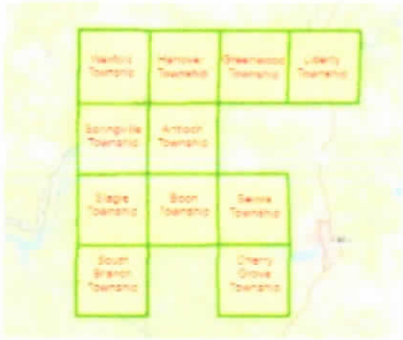


Wexford Joint Planning Commission

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

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

STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2021-02

1. Application

Owner(s):	Skotanis, Bill and Fay 17769 Rolling Woods Circle Northville, Michigan 48168
Site Address, And Proposed Location	177 South Lake Drive, Cadillac, MI 49601 Parcel ID# 2110-BB11335 – Cherry Grove Township
Zoned:	R2
Site Plan:	Attached

2. Development Proposal

2.1 Property Description – **LOTS 35, 36, 37, BLK. 13 BOULEVARD BEACH SUBDIVISION #1 CG. SEC. 3 T21N R10W**

2.2 Action Report –

A. The Applicant is requesting to encroach farther into the waterfront yard setback than the existing dwelling currently sits, proposing an addition to the footprint that includes a bay window as demonstrated on the applicant provided site plan.

B The applicant, on their own accord, proceeded directly to requesting a variance from the required setback without consulting with the planning and zoning administrators'.

2.3 Background:

1. This property is approximately 7,500 square feet; more than the required minimum of 7,000 square feet.

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

2.4 Current Narrative:

1. The Applicant via their Agent contacted the Zoning Administrator on or about the 29th of October inquiring about submitting an application for a variance request via overnight mail. The applicant was advised of possible meeting dates and required processing timelines.
2. The Zoning Administrator received an application and the fee to appear before the zoning board of appeals in the WJPC office on November 3rd, 2021. The Zoning Administrator notified the applicant about a special meeting date of December 1st, 2021 to navigate around the Thanksgiving holiday and to ensure ZBA members were available.
    a. A land Use Permit application was reviewed and approved (LUP-160) for a second-floor addition to the existing dwelling. (***see attached Michigan Court of Appeals case for training purposes***)
3. The Zoning Administrator made a site visit to the subject parcel on the afternoon of Wednesday, November 10, 2021 to compare the specifications (or lack of) on the applicant provided site plan to the physical layout of the property.
4. Public Hearing Notification was published in the Cadillac News on: November 16th, 2021, in accordance with the Zoning Enabling Act; 15 days in advance of any required public hearing
5. 300 Foot Notices were sent out and the public hearing / special meeting was 'posted' on November 12th, 2021; more than 15 days in advance of any required public hearing.
6. Packets were mailed out to the Zoning Board of Appeals members on November 23rd, 2021.

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 seven thousand and five-hundred (7,500 sq. ft.) square feet. The parcel is NOT nonconforming by reason of area.

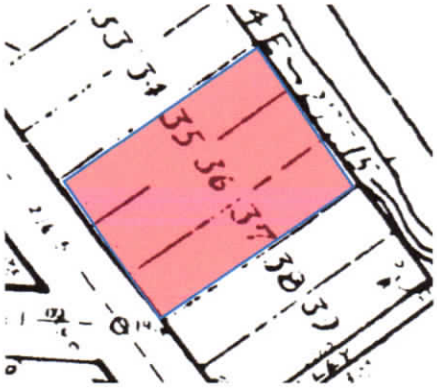
2. The minimum parcel width is: seventy-five (75) feet; the subject parcel(s) / lots **LOTS 35, 36, and 37** have a combined width of seventy-five (75') feet on the road and approximately eighty (80') feet across the water front.
3. Setback requirements are as follows:
Front: 4604.D.1.a.(1) 20' (twenty) feet
Side: 4604.D.1.b.(1) 12' (fifteen) feet
Waterfront : 4604.D.1.d 50' (fifty) feet (see Article 10, Section 1011.A)

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 subject property exceeds the minimum lot size and area required for building and has an existing dwelling and accessory structure. The property is generally flat. Although the property 'fronts' on water, that is not a characteristic that is 'unique' to this parcel.



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 existing dwelling and accessory structure are currently built into the required 50' (fifty) foot setback by approximately 20+' (feet). The property owner is requesting to encroach even further with the proposed bay window addition by 4' (four) feet.

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: *– The property is currently being utilized as a permitted use.* ***The desires of the applicant are to add to their house, a bay window with a physical increased footprint.***

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 of the waterfront setback to add on to an existing dwelling and increase the nonconforming setback from the water's edge.

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 standard cannot be immediately determined by staff - however, long-term goals are typically only realized through adherence to the required regulations.

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..."*

<u>Staff recommends</u> that the Wexford Joint Zoning Board of Appeals make independent findings and conclusions and take into consideration this report in order to make independent findings to support your decision whether to approve, approve with conditions, or deny the application for the requested variance.

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

Robert Hall
Planning and Zoning Director

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601
231-775-1138x6
planningandzoning@wexfordjpc.org
www.wexfordjpc.org

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

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

Property Owner: Skotanis (Last Name) Bill (First Name) Phone: (248)- 767 - 9269

Owner Address: 17769 Rolling Woods Circle (Street # or P.O. Box) Northville (City) MI (State) 48168 (Zip)

Project Address: 177 South Lake Drive (Street # or P.O. Box) Cadillac (City) MI (State) 49601 (Zip)

Parcel ID # 2110 BB11335 - _____ Are property lines and building site staked? YES (NO) [Circle one]

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / Attorney: _____ (Company Name) / _____ (Individual Name)

Agent / Attorney Address: _____ (Street # or P.O. Box / City / State / Zip)

Agent / Attorney Phone: (____)-_____-_____ **Email**: _____

HARTMAN ARCHITECTS & ENGINEERING, INC

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]

Home used as family cottage, would lake to add 4' deep bay window into lake side setback to better accommodate family.

The project address / property is located in the R-2 Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # 2021-02 Date Application Received: 11 / 03 / 2021
Fee: $ 590.00 Receipt # 553965 Date of ZBA Action: 12 / 01 / 2021

SCHEDULED FOR

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: Bill Bkstar ***Date:*** October 28, 2021

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

Tax ID 2110-BB11335

Cherry Grove Twp., Wexford County

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

Assessment Roll Owner Name(s): SKOTANIS, BILL & FAY

Assessment Roll Owner Address: 17769 ROLLING WOODS CIR
NORTHVILLE MI 48167

Assessment Roll Parcel Address: 177 S LAKE DR
CADILLAC MI 49601

Property Information

Jurisdiction: Cherry Grove Twp.
Property Class: 401 Residential Improved
School District: 83010 Cadillac
Assessed Value for 2021: $130,100
Year SEV for 2021: $130,100
Taxable Value for 2021: $72,752
Homestead % for 2021: 0%
Assessed Value for 2020: $123,100
Taxable Value for 2020: $71,748
Property Square Feet: 7499.97541115 Sq Ft
Property Acreage: 0.17217643276 Acres

Assessment Roll Description

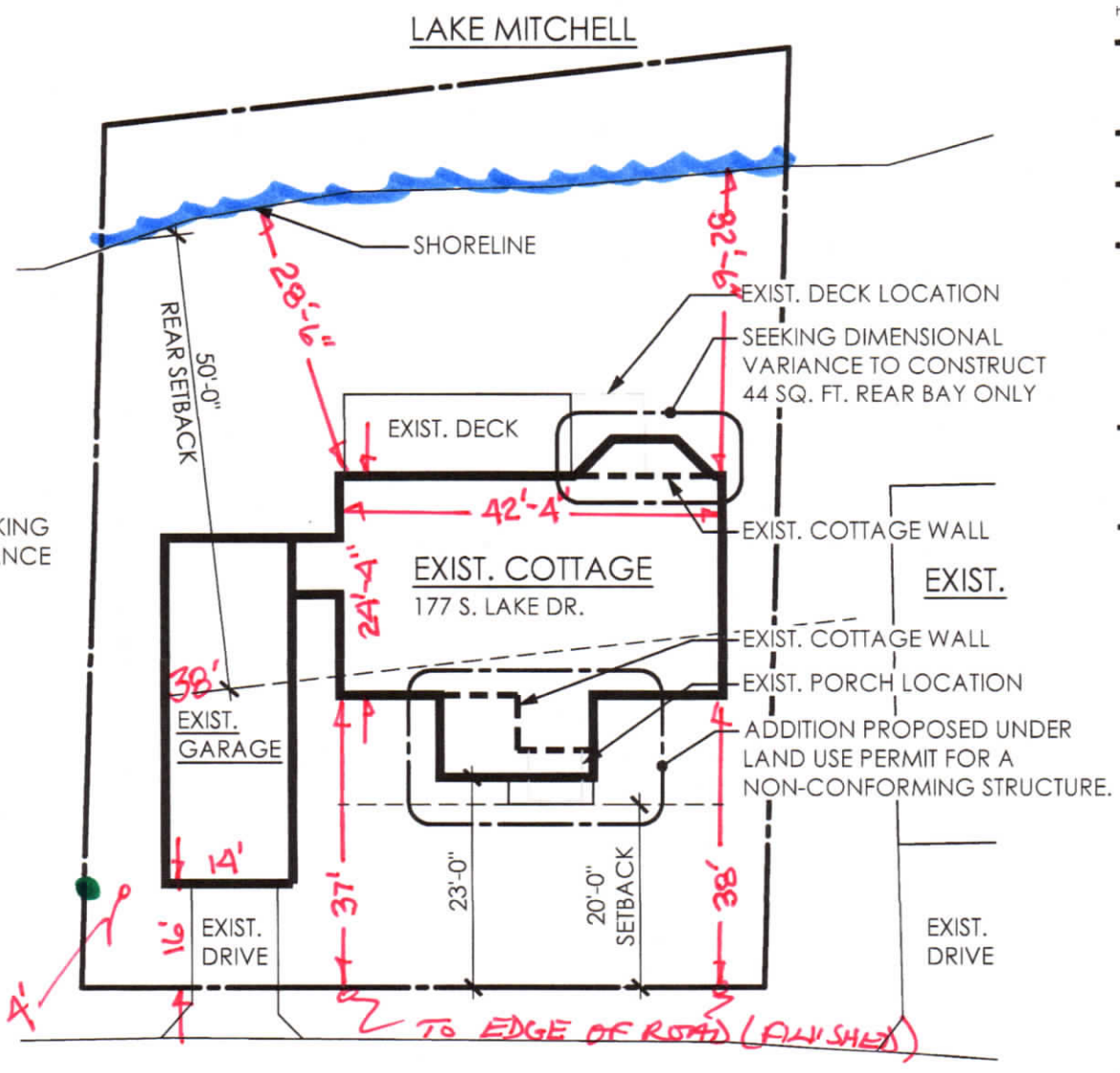
LOTS 35, 36, 37, BLK. 13 BOULEVARD BEACH SUBDIVISION #1 CG. SEC. 3 T21N R10W -CAPS-

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

PROJECT:

Skotanis Cottage Addition Variance Request

177 S. Lake Drive
Cadillac, Michigan 49601



ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

George J. Hartman Architects, P.C.

6905 Telegraph Road
Suite 101
Bloomfield Hills, MI 48301

248-258-5811 ph.
hartmanarchitects@ameritech.net

Date:
October 28, 2021

© Copyright 2021

Project:

Skotanis Cottage Addition

177 S. Lake Drive
Cadillac, MI 49601

GHA Project #2145

A-1.0

2145 - Skotanis Addition Variance Request

PROJECT:

Skotanis Cottage Addition Variance Request

177 S. Lake Drive
Cadillac, Michigan 49601

George J. Hartman
Architects, P.C.

6905 Telegraph Road
Suite 101
Bloomfield Hills, MI 48301

248-258-5811 ph.
hartmanarchitects@ameritech.net

Date:
October 28, 2021

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Project:

Skotanis Cottage Addition

177 S. Lake Drive
Cadillac, MI 49601

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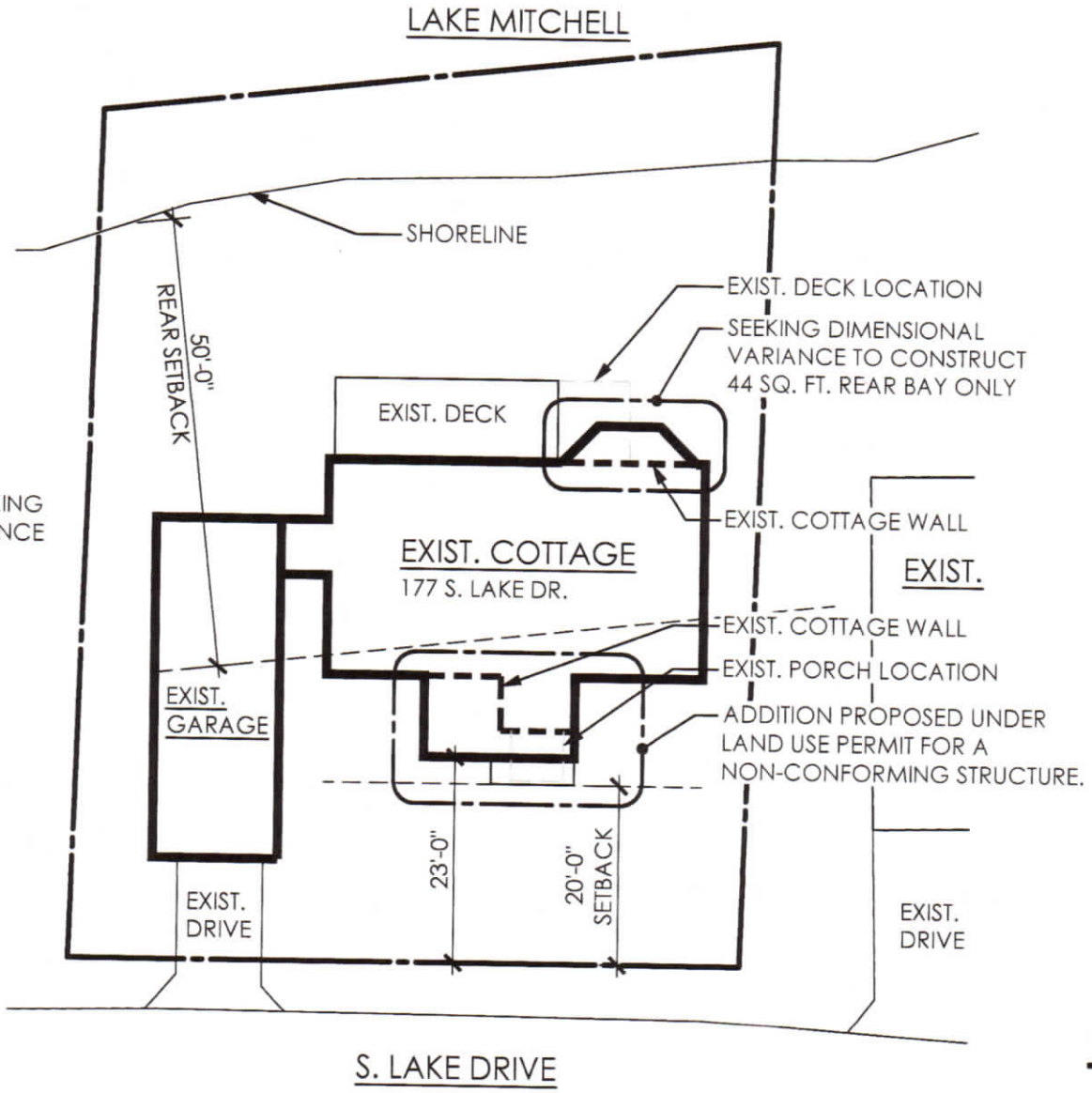


NORTH NORTH

ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

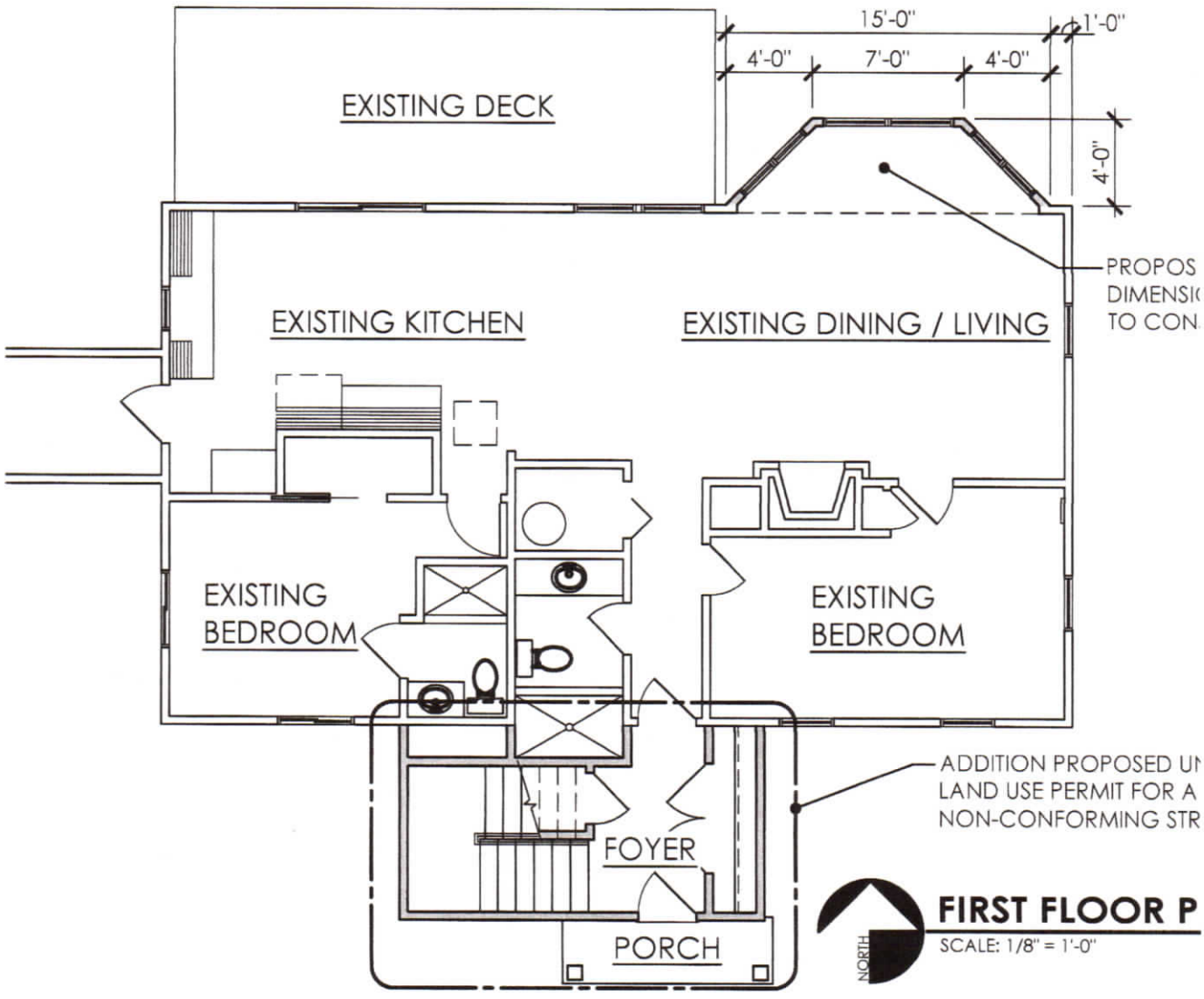
GHA Project #2145

A-1.0

2145 - Skotanis Addition Variance Request

NORTH ELEVATION

SCALE: 1/8" = 1'-0"



FIRST FLOOR P

SCALE: 1/8" = 1'-0"

Wexford Joint Planning Commission

c/o Cherry Grove Township
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Cadillac, Michigan 49601 www.wexfordjpc.org

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

November 12, 2021

Re: Wexford Joint Zoning Board of Appeals – Public Hearing regarding variance request

Greetings –

As described below, the Wexford Joint Zoning Board of Appeals will be conducting a public hearing soon at a property in your immediate vicinity. The Michigan Zoning Enabling Act requires the owners of all real property within 300' of such a request that requires a public hearing be notified. No action is required on your part.

All meetings of the Wexford Joint Zoning Board of Appeals are open to the public.

Respectfully,

Wexford Joint Planning Commission
Planning and Zoning Director

PUBLIC NOTICE

The Wexford Joint Zoning Board of Appeals has received an application requesting a variance from the terms and conditions of Article 46, Section 4604 of the Wexford Joint Zoning Ordinance regulating parcel and building area, coverage, and setbacks. The applicant is seeking a variance from the required waterfront yard setback of 50' (as specified in Article 10, Section 1011) to allow for the addition of a bay window. The subject property is parcel #2210-BB11335, a/k/a: 177 South Lake Drive, 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. under the ZBA MTGS tab. A public hearing will be conducted at a special, rescheduled December 1st, 2021 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 1st, 2021 at: Wexford Joint Planning Commission, c/o Cherry Grove Township, 4830 E. M-55, Cadillac, MI 49601 or emailed to: planningandzoning@wexfordjpc.org