

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

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

Property Owner: Donigian, Aram Phone: (937)-901-2726

Owner Address: 3846 Woodhurst Ct Beavercreek Ohio 45430

Project Address: 582 Cherry Grove Lane Cadillac MI 49601

Parcel ID # 2110 - MPK - 148 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 / A

Agent / Attorney Address: \_\_\_\_\_

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]
Please see written Narrative attached.

The project address / property is located in the Cherry Grove Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # \_\_\_\_\_ Date Application Received: \_\_\_\_/\_\_\_\_/\_\_\_\_
Fee: \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Date of ZBA Action: \_\_\_\_/\_\_\_\_/\_\_\_\_

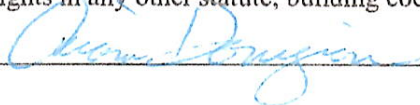
APPLICATION FOR ZONING BOARD OF APPEALS [page 2 of 2]

**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: \_\_\_\_\_

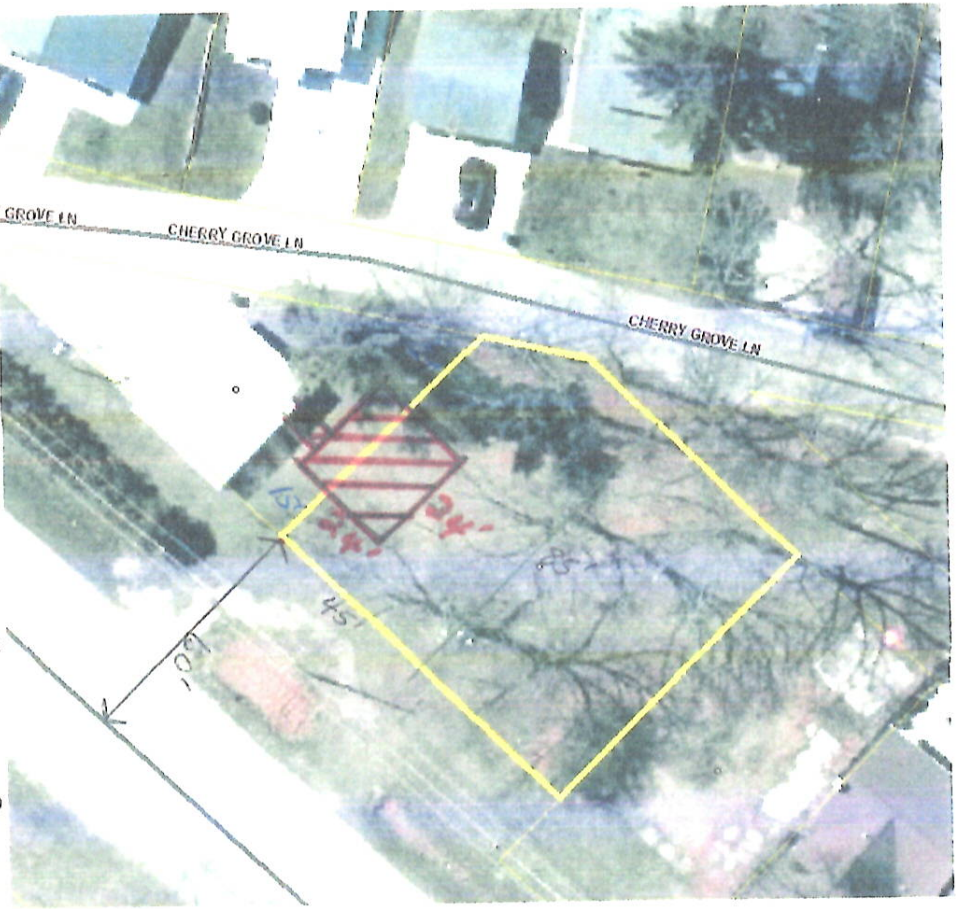


Date: \_\_\_\_\_

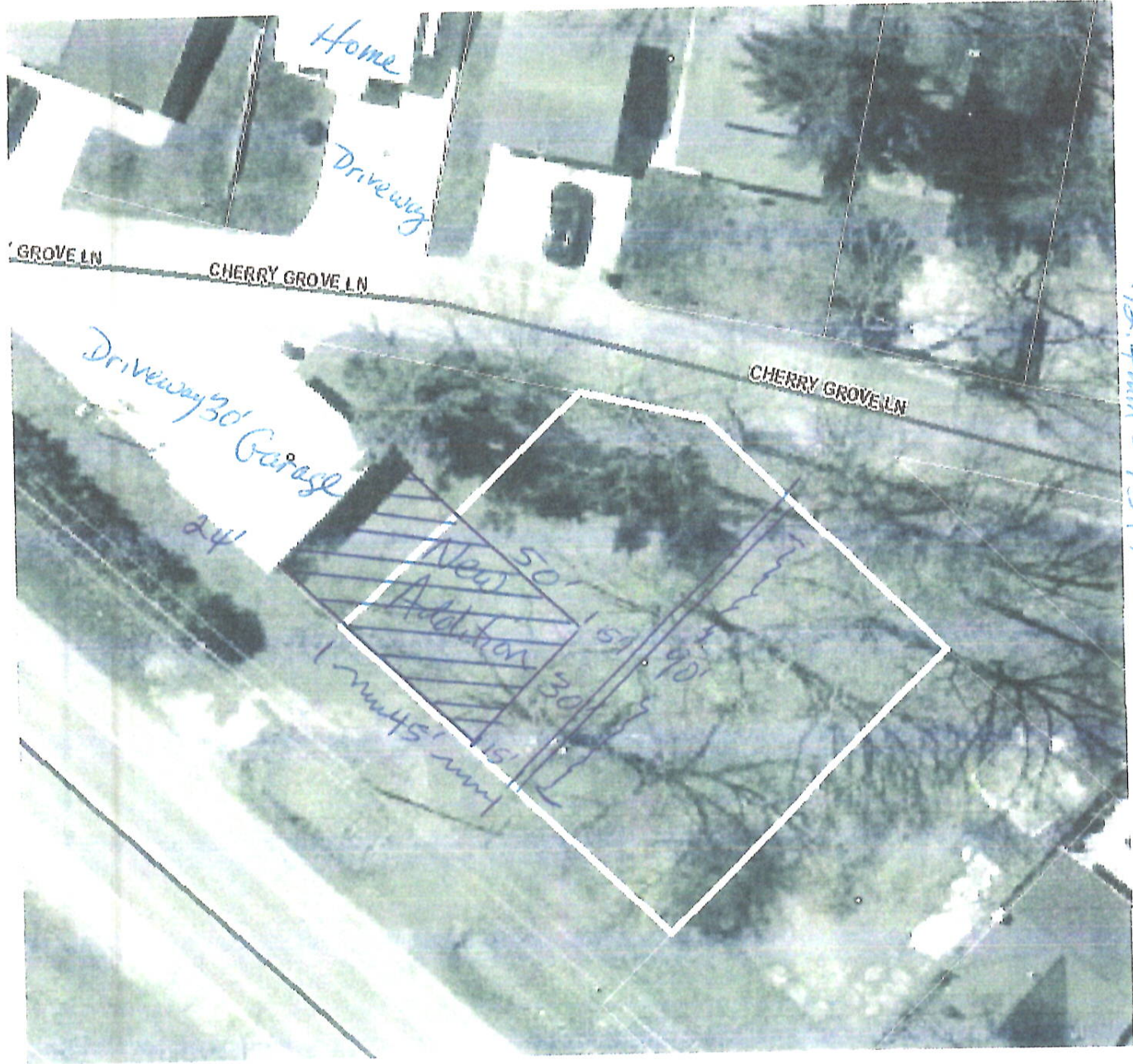
12/21/22

**Please see Article 94 of the Wexford Joint Zoning Ordinance for Site Plan requirements related to any matter before the Zoning Board of Appeals:**

Traverse to Stake  
451 ft + 25 ft  
150 ft + 232 ft



- ① 24' x 24' Addition with 2' x 4' Enclosed Brezeway
- ② Total of 607 sq ft. about 16.7% of the total. 3225 sq ft (Lot 180)
- ③ 15' from N 55' Right of way
- ④ About 24% of the current garage (720) sq ft footage.



Home

Driveway

GROVE LN

CHERRY GROVE LN

CHERRY GROVE LN

Driveway 30' Garage

24'

New Addition

50'

15'

90'

30'

5th mm

119.7 min = 15 ft

20 Dec 22

To: Wexford Joint Planning Commission

From: Aram Donigian, MD, Col, USAF, Retired

RE: Narrative in support of variance for a garage addition at 582 Cherry Grove Lane,  
Cadillac, MI

As per the suggestion of Mr. Bob Hall, Zoning Administrator, I have reviewed article 9604, Variance, Sections A-D. I will provide below, reasoning for the requested approval based on those provisions.

**A1** – Special conditions/circumstances peculiar to this land, include the following:

- 1 – Very, very small lot 90'x45' (~4000sf) meant for houses in the 1940's and 1950's making it very difficult/impossible to use the land with the current easement/set back requirements from both M-55 and Cherry Grove Lane.
- 2 – Current garage is peculiar because east wall sits directly on top of the property line, making it impossible to build an appropriate, esthetically-pleasing addition large enough for the applicant's needs.

**A2** – Literal interpretation of the provisions would deprive the applicant's rights as follows:

- 1 – A 20 foot or less set back from the M55 and Cherry Grove Lane property lines deprives the applicant enough land to build a suitably, cost-effective structure that will attach to the current garage. A 24ft minimum size structure is needed to store a large pickup truck, pontoon/trailer, and snowmobiles/trailer.
- 2 – A building of no more than 50% square footage of the current 720sf garage (360sf) would deprive the applicant of a large enough structure for his storage needs. The proposed 24'x24' (608sf) addition is the minimum needed and only uses 15% of the current 4000sf lot.

**A3** – Applicant's actions DID NOT cause the special circumstances/conditions.

**A4** – Granting of the variance markedly improved the essential character of the area that for the past 30 years was nothing more than an empty, overgrown lot on M-55. It will also markedly decrease the road noise from M55 for my Cherry Grove Lane neighbors.

**B** – For the Boards information, there are at least two adjacent neighbor's whose property/structures are on the property line at M-55. Point being that with two major structures within 130 ft of each other directly on the property line/M-55 right of way, a 20ft setback is essentially useless for the state or county to widen the road or place any kind of

underground utilities, water or sewer.

1 – Lot 128 (5911 M-55) has a fence on the M-55 right of way and a garage within 9 feet of the M-55 right of way. The property is within 120 feet of my property line on M-55.

2 – Miller's on the Horseshoe Drive and M-55 intersection also has a garage on the M-55 right of way – approximately 200 feet from my property line.

C – at the Board's discretion

D – at the Board's discretion

My goal is to build a very nice, 24'x24' addition with an 8'x4' enclosed breezeway attached to the current garage. It will not be a metal building so as to comply and blend in with the current houses/garages. Wood building with a cement floor, two garage doors, one traditional door entrance, insulated with electric and vinyl siding. This will be my retirement property in 2025.

Thank you for your consideration. I am happy to answer any questions you might have. Please feel free to contact me any time via phone, text, or email.

Sincerely,

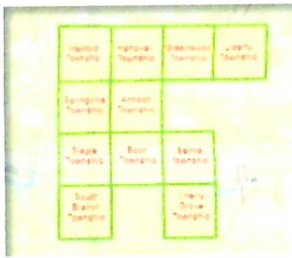


Aram Donigian, MD, Col, USAF, Ret  
adonigian@aol.com  
937-901-2726

T/NAME1	NAME2	OWNER_ADD	OWNER_CTY	OWNER_ST	OWNER_ZIP
2: LOCUST LANE RESORT LLC		2920 ACORN RD	BLOOMFIELD	MI	48302
2: SZUNKO, WALTER A	& JENNIFER	7011 LEORIE DR	TRAVERSE CITY	MI	49686
2: COSGROVE, DAVID M LE ETAL		2500 NORTH BOULEVARD	CADILLAC	MI	49601
2: DINGEMANN LLC		100 PARK ST STE 2000	TRAVERSE CITY	MI	49684
2: LOCUST LANE RESORT LLC		2920 ACORN RD	BLOOMFIELD	MI	48302
2: THIEBAUT, JAY	& YVONNE	702 LINCOLN	CADILLAC	MI	49601
2: BARNES LIVING TRUST		7868 PARKSIDE CT	JENISON	MI	49428
2: MCBEATH, SANDRA K		5899 E M-55 HWY	CADILLAC	MI	49601
2: WHETSTONE, LLOYD & CAROLYN M LE	ETAL	1525 DIANE DR	FLUSHING	MI	48433
2: BOLT, JEFFREY & ATHENA		5931 E M-55 HWY	CADILLAC	MI	49601
2: ARTHUR, OLIVER	& ELLEN	4438 W DODGE RD	CLIO	MI	48420
2: ARTHUR, OLIVER	& ELLEN	4438 W DODGE	CLIO	MI	48420
2: HODGES, RICHARD J & KATHLEEN M		49240 HUNT CLUB CT	PLYMOUTH	MI	48170
2: MCCORMICK, DONNA J TRUST		546 CHERRY GROVE LN	CADILLAC	MI	49601
2: GREEN, GREGORY N & MICHELLE LE ETAL		3909 SUMMIT VIEW DR NE	GRAND RAPIDS	MI	49525
2: BARNES, JAMES E & JANET LE ETAL		7868 PARKSIDE CT	JENISON	MI	49428
2: DUCHENE, MARK J & KATHLEEN J TRUST		28861 FORREST RIDGE	FARMINGTON HILLS	MI	48331
2: MILLER, MICHELE D TRUST		54880 BURLINGTON	SHELBY TOWNSHIP	MI	48315
2: CHERRY GROVE LAKE LLC		3846 WOODHURST CT	BEAVERCREEK	OH	45430
2: CHERRY GROVE LAKE LLC		3846 WOODHURST CT	DAYTON	OH	45430
2: SHAEFER, C ANDREW & JILLIANNE B LE		586 CHERRY GROVE LN	CADILLAC	MI	49601
2: SNYDER, KENT & EMILY LE ETAL		3486 PALMER DR	SAUGATUCK	MI	49453
2: TURNER, MATTHEW R & KELLY J		59256 BAVERNHaus CT	SOUTH LYON	MI	48178
2: MARK, IAN MICHAEL		5902 E M-55 HWY	CADILLAC	MI	49601
2: CADILLAC RENTALS LLC		PO BOX 1043	CADILLAC	MI	49601
2: WALDOFSKY, HEATHER & THOMAS		1833 DOGWOOD	HOLT	MI	48842
2: NEAL, MARY L TRUST		6624 GRACEPOINT DRIVE SE	CALEDONIA	MI	49316
2: SYLWESTRZAK, THEODORE	& MARY SUE	32540 OLD POST RD	BEVERLY HILLS	MI	48025

PARC_ADD1	PARC_CTY	PARC_ST	PARC_ZIP
5864 E M-55 HWY	CADILLAC	MI	49601
5850 E M-55 HWY	CADILLAC	MI	49601
104 LOCUST LN	CADILLAC	MI	49601
5895 E M-55 HWY	CADILLAC	MI	49601
5911 E M-55 HWY	CADILLAC	MI	49601
528 CHERRY GROVE LN	CADILLAC	MI	49601
530 CHERRY GROVE LN	CADILLAC	MI	49601
554 CHERRY GROVE LN	CADILLAC	MI	49601
558 CHERRY GROVE LN	CADILLAC	MI	49601
562 CHERRY GROVE LN	CADILLAC	MI	49601
566 CHERRY GROVE LN	CADILLAC	MI	49601
5887 E M-55 HWY	CADILLAC	MI	49601
582 CHERRY GROVE LN	CADILLAC	MI	49601
590 CHERRY GROVE LN	CADILLAC	MI	49601
5853 E M-55 HWY	CADILLAC	MI	49601
5888 E M-55 HWY	CADILLAC	MI	49601
5926 E M-55 HWY	CADILLAC	MI	49601
80 LOCUST LN	CADILLAC	MI	49601
70 LOCUST LN	CADILLAC	MI	49601
60 LOCUST LN	CADILLAC	MI	49601
50 LOCUST LN	CADILLAC	MI	49601
40 LOCUST LN	CADILLAC	MI	49601
30 LOCUST LN	CADILLAC	MI	49601





## WEXFORD JOINT PLANNING COMMISSION

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

231-775-1138 x 6

[www.wexfordjpc.org](http://www.wexfordjpc.org)

[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)

January 10, 2023

Dear property owner and / or occupant,

Under Michigan statutes (PA 110 of 2006, as amended), when the local municipality receives a request that involves a public hearing, we are required to notify the owners of all 'real' property within 300' feet of the property subject to the request. Our records indicate that you are within our notice group for the property subject to the public hearing scheduled in the below notice. There is no action required on your part in response to this notice. All meetings of the Wexford Joint Zoning Board of Appeals are open to the public.

### NOTICE OF PUBLIC HEARING

The Wexford Joint Zoning Board of Appeals has received an application requesting a variance from the terms and conditions of Article 80, Section 8003 of the Wexford Joint Zoning Ordinance regulating nonconformities. The applicant is seeking to add onto an existing (garage / accessory building / structure) by increasing the size more than the fifty (50) percent permitted for a Class A Extension. The subject property is parcel #2110-MPK-148, a/k/a: 582 Cherry Grove Lane, Cadillac, Michigan 49601 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 during established office hours or may be viewed on line at: [www.wexfordjpc.org](http://www.wexfordjpc.org), under the ZBA MTGS tab. A public hearing will be conducted at the regularly scheduled January 25<sup>th</sup>, 2023 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 the day of the public hearing at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: [planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)

Respectfully,

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

Robert (Bob) Hall  
Planning and Zoning Director

# Affidavit of Publication

STATE OF MICHIGAN }  
County of Wexford }

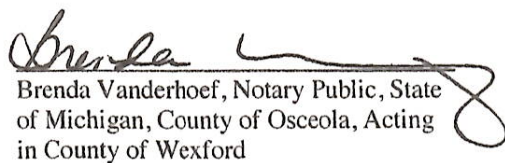
Tara Hall of Cadillac News, a paper published in the County of Wexford and circulated in the Counties of Wexford, Missaukee, Osceola; being duly sworn, deposed and says that she is the Business Department Leader of said newspaper and that a notice, a true copy of which is annexed hereto, has been duly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

January 7, 2023



Tara Hall

Subscribed and sworn to before me this  
10th day of January A.D. 2023.

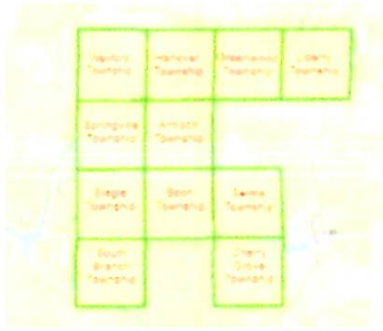


Brenda Vanderhoef, Notary Public, State  
of Michigan, County of Osceola, Acting  
in County of Wexford

My commission expires: December 16,  
2023

## WEXFORD JOINT PLANNING COMMISSION NOTICE OF PUBLIC HEARING

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January 7



# Wexford Joint Planning Commission

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

[www.wexfordjpc.org](http://www.wexfordjpc.org)

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

## STAFF REPORT/Zoning Board of Appeals Case # ZBA-2023-01

### 1. Application

Owner(s):	Donigian, Aram   Cherry Grove Lake, LLC 3846 Woodhurst Beavercreek, Ohio 45430
Site Address,	582 Cherry Grove Lane., Cadillac, MI 49601
Parcel ID#	2110-MPK-148 and 2110-148-MPK-130
Zoned:	R2
Site Plan:	Attached (by applicant)

### 2. Development Proposal

- 2.1 Property Description – LOT 148 & LOT 132 EXC HWY R/W PLAT OF MITCHELL PARK CG. SEC. 12 T21N R10W -CAPS- SPLIT ON 08/01/2022 WITH 2110-MPK-130 INTO 2110-MPK-148-01, 2110-MPK-130-01;
- 2.2 Action Report – The Applicant proposes to construct a 24' x 24' addition, connected via a 4' x 8' breezeway to an existing nonconforming accessory building (see applicant provided site plan included with this report).

According to the Cherry Grove Township Assessor, the subject Garage / Accessory Structure was built in 1988; this is the basis for the determination by the Zoning Administrator as a Class A nonconformity in accordance with Article 80, Section 8003.



Note: The applicant owns the dwelling on Cherry Grove Ln directly across from the subject property associated with this variance request. The RED oval indicates the area of proposed land use activity

### 2.3 Background:

1. The subject property (located between Cherry Grove Ln and M-55 Hwy.) with the existing **nonconforming** accessory structure / building comprises approximately .24 acres or 10,454 square feet; far exceeding the required minimum of 7,000 (seven thousand) square feet, thus classifying it as a **conforming** parcel under the Wexford Joint Zoning Ordinance.

#### 8003. Class A Extensions

A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered or expanded during its life; and a nonconforming parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions. **Class A nonconformities are uses or structures that existed as lawful uses or structures under the Wexford County Zoning Ordinance number 5 and which have been made nonconforming by the adoption of this Ordinance.** Uses or structures that existed as lawful uses or structures under the Wexford County Zoning Ordinance and uses or structures first lawfully established under this Ordinance and which later become nonconforming by an amendment to this Ordinance are also Class A nonconformities. Class A nonconformities may be extended and altered as permitted in this Section.

**A.** If the nonconformity land use is a use which is not otherwise allowed in the district; **then the use and the structures upon which the use is associated shall not be expanded more than fifty (50) percent in size, hours of operation or level of service, or any other extension which exists at the time of adoption of this Ordinance.** Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.

**B.** If the nonconformity is that the parcel is too small and already has existing uses and structures; then the structures shall not be expanded more than:

1. fifty (50) percent of the ground area occupied by the structure at the time of adoption of this Ordinance, or
2. spatially possible while such expansion shall comply with all applicable setback regulations in this Ordinance. whichever is less. Any expansion of the structure shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the zoning district.

[WJZO-DEFINITION]: **PARCEL** means a tract of land or one or more lots having a single tax identification number issued by the Wexford County Equalization Department or a condominium unit of land space and directly associated limited common element, except that if two or more parcels meeting the foregoing definition are contiguous and under common ownership, then all of such parcels shall be

deemed a single parcel for purposes of this Ordinance on which one (1) principal building and its accessory buildings are placed, together with the open spaces required by this ordinance

**Wexford County Zoning Ordinance #5 (excerpt / Article Three General Provisions)**

**Structural Changes and Enlargement of Non-Conforming Buildings and Structures**

No non-conforming buildings, other than dwellings, shall be structurally altered or enlarged unless the resultant alteration or enlargement or use conform to the provisions of the zoning district wherein located (...)

2. The property is located in the R-2 Residential Zoning District

2.4 Current Narrative:

1. The Applicant and the Zoning Administrator began discussions related to this project as early as October 28<sup>th</sup> of 2022. Staff, giving the benefit of doubt to the applicant, ascertained through communications with the Cherry Grove Township Assessor and the Wexford County Building Department that while the property / parcel is deemed conforming, the existence of the structure is deemed as a Class A Nonconformity under Article 80, Section 8003 of the Wexford Joint Zoning Ordinance.
2. Through phone and email communication involving the exchange of aerial images and marked up drawings, it was determined that the applicant's proposal could not be administratively approved. Staff looked at several alternate ideas as to how the shape of the property and required setbacks affected where and how much building could take place.
3. Submission of the Land Use Permit and application fee were determined to be a moot point at this juncture and the applicant was advised of the variance process and provided access to Article 96; Appeals Board, from the Wexford Joint Zoning Ordinance via email and asked to give this due consideration before deciding to seek a variance. The applicant submitted the attached application and requisite fee to proceed with a variance request.
4. Public Hearing Notification was published in the Cadillac News on: January 7<sup>th</sup>, 2023; 18 days in advance of any required public hearing
5. 300 Foot Notices were sent out on January 10<sup>th</sup>, 2023; 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 January 13<sup>th</sup>, 2023.

3. Article 46: R-2 RESIDENTIAL DISTRICT

3.1 Section 4604 of Article 46 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: 7,000 (seven thousand) square feet; the subject parcel where the house is located is approximately 10,454 (ten thousand, four hundred and fifty-four) square feet.

2. The minimum buildable area is seven thousand five hundred (7500<sup>1</sup>) square feet.
3. The minimum parcel width is: 75 (seventy-five) feet – on a road; the subject property has approximately 180 (one hundred and eighty) feet on M-55 Hwy., and 145' (one hundred and forty-five) feet on Cherry Grove Ln. (See overhead of lot below)



4. Setback requirements are as follows:

Front: 4604.D.1.a	the required setback is 20'
Side: 4604.D.1.b.(1)	the required setback is 15'
Water: 1011	the required setback is N/A
Rear: 4604.D.b <sup>2</sup>	N/A

<sup>1</sup> This is an obvious typographical error in conflict with Article 46, Section 4604.A

<sup>2</sup> This is an obvious typographical error as there are two (2) sub "b" under 4604.D

4. Article 96, Section 9608.F.2.a

4.1 According to WJZO, Article 9608.F.2.a.

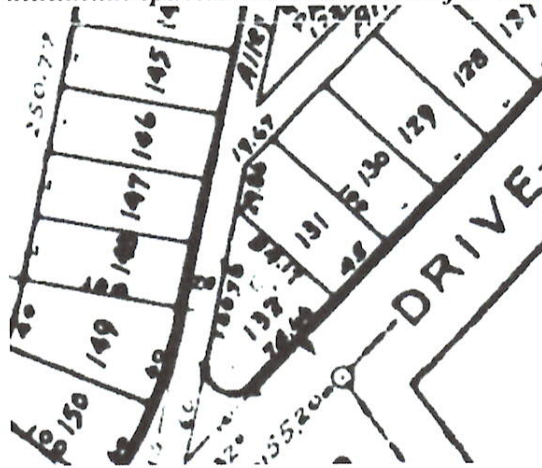
**a. For Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:**

**Standards for variance decisions by the Appeals Board**

(1) thru (5)

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: Though this property / parcel may exhibit 'a' unique physical condition (such as shape), it remains a conforming lot that exceeds the minimum spacial characteristics of a 'buildable' parcel on its own.*



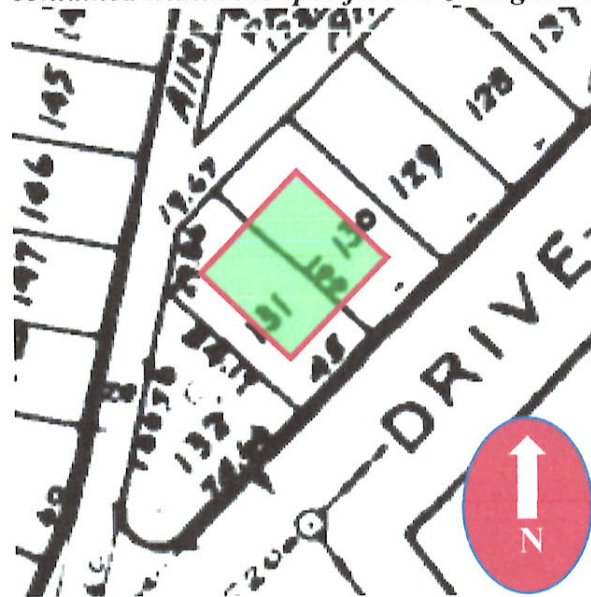
*Furthermore, the parcel consists of a total of three (3) lots in contiguous ownership (130, 131, and 132) that provides ample area to use for a permitted or special use in the R-2 Residential District in compliance with the Wexford Joint Zoning Ordinance. The applicant has not demonstrated that a practical difficulty exists.*

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:** *The current landowner has not altered the property since the adoption of the Wexford Joint Zoning Ordinance. However, and after consultation with staff, the applicant has the ‘desire’ to expand a nonconforming structure greater than the size permitted by the Wexford Joint Zoning Ordinance. The applicant by virtue of having been offered an alternative solution in compliance, has created 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 (lots 130, 131, and 132) exceeds the minimum size standards by more than 30 (thirty) percent. Specifically, rough calculations demonstrate that the property could easily support a 3,600 square foot dwelling that meets all required setbacks and other standards contained within the specific R-2 zoning district. See image(s) below:*



*This image represents a 60' x 60' building / dwelling (3,600 square feet) maintaining the minimum required setbacks and fully contained on lots #130 and 131. The subject nonconforming structure sits wholly on lot #132. This image is a representation that strict compliance will NOT unreasonably prevent the property owner from using the property for a permitted purpose, thus demonstrating compliance is not unreasonably burdensome.*





*Existing 'lawful' nonconforming structure on lot #132*

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: Based upon the WJZO, Article 96, Section 9608.F.2.a.1, 2, and 3 above, the applicant has not demonstrated that a variance is even necessary for substantial justice to be rendered because staff has demonstrated that compliance with the ordinance in all respects is easily obtained.***

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: Staff believes that granting the variance in the absence of the applicant being able to demonstrate that any practical difficulty exists and failing to demonstrate that any of the above standards in Article 96, Section 9608.F.2.a 1 thru 4 have been met, would, by its very nature, cause an adverse impact by incumbering an additional parcel / lot that is fully conforming and able to be developed as intended in the zoning district***

***Staff recommends: that the Zoning Board of Appeals use the staff recommendations to guide and support their own independent findings of fact and conclusions that support a DENIAL of the requested variance(s) from the provisions of Article 80, Section 8003, Class A Extensions, that limits the expansion of a nonconforming structure to not more than 50 (fifty) percent, or spatially possible while complying with setback regulations.***

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

Robert (Bob) Hall  
Planning and Zoning Director

## Bob Hall

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**From:** Bob Hall  
**Sent:** Wednesday, December 7, 2022 9:42 AM  
**To:** 'Am'  
**Subject:** RE: Land use application and site plan for garage addition

Aram –

Not sure why the image didn't come through in my previous email – (see below)  
Essentially, I am able to permit only a 50% expansion of what currently exists (drawing not to scale) Any attachment is considered an addition to the existing structure.  
Typically (under the regulations currently in effect) you would not even be permitted to put a garage on a lot intended for a dwelling. The 800 square foot of living space would still be required.

It is possible for you to seek a variance from the [zoning board of appeals](#) – I would recommend that you review the standards before submitting such an application in Article 96, Section 9604.A (1 thru 4) in the [Wexford Joint Zoning Ordinance](#).

As of now – I cannot see my report justifying the need with some extenuating circumstances.

Hope this helps.



**From:** Am <adonigian@aol.com>  
**Sent:** Monday, December 5, 2022 9:23 AM  
**To:** Bob Hall <planningandzoning@wexfordjpc.org>  
**Subject:** Re: Land use application and site plan for garage addition

Bob,  
Thanks for expediting my request. I really appreciate your work. A bit frustrating to say the least due to current restrictions and small size of the lot.  
Dont have illustration of your proposal. please resend.  
1. Can I request the board for a variance due to the size of the lot and current building? Chance of success in previous requests in your experience?

2. Can I build a separate structure instead of an addition without needing 800 sq ft of living space?
3. Is a covered insulated hallway, breezeway to the addition be considered an addition or another building?

thanks  
Aram

On Friday, December 2, 2022 at 10:53:34 AM EST, Bob Hall <[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)> wrote:

Aram –

Thank you for your patience – a quick look at this indicates your proposal to extend the building on one lot along the same line and onto the adjoining lot (in common ownership). While extending from one lot to the other can be accomplished, I cannot administratively approve the expansion that close to the lot line. The existing building is non-conforming by the standards currently in place, that it sets too close to the lot line.

I have made an effort to illustrate what we could 'approve' below. You would need setbacks off Cherry Grove Lane and M-55 of not less than 20'.

Let me know if I can be of further assistance.

Bob

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**From:** Am <[adonigian@aol.com](mailto:adonigian@aol.com)>  
**Sent:** Thursday, November 17, 2022 8:54 PM  
**To:** Bob Hall <[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)>  
**Subject:** Re: Land use application and site plan for garage addition

On Thursday, November 17, 2022 at 08:50:33 PM EST, Am <[adonigian@aol.com](mailto:adonigian@aol.com)> wrote:

Bob,

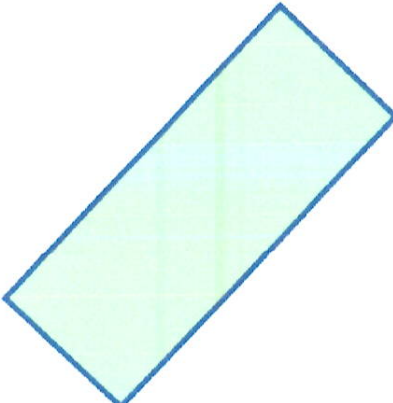
Here is my app and site plan.

Let me know when you get it and any questions. Please call me 937 901-2726

thanks

aram

On Friday, October 28, 2022 at 10:32:36 AM EDT, Bob Hall <[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)> wrote:



Robert (Bob) Hall | Planning and Zoning Director

Dr. Ben Townsend | Assistant Zoning Administrator

## **Wexford Joint Planning Commission**

4830 E. Highway M-55

Cadillac, Michigan 49601

231-775-1138 x 6      [www.wexfordjpc.org](http://www.wexfordjpc.org)

### **Land Use Permit application - Residential**

**Application Fee: \$70.00**

## Bob Hall

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**From:** Mark Duchene <Markd@discoverysolutionsinc.com>  
**Sent:** Friday, January 13, 2023 9:16 AM  
**To:** Bob Hall  
**Subject:** 2110-mpk-148 582 Cherry Grove lane

Robert,

We are in receipt of the Planning Commission notice about 2110-mpk-148 582 Cherry Grove lane.

As a neighbor of the Aram Donigian looking to add on to the size of their garage, we have no issue or concern with the project. We won't be able to make the hearing.

Regards  
Mark Duchene  
562 Cherry Grove Lane  
Cadillac MI 49601