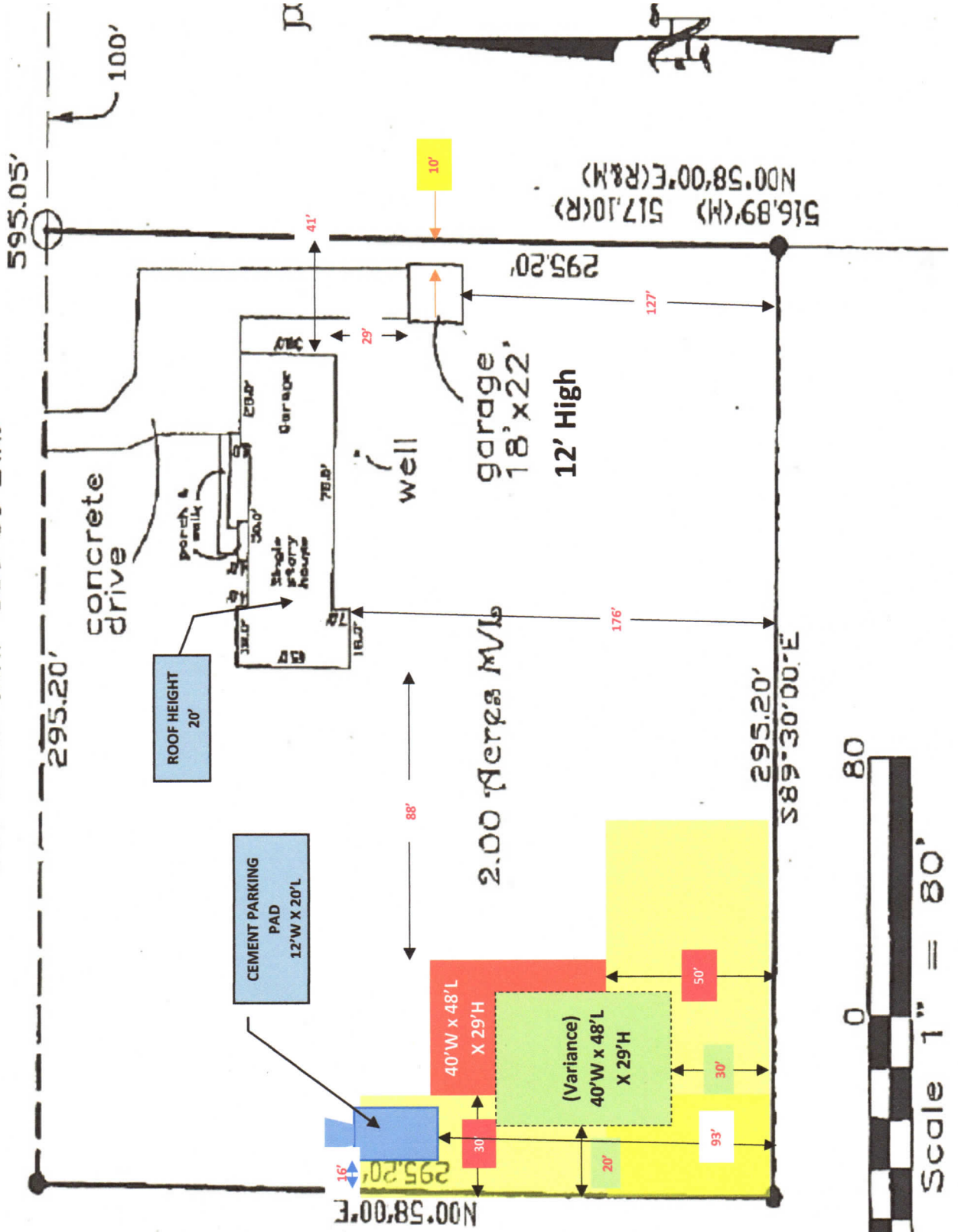
- ☒ Show length of all parcel lines
- ☐ Show all known easements N/A
- ☒ Show sizes of all existing and proposed structures
- ☒ Show setbacks to all existing and proposed structures from all property lines
- ☐ Show distances from all existing and proposed structures to all bodies of water (lake, river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

PROPOSED GARAGE BUILD (2-Story, Barn Style)

3478 E. M-55, Cadillac, MI (R. Welliver)

STATE HWY M-55 (200' WIDE-PUBLIC)

S89°30'06"E(M) S89°39'E(R)



WEXFORD JOINT PLANNING COMMISSION

c/o Cherry Grove Township 4830 E. M-55 Cadillac, Michigan 49601
231-775-1138 Ext. #6 planningandzoning@wexfordjpc.org

ZONING - LAND USE PERMIT # [CHE-2019-19]

DENIED

ISSUED TO:

Welliver, Rodney
3478 E. M-55
Cadillac, Michigan 49601

Email: eagle1977@charter.net

Property Number: 2110-15-2402

Property location: Same as Above

CONTRACTOR INFORMATION:

Reliable Builders LLC - Mario DiMambro
17954 180th Ave.
Leroy, MI 49655

866-763-2625

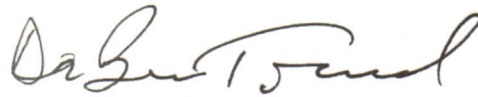
Specific Land Use allowed by this permit: [NONE - DENIED]

Size of building, structure, addition: [40' X 48']

Township: [CHERRY GROVE TOWNSHIP]

Zoning District: [RR]

Wexford Joint Planning Commission
Planning and Zoning Administrator:

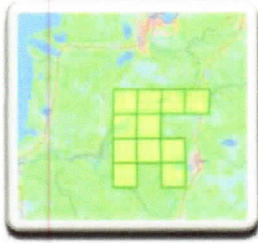


Ben Townsend **APPROVED:** [Wednesday, April 17, 2019]

Wexford County Bldg. Department: [\[231-779-9465\]](tel:231-779-9465)

NOTES / CONDITIONS: [This application has been denied due to encroachment into the side and rear setbacks.]

This Land Use Permit Expires one (1) year from date of issue



Wexford Joint Planning Commission

4830 E. M-55

Cadillac, Michigan 49601

(231)775-1138x6 www.wexfordjpc.org

April 17, 2019

Rodney Welliver
3478 E. M-55
Cadillac, MI 49601

Dear Mr. Welliver,

Thank you for taking the time to stop in our office and provide information and drawings related to the application regarding the property described below. We are going to deny your application for the Residential Accessory Building. I have reviewed the current application with the setbacks according to the ordinance and your setbacks are not consistent with the WJPC Zoning Ordinance.

2110-15-2402: This parcel is located in the **Rural Residential** zoning district and does **NOT** meet the required side yard setback of thirty feet (30') or the rear yard setback of fifty feet (50'). The proper setbacks for an accessory building are given in WJZO, Section 3704.D.1.b and c. You may qualify for relief by the Wexford Joint Zoning Board of Appeals under Article 80, Section 8003.C if the appropriate requirements can be documented.

For the reason stated above I am required to DENY your application regarding parcel #2110-15-2402.

The fee for the Zoning Board of Appeals is \$590. In the interest of customer service, this office is willing to apply the \$70.00 in fees already paid regarding the above captioned parcel so that they may be published and heard at a single meeting of the Wexford Joint Zoning Board of Appeals.

The Wexford Joint Zoning Board of Appeals meets on the fourth Wednesday of each month on an "as needed" basis, thus, timing of the application is critical. We would need a completed application and the remaining \$520.00 fee not later than April 26, 2019 at noon to be considered for the May 22, 2019 Zoning Board of Appeals.

If I can be of further assistance please do not hesitate to contact me.

Thank you,

Dr. Ben Townsend
Assistant Planning and Zoning Administrator
Wexford Joint Planning Commission

Wexford Joint Planning Commission

c/o Cherry Grove Township

4830 E. M-55

Cadillac, Michigan 49601

planningandzoning@wexfordipc.orgwww.wexfordipc.org

231-775-1138x6

APPLICATION FOR ZONING BOARD OF APPEALS [page 1 of 2]**[WARNING: THIS FORM IS NOT A LAND USE PERMIT]**Property Owner: WELLIVER RODNEY Phone: (231)-429 - 6677

Last Name

First Name

Owner Address: 3478 E. M-55 CADILLAC MICHIGAN 49601

Street # or P.O. Box

City

State

Zip

Project Address: SAME AS ABOVE

Street # or P.O. Box

City

State

Zip

Parcel ID # 832110 - 15 - 2402 Are property lines and building site staked? YES NO
[Circle one]

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / Attorney: _____ / N/A

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.

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

HOUSE/GARAGE: HOME + VEHICLES; REAR GARAGE: WORKSHOP; NEW GARAGE(BARN STYLE): STORAGE OF HISTORIC MILITARY VEHICLES & TRAILERS & EQUIPMENT, PLUS SNOWMOBILES & 4-WHEELER

The project address / property is located in the RURAL RESIDENTIAL Zoning District.

Do Not Write Below This Line - For Administrative Use OnlyAssigned ZBA Case # ZBA-2019-02
Fee: \$ 520.00 Receipt # 301944Date Application Received: 4 / 18 / 2018
Date of ZBA Action: ____ / ____ / ____CHECK # 1961

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: _____

Rodney Welliver

Date: _____

April 18, 2019

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 County Airport Authority

Phone 231-779-9525 • Fax 231-779-9526
8040 E. 34 Rd. • Cadillac, MI 49601



Rodney Welliver
3478 E. M-55
Cadillac, MI 49601
Parcel ID: 832110-15-2402

4/30/19

Mr. Welliver,

The Wexford County Airport Authority received your email about a request for a zoning variance pertaining to the height of a pole barn on property within the Airport Overlay Zone.

The proposed building height and location are not viewed as a concern for the airport.

Ray Hill, WCAA President

Wexford County Airport Authority

April 18, 2019
Rodney & Jodie Welliver
3478 E. M-55
Cadillac, MI 49601
Parcel ID: 832110-15-2402

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

RE: Appeal of Zoning Land Use Permit #[CHE-2019-19] Denial

Wexford Joint Zoning Board of Appeals Members,

It is with great appreciation and thanks to you for allowing us this opportunity to hear our appeal of this zoning case. My wife and I purchased this property at 3478 E. M-55 in November of 2005 and have worked to restore it from a bank foreclosed, Adult Care Facility back to the original family home it once was in 1965. We were able to make it our permanent residence in May 2018 when we retired from downstate after careers spanning many years of service with DTE Energy-Electric and Monroe Bank and Trust. As a continuance of that home improvement effort, we are seeking to construct a new Accessory Building with a second floor. As an active Veteran within my local



communities, I have acquired historic military trucks, trailers and equipment often used in parades, gatherings, and even as a display at the Cadillac Museum in 2011. My current garages are physically unable to house these collector items, thus requiring the "parade ready" status' to be compromised by the weather elements of the area. A 40'w x 48'l x 29.5' high Accessory



Building is required to maintain this equipment in a parade ready status.

This Accessory Building would be a two-stall garage with a second floor storage area. The garage would look like a barn similar to the photo displayed herein. There is a Consumers Energy power line that is running behind our home but will be directly in front of the proposed new garage. The power line will be 37 feet in front of the garage doors creating a safety threat to the **steel-cladded** siding of the proposed garage. To increase the safety margin, we are asking that setback from the rear property line be reduced from the current 50' (**WJZO, Section 3704.D.1.c**) requirement **to a 30' setback instead**, as a variance.



This change would also allow us to keep a few of the remaining trees that would otherwise require removal for the placement of the proposed garage.



Additionally, we are requesting a variance to **WJZO, Section 3704.D.1.b** requiring a Side Yard setback of 30' from the property line. **The variance request is to allow us to build not closer than 20' from the property line instead,** allowing additional trees to be saved as well as allowing a shorter electrical run between the garage and the nearby power pole, currently in place.

It should also be noted that on the contested borders (Side and Rear Property Lines) the adjacent land properties are U.S. National Forest with minimal chances of future neighbors. Existing septic fields prevent relocation of the garage to another construction site in either the side yard or the back yard. Attached are the following documents:

1. A Wexford Joint Zoning Map of Cherry Grove Township identifying property location.
2. A Certificate of Survey of the property (staked) at the time of purchase, 2005
3. A scaled drawing of our property identifying locations and distances as requested.

Thank you in advance for your time and consideration for our appeal request for the setbacks regarding our proposed Accessory Building in regards to WJZO, Section 3704.D.1.b and c. If there are any questions do not hesitate to contact us.

Respectfully,

A handwritten signature in dark ink that reads "Rodney Welliver". The signature is fluid and cursive.

Rodney Welliver

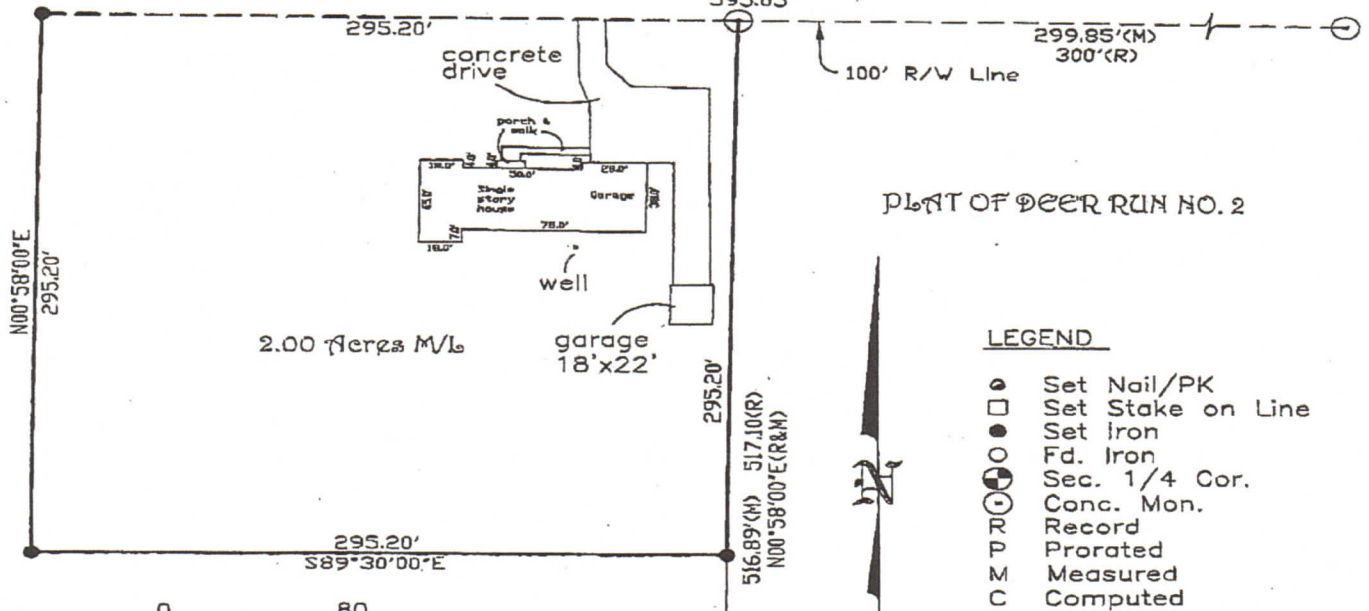
A handwritten signature in dark ink that reads "Jodie Welliver". The signature is fluid and cursive.

Jodie Welliver

CERTIFICATE OF SURVEY**STATE HWY M-55 (200' WIDE-PUBLIC)**

S89°30'06"E(M) S89°39'E(R)

595.05'

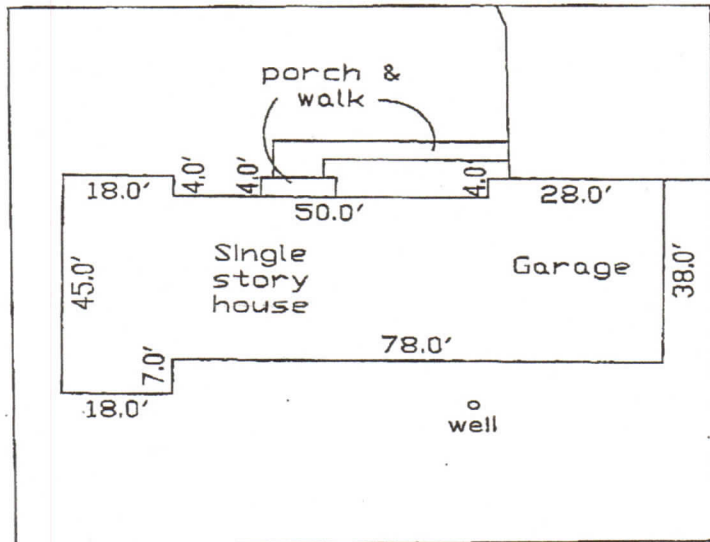


PLAT OF DEER RUN NO. 2

LEGEND

- Set Nail/PK
- Set Stake on Line
- Set Iron
- Fd. Iron
- Sec. 1/4 Cor.
- Conc. Mon.
- Record
- P Prorated
- M Measured
- C Computed

PLAT OF DEER RUN NO. 2

N-S 1/4 LINE
221.69'

CK
Sec. 15
R21N-R10W
(SW cor. Plat
of deer run #2)

Legal description: As furnished
E 295.2 ft of N 295.2 ft of that part of NW 1/4
lying S of Hwy M-55, Section 15, T21N-R10W,
Cherry Grove Township, Wexford County, Michigan.

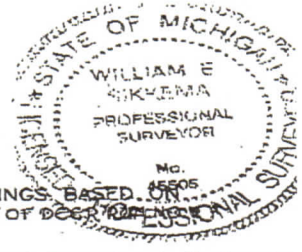
I hereby certify that I have surveyed the parcel of land described, that said survey was performed with a field error of closure "of 1 in 5000 or greater", and that I have fully complied with the requirements of Sec. #3, Act #132, P.A. 1970.

William E. Sikkema

William E. Sikkema, P.S. No. 45505

Dated: 11 / 8 20 05

BEARINGS BASED ON
PLAT OF DEER RUN NO. 2



COPYRIGHT 2003 LCM Surveying & Engineering



DATE: 11/08/05

DRN BY: FTW

CHD BY: WES

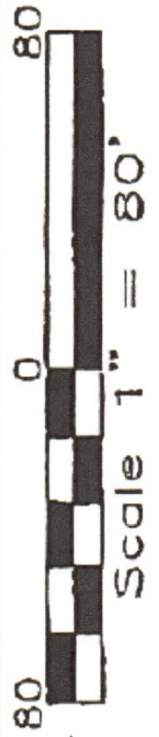
SHEET 1 OF 1

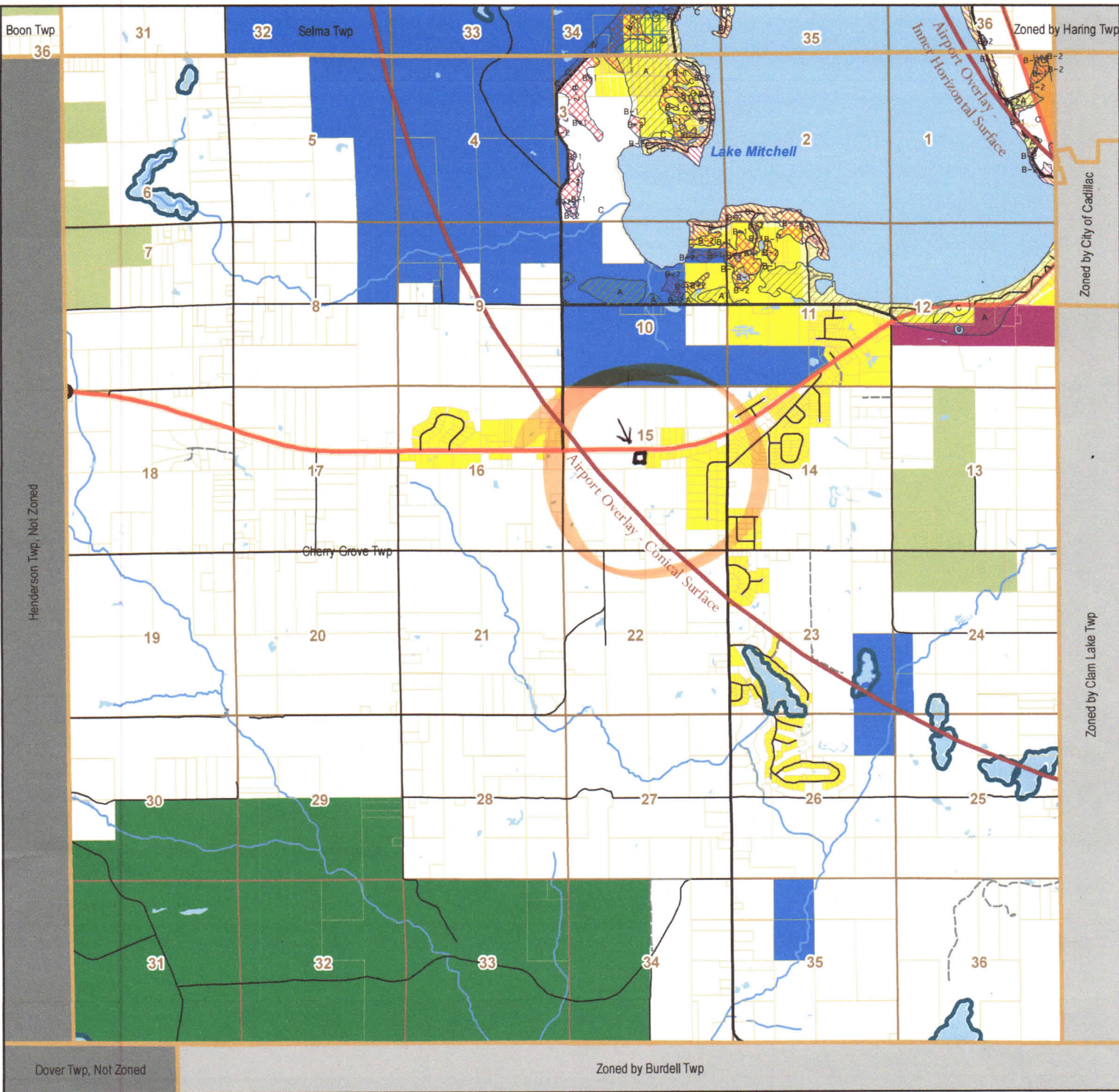
CLIENT: DETROIT EDISON CREDIT UNION

Part of the NW 1/4
Section 15, T21N, R10W,
Cherry Grove Twp., Wexford Co., MI.

FB/PG:
98/44

JOB NO.:
05352





Wexford Joint Zoning

CHERRY GROVE TOWNSHIP
T21N R10W
Wexford County, MI

Legend

- Parcel Boundary
- Not Zoned
- Zoned by Other Communities
- Roads**
 - US Highway
 - State Trunkline
 - County Primary
 - County Local
 - City/Village
 - Private/Other

- Special Area Districts**
 - Manistee & Pine Rivers Corridor District
 - Wetland Conservation District
- Rural, Agricultural, & Forestry Districts**
 - Forest Conservation District
 - Ag-Forest Production
 - Rural Residential

- Residential Districts**
 - R-1 Residential District
 - R-2 Residential District
- Commercial Districts**
 - Resort
 - Commercial
- Industrial Districts**
 - Industrial

- River Overlay District
- Lake Shoreline Overlay District
- Lake Mitchell Overlay Areas
- Scenic Road Overlay District
- Airport Overlay Zones

*This map is a reproduction of part of the areas covered by the official zoning map and may not be the current version.

1 inch = 4,500 feet





Build site photo w/markers for
garage corners (Rear side)
(No variance shown)



Build site photo w/markers for
garage corners (Front) and
tree.

(No variance shown)