

Wexford Joint Planning Commission

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

www.wexfordjpc.org

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

December 9, 2020

Greetings -

The Wexford Joint Zoning Board of Appeals has received an application for a variance and will be conducting a public hearing as noticed below. According to the Wexford County records you are the owner of 'real' property within 300' of the subject property; accordingly, you are being notified as required by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). No action is required on your part.
All 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 43, Section 4304 of the Wexford Joint Zoning Ordinance regulating parcel and building area, coverage, and setbacks. The subject property is parcel #2411-LG1-182, an improved parcel located at 737 Gitchegumee Dr., Buckley, Michigan 49620, located in Hanover 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 during established office hours or may be viewed on line at: www.wexfordjpc.org. under the ZBA MTGS tab A public hearing will be conducted at the regular December 23, 2020 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 December 23, 2020 at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: planningandzoning@wexfordjpc.org. **NOTE:** in the event that circumstances prohibit an in person meeting, instructions on how to join our virtual meeting via ZOOM will be published on the WJPC website home page at; www.wexfordjpc.org.

Very truly yours,

A handwritten signature in blue ink that reads "Robert (Bob) Hall".

Robert (Bob) Hall
Planning and Zoning Administrator

Wexford Joint Planning Commission

c/o Cherry Grove Township
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Cadillac, Michigan 49601

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planningandzoning@wexfordjpc.orgwww.wexfordjpc.org**APPLICATION FOR ZONING BOARD OF APPEALS** [page 1 of 2]**[WARNING: THIS FORM IS NOT A LAND USE PERMIT]**Property Owner: BAROTTE DEBORAH Phone: () - -
Last Name First NameOwner Address: P.O. Box 122 Bucklyn MI 49620
Street # or P.O. Box City State ZipProject Address: 737 GITCHUMEE DR. Bucklyn MI 49620
Street # or P.O. Box City State ZipParcel ID # 2411 - L67 - F82 Are property lines and building site staked? YES NO
[Circle one]

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / Attorney: LITTLE VALLEY HOMES
Company Name Individual NameAgent / 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]

NEW RESIDENTIAL DWELLING TO REPLACE
OLDER TRAILER TRAILER & ADDITION

The project address / property is located in the R-1 Zoning District.**Do Not Write Below This Line - For Administrative Use Only**

Assigned ZBA Case # 2020-01 Date Application Received: 12 / 02 / 2020
Fee: \$ 590.00 Receipt # 626397 Date of ZBA Action: _____

Parcel 2411-LG1-182

Hanover Twp., Wexford County

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

Assessment Roll Owner Name(s): BARODTE, DEBORAH S

Assessment Roll Owner Address: PO BOX 122
BUCKLEY MI 49620-9756

Assessment Roll Parcel Address: 737 GITCHEGUMEE DR
BUCKLEY MI 49620

Property Information

Jurisdiction: Hanover Twp.

Property Class: 401 Residential Improved

School District: 28035 Buckley

Assessed Value for 2020: \$22,300

SEV for 2020: \$22,300

Taxable Value for 2020: \$15,386

Qualified Ag. Exemption % for 2020: 0%

Homestead % for 2020: 0%

Assessed Value for 2019: \$15,100

Taxable Value for 2019: \$15,100

Property Square Feet: 8177.2494205 Sq Ft

Property Acreage: 0.18772456679 Acres

Assessment Roll Description

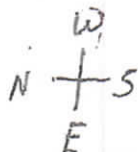
LOT 182 LAKE GITCHEGUMEE HNR. SEC. 8 T24N R11W -BUCKLEY-

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

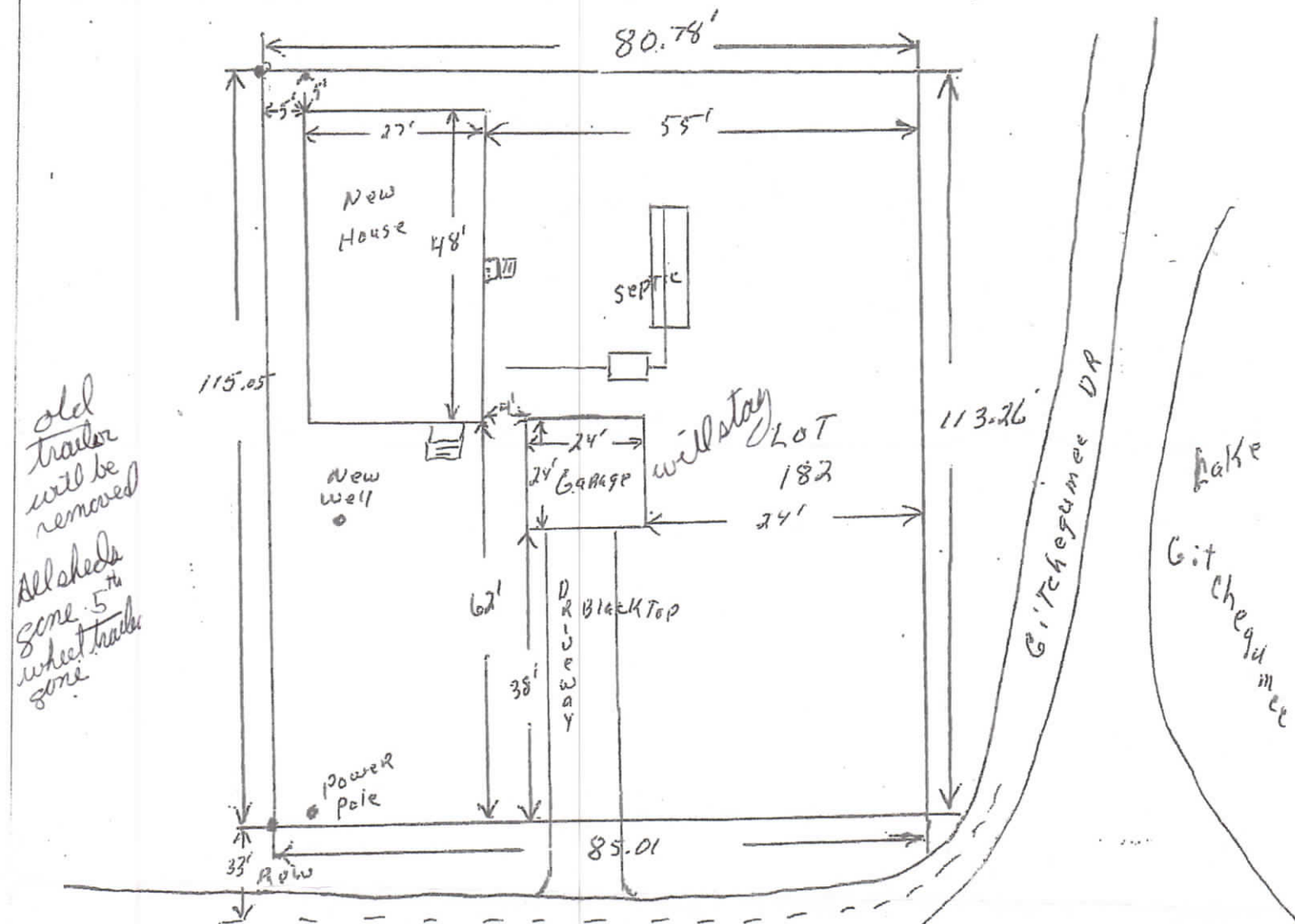
231-775-8102
231-775-5824 Fax

Little Valley HOMES

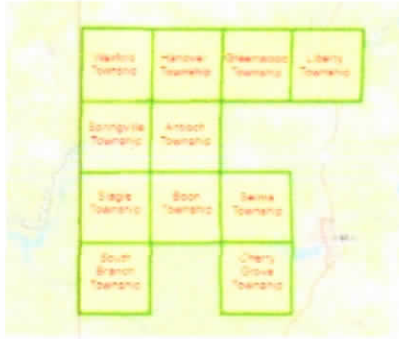
Housing Consultants



Site Plan



Deborah Barodte
737 Gitchegumee DR
Buckley MI
49620



Wexford Joint Planning Commission

% Cherry Grove Township

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Cadillac, Michigan 49601

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STAFF REPORT/Zoning Board of Appeals Case # ZBA-2020-01

1. Application

Owner(s):	Barodte, Deborah 737 Gitchegumee Dr. – P.O. Box 122 Buckley, Michigan 49620
Site Address, And Proposed Location	737 Gitchegumee Dr., Buckley, Michigan 49620 Parcel ID# 2411-LG1-182 - Hanover Township
Zoned:	R1
Site Plan:	Attached

2. Development Proposal

2.1 Property Description – LOT 182 LAKE GITCHEGUMEE HNR. SEC. 8 T24N R11W

2.2 Action Report – The Applicant is requesting a dimensional variance from the required side yard setbacks of 12' (twelve) as per the Regulations and Standards listed in Article 43 (R-1 Residential District) of the Wexford Joint Zoning Ordinance. Applicant wishes to place a proposed 1,296 (one thousand, two-hundred and ninety-six) square foot dwelling encroaching at least 7' (seven) feet into the required side yard setbacks.

2.3 Background:

1. This property is approximately 8,177 square feet; far less than the the required minimum of 15,000 (fifteen thousand) square feet, thus classifying it as nonconforming under the previous of the Wexford Joint Zoning Ordinance.
2. The property is located in the R-1 Residential Zoning District

2.4 Current Narrative:

1. Through phone and email communication it was ascertained that the applicant's proposal could not be administratively approved. Staff offered alternate ideas as to how the shape of the property and required setbacks affected where building could take place, recognizing the location of the newer 24' X 24' garage in the approximate center of the lot.
2. The applicant met with the Zoning Administrator in the office on December 2nd, 2020 and presented an application and the appropriate fee to seek a variance from the Zoning Board of Appeals. The applicant was advised that because of the preliminary discussion / communication that the submission of a Land Use (zoning) Permit application would be moot; therefore, the preliminary fee of \$70.00 was waived.
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 8th, 2020; 16 days in advance of any required public hearing
5. 300 Foot Notices were sent out on December 9th; 15 days in advance of any required public hearing.
6. Packets were sent out to the Zoning Board of Appeals members (and the applicant on December 11th, 2020.

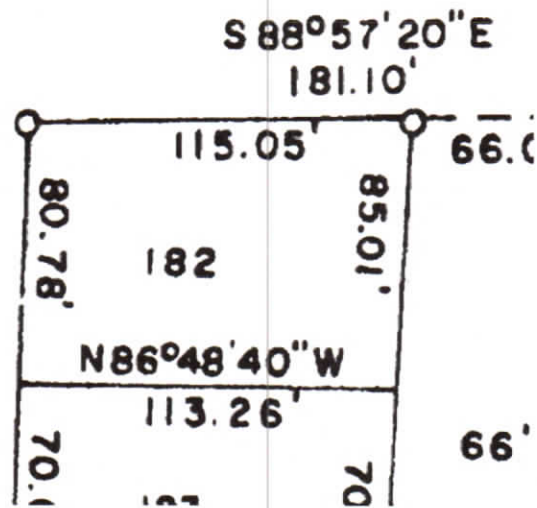
3. Article 43: R-1 RESIDENTIAL DISTRICT

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 is approximately 8,177 (eight thousand, one hundred and seventy-seven) square feet.
2. The minimum buildable area is: 9,000 (five thousand) square feet; the subject parcel has a negative (non-existent) buildable area of by virtue of its nonconforming size
3. The minimum parcel width is: 100' (one hundred) feet; the subject parcel has approximately 114' (one-hundred and fourteen) feet of road frontage being on the curve of Gitchegumee Trail. (*see images below at top of Page #3*)

A. Front Yard means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line:

E. A parcel may have any combination of yards, so that it may not have a rear yard. it may have two front yards, etc.:



4. Setback requirements are as follows:
- | | |
|----------------------|-----------------------------|
| Front: 4304.D.1.a | the required setback is 40' |
| Side: 4304.D.1.b.(1) | the required setback is 15' |
| Rear: 4304.D.1.d | waterfront setback is 50' |

STREET VIEW IMAGES OF THE SUBJECT PROPERTY



property stakes

From lake Gitchegumee (park) looking NORTH



Property Line(s)



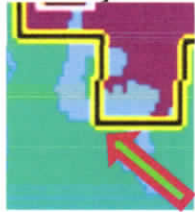
Southwest Corner of 'proposed' dwelling location -

4. STANDARDS FOR GRANTING A DIMENSIONAL VARIANCE

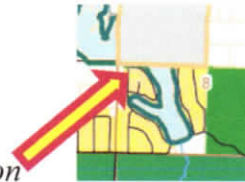
4.1 According to WJZO, Article 9607.F.2.a.(1) thru (5) – The following standards shall be used by the Zoning Board of Appeals when considering a variance request.

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: *The previous zoning ordinance, Wexford County Zoning Ordinance No. 5 zoned the subject property as FR [Forest Recreational] and required a minimum lot size of 43, 560 (forty-three thousand, five hundred and sixty) square feet [1-acre] making it nonconforming. The Wexford Joint Zoning Ordinance rezoned the area (including the subject property) as R1 [Residential District]*



Approximate property location



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: *Neither the current landowner or predecessor in title has altered the property since the adoption of the Wexford Joint Zoning Ordinance or acted to create the need for the variance.*

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 barely half of the minimum size / area required and strict compliance may unreasonably prevent the property owner from using the property for a continuing permitted purpose – staff believes that the strict application of the ordinance standards would be unnecessarily burdensome.*

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: *This platted lot is larger than most in the immediate area within the platted subdivision. There exists a newer 24' X 24' garage (accessory building) almost right in the center of the property – clearly established 'after' the two existing older (60's?) travel trailers were melded together with a structural addition and roof-over. This property is clearly the oldest and most outdated structure in the immediate vicinity of newer established residences.*

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: This particular lot is one of the largest (and still nonconforming) lots in the immediate area within this subdivision platted in 1966 – prior to any Wexford County zoning which was established in 1968

Staff recommends: that the Zoning Board of Appeals make independent findings and conclusions that support an approval of the requested variance(s) allowing the placement of a new home to be not nearer than 5' to the south and west side yard lot lines.

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



Robert (Bob) Hall
Zoning Administrator

December 9, 2020

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.

Applicant Comments:

The existing garage's placement which is remaining and deep from road has restricted the options available for home placement.

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

Applicant Comments:

A well that was grandfathered in (that is not on my property but in an easement on my neighbor's line) will be capped and new well will be drilled on my property as part of the new home project

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.

Applicant Comments:

Due to the added costs involved with modifying the predetermined standard floorplans available, complying with existing setbacks to make the home smaller may create a home project that is not suitable or affordable.

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.

Applicant Comments:

The completed proposed home project with minimal requested variance will allow the existing trailer structure and well be replaced with a new home, landscaping, and a look all will be proud of.

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

Applicant Comments:

The only effect the proposed home project will have is to increase property values in the neighborhood. Neither of the two properties adjoining have structures near the property lines in question.

I am certain that if this project can be completed as proposed the Homeowner Association, Hanover Township, and the neighbors will be very satisfied with the outcome.

Thank you for your consideration.

Sincerely,

Deborah Barodte