Wexford Joint Planning Commission

c/o Cherry Grove Township
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STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2025-03

1. Application

Agent/Contractor:	Hanus, Carolyn 101 Davidsen Ave. Cadillac, Michigan 49601
Owner(s):	SAME
Site Address, And Proposed Location	SAME Parcel ID# 2110-WHP-01 – Cherry Grove Township
Zoned:	R2
Site Plan:	Attached

2. Development Proposal

2.1 Property Description – LOT 1 WESTWOOD BEACH PARK CG. SEC. 11 T21N R10W -CAPS-

2.2 Action Report –

A. The Applicant is purposing to attach the garage to the house with a 12'x28' addition which includes a covered porch area and an enclosed breezeway to the existing garage. This is not a ZBA decision, as it is permitted in the zoning ordinance to do this and meets all proper setbacks.

B. The applicant is requesting to extend the existing garage structure along the same plane of an existing front-yard setback which is less than the minimum required of

twenty (20') feet. The current setback of the current non-conforming, 12' by 28' garage is approximately four (4') feet. The applicant asks to keep the same four (4') foot plane and add an additional twelve (12') feet, remaining along the four (4') foot setback to make a total garage area of approximately twenty-four (24') feet by twenty-eight (28') feet.

2.3 Background:

1. This property is approximately 5,354 square feet: much less than the required minimum of 7,000 square feet.

2. The Buildable Area for this parcel is approximately 1,338 square feet: much less than the Buildable Area required in R-2 of 5,000 square feet.

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

2.4 Current Narrative:

1. The Applicant and owner of the subject property made personal contact on at least two occasions with the Zoning Administrator prior to filing a request for a variance with the Zoning Board of Appeals. The Zoning Administrator responded in detail answering the questions presented by the applicant on June 25, 2025.
2. The applicant was advised of the appeals procedure and provided a copy of Article 96; Appeals Board, from the Wexford Joint Zoning Ordinance. The Zoning Administrator applied the traditional application fee to the Zoning Board of Appeals application fee, as it was discovered in the conversation that the applicant desired to pursue a variance.
3. The applicant met finally with the Zoning Administrator on Friday, June 27, 2025 and filed an application and site plan seeking the requested variances regarding the proposed construction of additions to the existing dwelling.

4. The Zoning Administrator made a site visit to the subject parcel on the afternoon of Tuesday, July 8, 2025, to compare the specifications on the site plan to the physical layout of the property.
5. Public Hearing Notification was published in the Cadillac News on: July 8, 2025; 15 days in advance of any required public hearing
7. 300 Foot Notices were sent out on July 2, 2025; 21 days in advance of any required public hearing.
8. Packets were sent out to the Zoning Board of Appeals members on July 16, 2025.

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: seven thousand (7000) square feet; the subject Parcel is approximately five thousand, three hundred and fifty-four (5,354) square feet, not including the meets and bounds adjacent parcel.
2. The minimum buildable area is: 5,000 (five thousand) square feet; the subject Parcel(s) has a buildable area of approximately 1,338 (one thousand, three hundred and thirty-eight) square feet.
3. The minimum parcel width is: (twenty-six (26') feet at the water's edge, and eighty (80') feet at the roadside. The property measures fifty-two (52') feet across the middle, which is how we properly measure parcel width for side setbacks.

4. Setback requirements are as follows:
Front: 4604.D.1.a.(1) 20' (twenty) feet
Side: 4604.D.1.b.(1) 10' (ten) feet
Waterfront : 4604.D.1.d 50' (fifty) feet

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: By virtue of the ordinance standards, the subject property does appear to meet the uniqueness standard. Also, the property does not meet the minimum parcel area requirements (7000 sq. ft.) and is well below the buildable

area minimum (5000 sq. ft. to 1,338 sq. ft.). Both criteria advance the "uniqueness" standard for approval.

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: This subdivision was originally platted in 1926 (see above plot map). There is no record of the lot having been altered and that effects the garage in the northwest corner of the property, which has proper side setbacks from the property line. This was definitely not done by the Appellant who acquired the property June 21, 2013.

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…" –* ***the property is currently being utilized as a non-conforming, permitted use. The desires of the applicant are to encroach farther into the front yard setback at the roadside of the garage and to extend the garage twelve (12') feet along the same plane of the non-conforming front yard setback at the south side of the garage.***

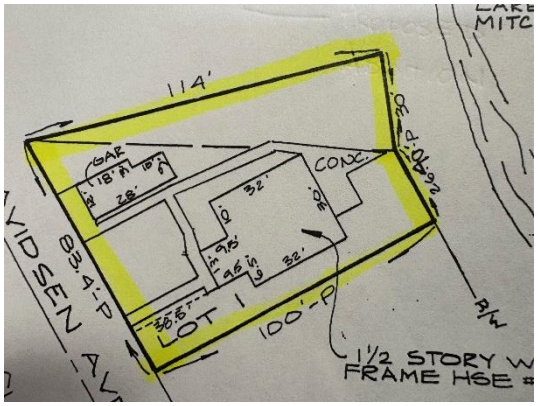
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

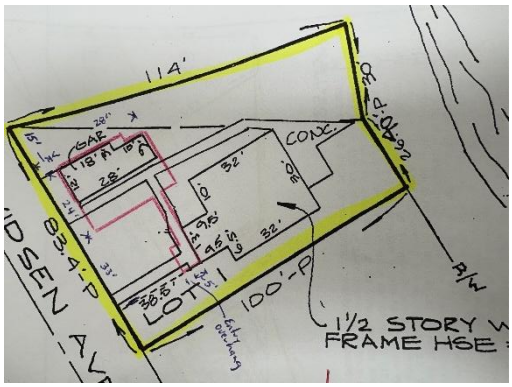
Staff Comments: The applicant is requesting a variance to be approved while simultaneously using the property in a permitted manner absent any variances being granted. The property is currently consistent with the surrounding character of the neighborhood. Note: The garage on the parcel to the north is six (6') off the property line, the house on the parcel above that is nine (9') feet off the property line, and the adjacent garage to the south is five (5') feet OVER the property line (and a mere eight (8') feet from the side of the road. (Confer:

4604.D.1.a.(2): "If the parcel is nonconforming, the front yard setback shall be <u>the average setback of the existing dwellings on adjacent parcels</u> on each side…"

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: The applicant has made conscious efforts to minimize the impact on the surrounding property by proposing to not include anything built upon the meets and bounds property adjoining it to the north, stating that they would not wish to cause any harm to their neighbor to the north by using that property to build upon. They have also made a conscious effort to relegate any construction of the garage inwardly, towards the center of the parcel and not towards either neighbor's property.





<u>Staff recommends</u> that the Wexford Joint Zoning Board of Appeals make independent findings and conclusions that "approve" the requested front yard setback and the continuing nonconforming setback along the same plane on the southeast corner of the garage as demonstrated on the site plan submitted by the applicant, or "deny" the request, or "approve with conditions."

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

Dr. Ben Townsend
Zoning Administrator