

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS MEETING**

Wednesday, October 19, 2016 @ 7:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

A G E N D A

Call meeting to order
Roll call of Board Members

1. Review and approval of the Agenda and declaration of a Conflict of Interest
2. Minutes – April 20, 2016
3. Public Hearing
 - a. Case # 2016-05 – Brian A. Ameal – Rear setback variance
4. Other Business
 - a. Zoning Ordinance Updates
5. Items for next agenda
6. Public Comment
7. Adjournment

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with Disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, April 20, 2016 @ 7:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Chair Rick Smith called the meeting to order at 7:00pm.

Board Members Present: Kent Rozycki, Steve Duell, Lynne Fricke, Gil Uithol,
Rick Smith

Staff Present: Rob Larrea

1. **Review and approval of the agenda and declaration of a Conflict of Interest**
Uithol moved and Rozycki seconded to approve the agenda as presented.

Yeas: Uithol, Rozycki, Fricke, Duell, Smith
Nays: None

2. **Minutes – February 22, 2016 and March 10, 2016**
Duell moved and Fricke seconded to approve the minutes of February 22, 2016 and March 10, 2016 as presented

Yeas: Duell, Fricke, Uithol, Rozycki, Smith
Nays: None

3. **Public Hearing**

- a. **Case #2016-04 – Jackson temporary Dwelling**

The application requests a ZBA approval to allow the use of an existing home as a temporary dwelling while a new home is under construction. The property is located on McRae Hill Road just south of Silver Pines. Per the zoning ordinance, only one residence may be constructed on a given residential property. However, Section 610 does allow for “temporary dwellings” subject to ZBA approval. Owners of the property, James and Kori Jackson spoke to the Zoning Board and said that they would like to treat the existing home as a temporary dwelling until their new home is built in 5 months. Renting for five months would be difficult and owning two large dogs would make it nearly impossible. The Jacksons were told that the old dwelling would need to be demolished prior to the issuance of a certificate of occupancy to live in the new home. Board members reviewed the draft findings of fact as outlined in report PD-2016-30.

Chair Rick Smith opened the Public Hearing at 7:06pm and seeing no public wishing to speak, closed the Public Hearing.

Uithol moved and Fricke supported THAT the Findings of Fact for application ZBA-2016-04, as described within Planning Department Report No. 2016-30, be approved.

*Yeas: Uithol, Fricke, Duell, Rozycki, Smith
Nays: None*

Uithol moved and Duell supported THAT application ZBA-2016-04, to allow a temporary dwelling on property located at 1337 McRae Hill Road, be approved subject to the following conditions:

- 1. The temporary dwelling shall be completely demolished or moved and the site restored to a safe condition prior to the occupancy of the new residential structure.*

*Yeas: Uithol, Duell, Rozycki, Fricke, Smith
Nays: None*

4. Other Business

- a. Updated Bylaws of the Zoning Board of Appeals** Larrea said that the updated bylaws, which deleted references to specific sections of the zoning ordinance and now refers to it as “the ordinance” that were adopted were given to Board members for their information.

Duell moved and Fricke seconded to accept the updated bylaws as presented.

*Yeas: Duell, Fricke, Rozycki, Uithol, Smith
Nays: None*

- b. Zoning Ordinance Updates**

Board members should have new updates to the zoning ordinance

5. Items for next agenda

Larrea said there was nothing for the next agenda at this time.

6. Public Comment

None

7. Adjournment

Rozycki moved to adjourn the meeting at 7:11 pm.

Steve Duell, ZBA Secretary



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

ZONING BOARD OF APPEALS STAFF REPORT

Meeting Date: October 19, 2016
Case #: 2011-06 - Request to allow a rear yard setback variance
Owner: Ameel, Brian A.
Applicant: Ameel, Brian A.
Agent: [none]
Property ID #: 05-245-008-00
Property Location: 3167 Orthwoods Drive
Zoning District: R-1 One-Family Residential

Request

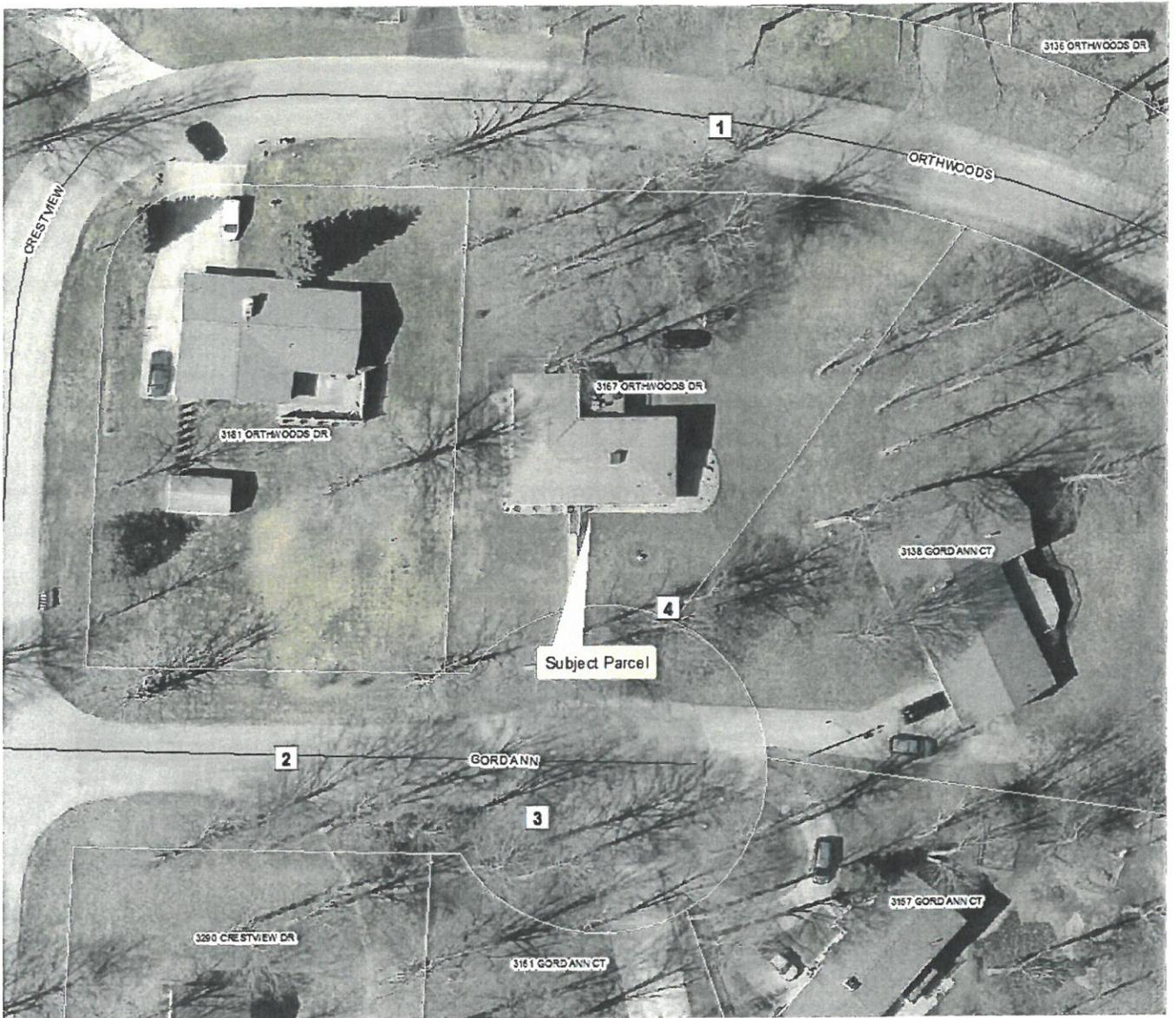
A request has been made by Brian A. Ameel for a variance from Section 3. Schedule of Regulations of the Garfield Township Zoning Ordinance for a reduction in the required rear yard setback. The property is zoned R-1, One Family Residential, and is located at 3167 Orthwoods Drive, with a property number of 05-245-008-00.

Parcel Overview

The property consists of approximately 0.55 acres of land that is mostly open with clusters of trees and slopes upward from the front to rear of the lot. The surrounding land uses consist mostly of single family homes on roughly ½ acre lots. The westerly property has a higher elevation and is separated by a tiered landscaped area. The lot is within the Orthwoods Subdivision, which was platted in 1964. The subdivision features rolling terrain and mixed hardwoods.

Structure Overview

According to township tax records, the original residence was built in 1964 and remodeled in 2010. The dwelling is a one story ranch on a walkout basement and attached garage. The applicant is seeking a variance to build an attached garage on the upper level which would be built off the rear of the dwelling with a driveway leading to Gord-Ann Court. As shown on the attached site plan, there is little room for an addition off the rear of the house toward the setback line. Also note that the dwelling is roughly centered on the lot from side to side, with most available building area toward the east side lot line and toward the front lot line.



For reference purposes, the numbers illustrated above show the location of which the pictures below were taken.

1



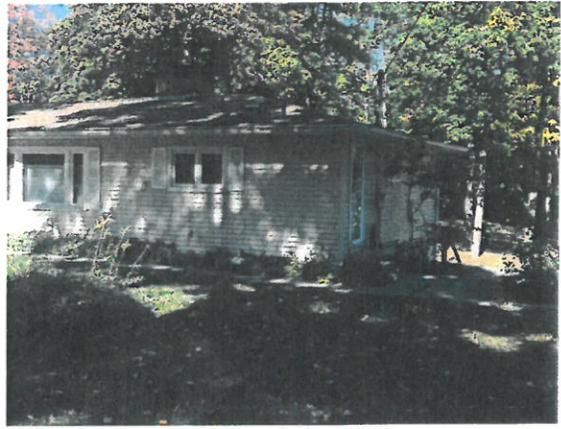
2



3



4



Staff Comments

The request before you is for a variance of 14 feet, to allow a 16 foot corner of the building to protrude into the rear setback requirement.

In regard to the practical difficulty standards found in Section 454.E, there are no special conditions or circumstances based on the lot itself that would warrant a variance, as there are no unique physical conditions, significant vegetation, or historical resources present. In addition, this particular lot is considered a legal-conforming lot, which means that it meets current development standards for the zoning district in which it is located.

The only thing that may be of note is that the garage that exists is at the basement level; it is customary for a garage to be on the main level of a house. Although the condition was not created by the applicant, an attached garage for the upper level could conceivably be built to either side of the existing home. Because of this, the Ordinance does not deprive the applicant of any reasonable use of the land, building, or structure nor does it deprive the applicant of rights enjoyed by other properties in the same district.

Staff recommends denial of the variance request, as submitted.



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

ZONING BOARD OF APPEALS APPLICATION

1. Owner / Applicant information

Brian Albert Ameel
Owner:
3167 Orthwoods Drive
Address:
Traverse City, MI 49684
City, State, Zip Code
231-620-3215
Phone Numbers

Brian Albert Ameel
Applicant:
3167 Orthwoods Drive
Address:
Traverse City, MI 49684
City, State, Zip Code
231-620-3215
Phone Numbers

2. Property Information:

- a. Property Address: 3167 Orthwoods Drive
- b. Property Location: Garfield Township, Grand Traverse County
- c. Lot # 8 Subdivision Name: Orthwoods
- d. Parcel ID# 28-05- 245-008-00
- e. Current Zoning: Single Family Dwelling District R-1B
- f. Current Use: Single Family Dwelling

3. Purpose For Request:

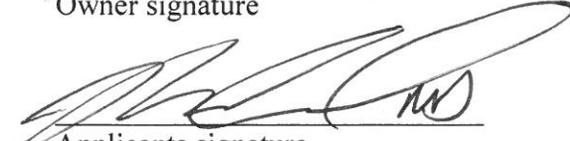
Variance <u>X</u> Appeal _____ Interpretation _____ Review _____
Other _____ Please explain request / List section(s) related to request: _____
<u>Please see attached.</u>

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding the request.


Owner signature

08/29/2016
Date


Applicants signature

08/29/2016
Date

Any party aggrieved by the decision of the Zoning Board of Appeals may appeal the decision to circuit court. An Appeal of the decision shall be filed in accordance with PA 110 of 2006, as amended.

SECTION 454 VARIANCES

A. Applicability – Dimensional Variances

The Zoning Board of Appeals may authorize a non-use variance relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of this ordinance, or to any other non-use related standard of this ordinance, that comply with the requirements of this section.

B. Applicability – Use Variances

The Zoning Board of Appeals shall not grant a use variance or take any action that would have the effect of granting a variance from the permitted use of land.

E. Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all of the following criteria:

- (a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);
- (b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;
- (c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;
- (d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and
- (e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant;
- (b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;
- (c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;
- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and
- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of § 454.E.(1) shall include, but not be limited to, the circumstances as described below:

(a) Physical Conditions

The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

(b) Significant Vegetation or Natural Features

The proposed project site contains significant vegetation or other natural features identified as Stream Environment/Wetland by the Garfield Township Master Plan.

(c) Substandard Lot(s)

The proposed project involves the utilization of an existing legal nonconforming lot(s).

(d) Historic Resources

The proposed project site contains historical significance.

(e) Neighborhood Character

The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements.

08/10/2016

Variance request from Brian Ameal, owner of Lot 8, Section 16, Garfield Township, Grand Traverse County, MI with permanent address of 3167 Orthwoods Drive, Traverse City, MI 49684 (To be known as Lot 8 in the remainder of the document)

Dear Sirs and Madams:

I am requesting a site variance for the above noted property. Attached you will find a rough site plan and satellite overview of the property in question. The request is for a variance in the Set Back requirements that exist between the south side of the dwelling on Lot 8 and Gord-Ann Court.

As you will see from the satellite view, there exists a right of way that was in the initial subdivision design, but which protrudes 27 feet from the existing roadway toward the existing structure on Lot 8. That right of way was for a potential cul-de-sac circle that was never built when the road was put in place in the mid 1960's. This is a very short road with only three houses having driveway access at present. As it is a cul-de-sac with houses at the end, there clearly is no intention to widen or extend this road in the future. As such, the continued presence of this pronounced, protruding right of way is superfluous. In fact if the right of way were consistent with the road edge, then the need for a setback variance would most likely not be necessary.

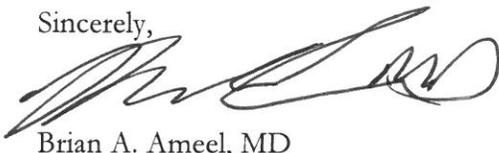
The intent for the addition of a garage and entryway on the Gord-Ann Court side of the home is driven by a number of factors. The home on Lot 8, sits on a sloping lot. The back side of the home faces Orthwoods Drive. On this side it would structurally be considered a raised ranch, with a walkout basement. On the Gord-Ann Court side of the home it appears as a more traditional one story ranch home. All houses facing Gord-Ann Court that have driveway access, have two car attached garages that allow for direct access to the main living floor of the dwelling. The addition of a driveway with attached garage and entryway to the dwelling on Lot 8 would be consistent with the current architectural structures on this street, [454.E.(3.e)]. In addition, I do believe that the requirements of 454.E.(2) are met within this request

The most important factor prompting the request for this variance has to do with the concept of aging in place. It is my intent to remain in my current home on Lot 8, until such time as I am no longer able to care for myself. The current structure and means of access to the home prevent this possibility, due to the lack of sheltered parking and main floor entry and exit. Without a variance that would allow for the construction of a single level garage, entry way and main floor living, there will come a time when I would be forced to move, even if able to care for myself otherwise. The addition of a garage, entryway and drive off Gord-Ann Court would alleviate the need for a move later in life when it would be quite burdensome.

Lastly, I have attached documents from those home owners who live on Gord-Ann Court indicating that they do not object to a variance being granted that would allow for the construction of the attached garage and entryway on the south side of the dwelling on Lot 8.

Thank you for your consideration in this matter.

Sincerely,



Brian A. Ameal, MD

I have reviewed the site plans for the proposed garage and entry way addition to the home owned by Brian Ameel and located at 3167 Orthwoods Drive, Traverse City, MI 49684; Lot 8, Orthwoods, Section 16, Garfield Township, Grand Traverse County, MI.

I understand that in order for this addition to be built a zoning variance is required. I have no objection to Brian Ameel being allowed a variance in order for him to complete the addition of the garage and entryway additions.

3157 GARD AVE NE COURT

Address of home owner(s)

THOMAS L. CLARK

Printed name of home owner #1

Printed name of home owner #1

Thomas L. Clark

Signature of home owner #1

Signature of home owner #1

August 26, 2016

Date

Date

I have reviewed the site plans for the proposed garage and entry way addition to the home owned by Brian Ameel and located at 3167 Orthwoods Drive, Traverse City, MI 49684; Lot 8, Orthwoods, Section 16, Garfield Township, Grand Traverse County, MI.

I understand that in order for this addition to be built a zoning variance is required. I have no objection to Brian Ameel being allowed a variance in order for him to complete the addition of the garage and entryway additions.

3167 Orthwoods Dr Traverse City MI 49684

Address of home owner(s)

Ed Ameen

Printed name of home owner #1

Printed name of home owner #1

Ed Ameen

Signature of home owner #1

Signature of home owner #1

8/28/16

Date

Date

I have reviewed the site plans for the proposed garage and entry way addition to the home owned by Brian Ameel and located at 3167 Orthwoods Drive, Traverse City, MI 49684; Lot 8, Orthwoods, Section 16, Garfield Township, Grand Traverse County, MI.

I understand that in order for this addition to be built a zoning variance is required. I have no objection to Brian Ameel being allowed a variance in order for him to complete the addition of the garage and entryway additions.

3290 Crestview Dr.

Address of home owner(s)

David Spindle

Printed name of home owner #1

[Signature]

Signature of home owner #1

8/28/16

Date

Printed name of home owner #1

Signature of home owner #1

Date

I have reviewed the site plans for the proposed garage and entry way addition to the home owned by Brian Ameel and located at 3167 Orthwoods Drive, Traverse City, MI 49684; Lot 8, Orthwoods, Section 16, Garfield Township, Grand Traverse County, MI.

I understand that in order for this addition to be built a zoning variance is required. I have no objection to Brian Ameel being allowed a variance in order for him to complete the addition of the garage and entryway additions.

3161 Gord-Ann Ct.

Address of home owner(s)

GARY T. WITTBRODT

Printed name of home owner #1

LINDA B. WITTBRODT

Printed name of home owner #1



Signature of home owner #1



Signature of home owner #1

8-28-16

Date

8/28/16

Date



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

September 27, 2016

Dear Township Resident/Property Owners:

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals will hold a public hearing at their regular meeting on 10/19/2016 at 7:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684. The Michigan Zoning Enabling Act requires that we provide all property owners located within 300 feet of the property in which the request is being made with written notice of the hearing.

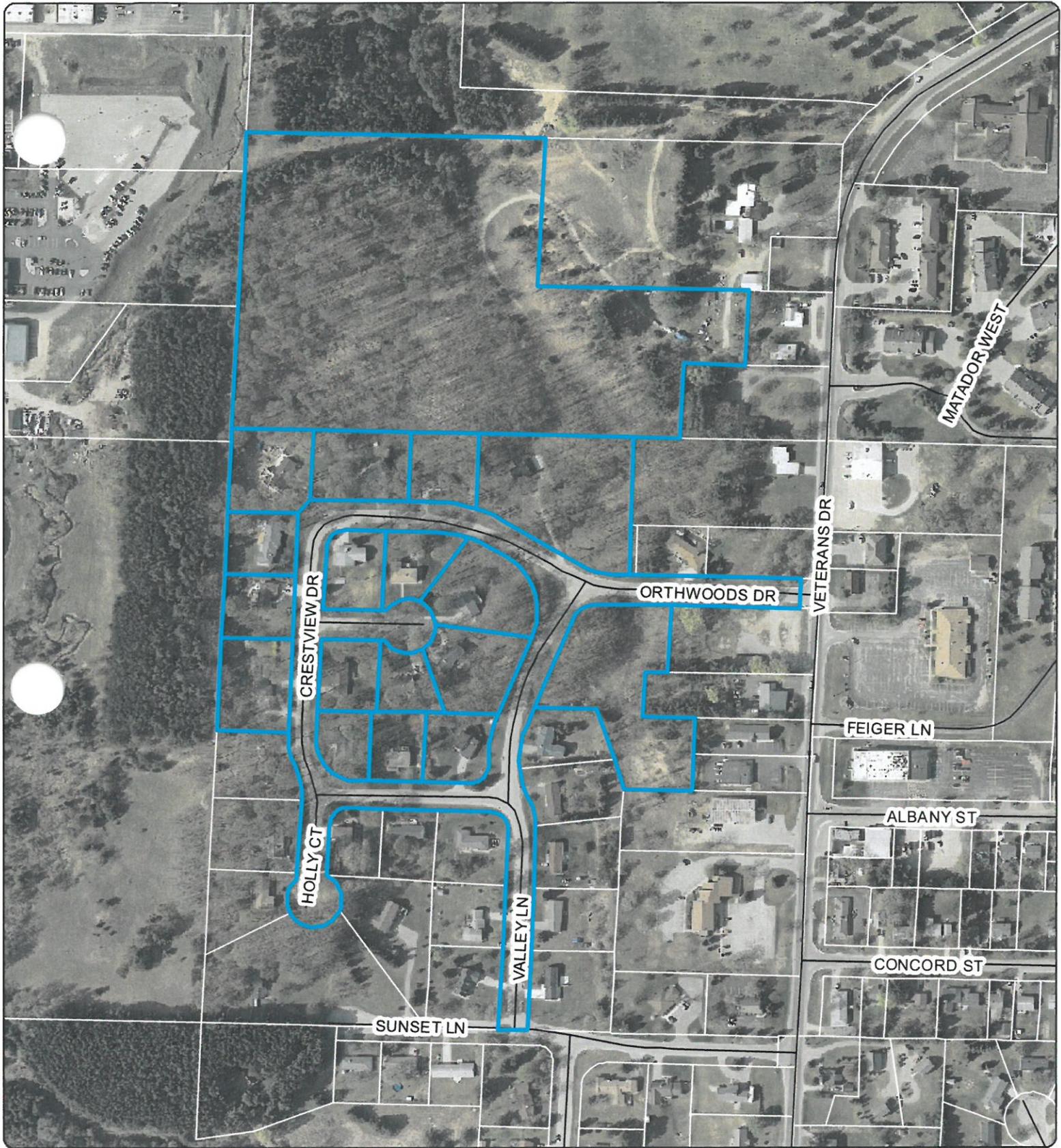
A request has been made by Ameel Brian A. for a variance from Section 313 Schedule of Regulations of the Garfield Township Zoning Ordinance for a reduction of the required 30 foot rear yard setback. The property is zoned R-1 and is located at 3167 Orthwoods Drive and with a property number of 05-245-008-00.

A copy of the application, zoning ordinance and zoning map may be inspected at the zoning office of the Charter Township of Garfield located at 3848 Veterans Drive, Traverse City, Michigan between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons will have the right to speak at the Public Hearing. Any written comments with respect to this application may be submitted to the Township zoning department at the address above during regular office hours as described above or during the Public Hearing. The Township's telephone number is 231-941-1620.

Steve Duell – Secretary
Garfield Township Zoning Board of Appeals
3848 Veterans Drive
Traverse City, MI 49684

Michael Green – Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

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0 130 260 520 Feet

Public Notice Map

Garfield Charter Township
3848 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1620
Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Garfield Township Planning Dept. 9/28/2016

Parcel_8_29_16

SPRENKLE DAVID C & MELISSA P
3290 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4554

CRAM GREGORY G & ELIZABETH A
3353 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4501

HARDY JOSEPH M & SARAH
3381 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4501

SCHICHTEL KATHERINE W
3325 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4501

MERRIFIELD DENNIS A & SANDRA B
3176 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4554

BRADLEY E TRUST
3196 ORTHWOODS DR
TRAVERSE CITY, MI 49684-4558

KELLEY TIMOTHY J & LOUANNA L
3289 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4555

GRAND TRAVERSE MEMORIAL
GARDENS INC
3575 VETERANS DR
TRAVERSE CITY, MI 49684-4590

AMEEL BRIAN A
3167 ORTHWOODS DR
TRAVERSE CITY, MI 49684

TRZCINSKI GERALD & ROCHELLE
3158 ORTHWOODS DR
TRAVERSE CITY, MI 49684-4558

MOORE KATIE C
3138 GORD ANN CT
TRAVERSE CITY, MI 49684-0000

CLARK FAMILY TRUST
3157 GORD ANN CT
TRAVERSE CITY, MI 49684-4503

PIERCE GERALD E & PATRICIA I
3136 ORTHWOODS DR
TRAVERSE CITY, MI 49684-4558

WITTBRODT GARY T & LINDA B
3161 GORD ANN CT
TRAVERSE CITY, MI 49684-4503

COMMON AREA OF ORTHWOODS
SUBD

IRISH THOMAS H
3194 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4554

OBRIEN EDWARD N
3181 ORTHWOODS DR
TRAVERSE CITY, MI 49684-4559

TRAVERSE CITY, MI 49684
KIPKE CURTIS & JANE
3140 CRESTVIEW DR
TRAVERSE CITY, MI 49684-4554

Variance Request 2016-04
Rear Yard Setback

The ZBA will have to decide if the applicants request is reasonable and if it can meet the standards to grant a variance.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant to the request as part of the findings of fact. Below are findings below both for and against the request that may assist you in your discussions.

Section 454.E.(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficult” by demonstrating compliance with all of the following criteria:

- a. **Special conditions or circumstance exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in Section 454.E.(3).**

Section 454.E.(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of Section 454.E.(1), above, shall include, but not be limited to, the circumstances as described below:

- a. **Physical Conditions**
The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district
- b. **Significant Vegetation or Natural Features**
The proposed project site contains significant vegetation or other natural features identified as Steam Environment/Wetland by the Garfield Township Master Plan
- c. **Substandard Lot(s)**
The proposed project involved the utilization of an existing legal nonconforming lot(s)
- d. **Historic Resources**
The proposed project site contains historical significance
- e. **Neighborhood Character**
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements

Sample Findings In Favor

1. The Zoning Board of Appeals finds that the proposed project site contains unique characteristics, primarily the slope of the lot and the driveway being level with the basement.

Sample Findings Against

1. The Zoning Board of Appeals finds that there are no extraordinary circumstances as this is a typical house in a typical neighborhood. The current house fits the character of the current neighborhood and the lot is typical to many lots in the Township.

2. The Zoning Board of Appeals finds:

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- b. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands**

Sample Findings in Favor

1. The Zoning Board of Appeals finds that this request is not the result of the property owner because the house by a previous owner and that construction of the house in 1964 pre-dates the current zoning regulations.
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that the request is not the result of the owner, but that there are other possible locations for an attached garage on either side of the existing residence.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance**

Sample Findings in Favor

1. The Zoning Board of Appeals finds
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that the property owner can and has used the property as it has existed since the house was constructed in 1964.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance**

Sample Findings in Favor

1. The Zoning Board of Appeals finds:
2. The Zoning Board of Appeals finds:

Sample Findings Against

1. The Zoning Board of Appeals finds that the applicant has been able to enjoy their property for many years as it exists.
2. The Zoning Board of Appeals finds that the property currently has a garage and an additional garage could be built within the required setbacks with modifications to the existing dwelling.

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.**

Sample Findings in Favor

1. The Zoning Board of Appeals finds that the applicant has not made a claim that it would cost more money to comply with the Zoning Ordinance.
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Section 454.E.(2) General Criteria- Only review if all standards in section 454.E.(1),above, are met.

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of Section 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

a. The requested variance shall relate only to property that is under the control of the applicant

Sample Findings in Favor

1. The Zoning Board of Appeals finds that the variance only relates to the property under control by the applicant.
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

b. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance

Sample Findings in Favor

1. The Zoning Board of Appeals finds that this request is unique to the property and that no neighboring buildings and lands were considered in the request.
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that this request is not unique as there are many lots in the same subdivision that are of similar size.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. **The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare**

Sample Findings in Favor

1. The Zoning Board of Appeals finds:
2. The Zoning Board of Appeals finds:

Sample Findings Against

1. The Zoning Board of Appeals finds that the request is not in harmony with the general purpose and intent of the Ordinance since the conditions are not unique enough to justify a special exception.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. **The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located**

ZBA to determine after hearing case.

Sample Findings in Favor

1. The Zoning Board of Appeals finds that the request will not alter the essential character of the area as it the garage as proposed will not make the size and dimensions of the home out of proportion with other nearby structures
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that the request will alter the essential character of the area because most other structures in the area are set back farther from their front lot line.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. **The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such**

alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance

Sample Findings in Favor

1. The Zoning Board of Appeals finds
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that there are other locations on the site that would allow for a garage to be constructed that would not require a variance.
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Possible Motion:

Motion to:

GRANT the request for a 14 ft. variance from the 30 ft rear yard setback based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for a 14 ft. variance from the 30 ft rear yard setback based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.

Please find attached the following replacements to your Zoning Ordinance. Please remove and replace the following:

- 1) Garfield Township Zoning Map
- 2) Article 6-Pages 1-4
- 3) List of Amendments to Ordinance 68-Garfield Township Zoning Ordinance

Charter Township of Garfield
Grand Traverse County, Michigan

Zoning Map

- Legend**
- A - Agricultural
 - R-R Rural Residential
 - R-1 One-Family Res
 - R-2 Two-Family Res
 - R-3 Multi-Family Res
 - R-M Mobile Home Res
 - C-O Office Commercial
 - C-L Local Commercial
 - C-G General Commercial
 - C-H Highway Commercial
 - C-P Planned Shopping
 - I-G General Industrial
 - I-L Limited Industrial
 - P-R Park-Recreation
 - GTC - Grand Traverse Commons
 - Conditionally Zoned
 - Inner - Outer Airport Overlay Boundary
 - Parcel Line
 - Section Line
 - Township Line

Effective: August 12, 2016

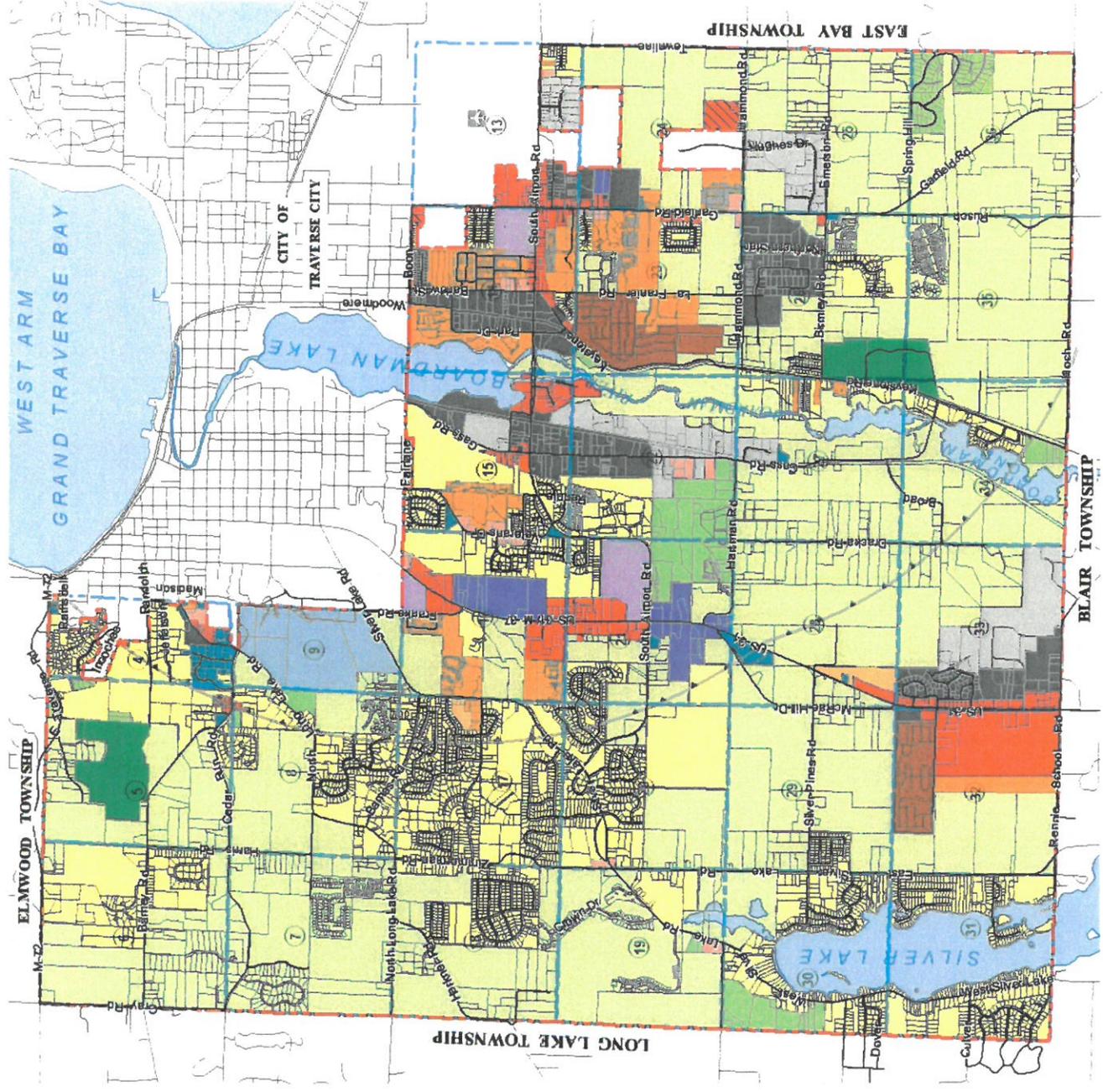
Charter Township of Garfield

3848 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1620
Fax: 231.941.1688



Document Path: K:\PLAN\Active-Zoning Ordinance\Garfield-Township Zoning Map 11x17_8_31_2016.mxd
Document Print Date: 8/31/2016

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not warrant, express or implied, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.



ARTICLE 6 GENERAL USE REGULATIONS

SECTION 600 PURPOSE

This article establishes specific standards and exceptions to standards, for certain uses, structures, and facilities.

The purpose of this article is to provide additional standards for individual uses in order to protect surrounding property values and uses, to provide exceptions for certain uses in districts that will not adversely affect surrounding property owners, and to further protect our natural resources, the public health, safety, and general welfare.

SECTION 609 TEMPORARY SCHOOL FACILITIES

Temporary school facilities may be approved by the Zoning Board of Appeals provided:

- (1) All temporary structures are adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department.
- (2) The temporary structure shall meet all setbacks for the zoning district where located.
- (3) A land use permit and building permit is obtained prior to placing a structure on the property.
- (4) The temporary permit may be approved for up to a three (3) year period with the ability to be extended upon Zoning Board of Appeal approval. In no instance shall the temporary structure be approved for greater than five (5) years.

SECTION 610 USE OF STRUCTURE FOR TEMPORARY DWELLING

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time. The Zoning Board of Appeals may approve a temporary dwelling provided:

- (1) The temporary structure is for living while constructing a new dwelling or repairing a dwelling damaged by wind, fire, or other natural disasters.
- (2) The temporary structure is adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department or applicable agency.
- (3) The temporary structure shall meet all setbacks for the zoning district where it is located.
- (4) A land use permit and building permit is obtained prior to placing temporary structure on property.
- (5) The temporary permit shall be valid for a one (1) year period with the ability to be extended for one (1) additional year period upon Zoning Board of Appeal approval. For an extension of the temporary permit, the Zoning Board of Appeals shall find that there has been meaningful progression towards completion of the permanent structure.

SECTION 611 ACCESSORY USES AND STRUCTURES

Accessory uses and structures may be established provided the following standards are met:

A. Regulations and Conditions

- (1) **WITHIN ALL DISTRICTS EXCEPT "R-1," "R-2," "R-R" AND "A" DISTRICTS:** A use may be regarded as accessory if it is incidental or insubstantial in and of itself or in relation to the principal use. The accessory use or structure shall comply with the various development standards of this ordinance such as setbacks, clear vision areas, landscaping, height, lighting,

salvage, waste and junk outside of properly authorized buildings within said District. For purposes of this section, "outdoor storage" is divided into residential and non-residential districts and uses, as described below.

A. Regulations and Conditions

(1) Commercial Districts or Uses

- (a) Except as otherwise noted in this ordinance, commercial activities and accessory uses shall be carried on in completely enclosed buildings or screened areas.
- (b) Outdoor storage of inventory is permitted within the side or rear yard provided such inventory is appropriately screened from public view by a fence, wall, landscaping, or combination thereof, and provided further that no storage may occur within a no-build buffer zone or required landscaping area. Also see § 515, Fences and Walls.
- (c) The Planning Commission may approve designated areas of product display for large inventory items (boats, campers, trailers, snowmobiles, RV's, swing sets, or similar items) or sales of natural vegetation in the front yard or side yard area for commercial uses, if permitted in the district.

(2) Industrial Districts or Uses

- (a) Except as otherwise noted in this ordinance, industrial activities and accessory uses shall be carried on in completely enclosed buildings or screened areas.
- (b) Outdoor storage of inventory is permitted within the side or rear yard provided further that no storage may occur within a no-build buffer zone or required landscaping area.
- (c) The outdoor storage of inventory may be permitted without screening provided the inventory is unused and in new condition, not used as a commercial display or advertising area, and is not visible from regional arterial roads as indicated in the master plan. Outdoor storage not meeting the above requirements, including used or discarded material, shall be effectively screened. Also see § 515, Fences and Walls.

(3) Prohibited in Commercial and Industrial Districts:

- (a) The storage of inventory in areas designated for uses such as walking, parking, vehicular travel, green space, landscape buffer, or stormwater and snow retention area.
- (b) The parking of vehicles, trailers, inventory or car ramps for the purpose of advertising or business identification in parking areas or adjacent to any roadway.

(4) Residential Districts

- (a) The storage of licensed vehicles, recreational vehicles, and boats is permitted as a reasonable accessory use provided that such vehicle is owned by the resident, is in operable condition, and is kept within the rear yard, side yard, or driveway of the residence.

(5) Prohibited in Residential and Agricultural Districts:

- (a) Storage of vehicles, recreational vehicles, or any motor vehicle which is not licensed for use upon the highways of the State of Michigan or is inoperable, except when kept in a completely enclosed building.
- (b) The storage upon any property of building materials unless there is in force a valid building permit issued by the Charter Township of Garfield.
- (c) The storage or accumulation of junk, trash, scrap materials, rubbish or refuse of any kind including but not limited to unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind.

AMENDMENTS TO CHARTER TOWNSHIP OF GARFIELD

ZONING ORDINANCE

Amendment 1 to Ordinance No. 68 approved February 9, 2016 and effective February 28, 2016 provided for the following changes to the Zoning Ordinance:

- a. The establishment of Section 725 (Commercial District Housing Developments) and amendments to existing Sections 320, 321, and 322, to allow multiple-family residential developments as a Special Use Permit within the C-G General Commercial, C-H Highway Commercial, and C-P Planning Shopping Center zoning districts.
- b. An amendment to Section 313 (R-1 Residential) and to Section 325 (A - Agricultural) to allow Child Care facilities which provide care for up to 12 children as a use permitted subject to Special Conditions in the R-1, R-2, R-3, and R-R Residential Districts and in the A - Agricultural District. This amendment also includes changes to the review and approval criteria included in Section 719 (Child Care, Small Group Home (7-12)) of the Zoning Ordinance.
- c. An amendment to Section 777 (Supplemental Setbacks for PUD's, Mobile Home Developments and other Group Housing or Multi-Family Developments) to repeal multi-family developments and group housing developments from the list of uses which are subject to supplemental setback requirements.
- d. An amendment to Section 315 (R-3 Multi-Family Residential) to amend the required minimum lot area from 5,000 square feet to 4,000 square feet of overall lot area per dwelling unit.
- e. An amendment to Section 315.E (R-3 Multi-Family Residential Dimensional Standards) and to Section 312, Table 3-3 Dimensional Standards) to change the required minimum yard setbacks in the R-3 District from 25-10-30 (front-side-rear) to 25-20-20 (front-side-rear).
- f. Various amendments to eliminate "Group Housing" development requirements and procedures, including:
 - (1) An amendment to Section 315 (R-3 Multi-Family Residential) to eliminate Group Housing Developments as a use permitted by Special Use Permit in this district.
 - (2) An amendment to Section 201 to eliminate the definition of "Group Housing."
 - (3) An amendment to repeal Section 430 (Group Housing) in its entirety.
 - (4) An amendment to Section 551 (Parking), Table 5-47 to eliminate Group Housing parking standards.
- g. An amendment to Section 321.D.2 (C-H Highway Commercial) to establish the Planning Commission as the review authority (rather than the Zoning Board of Appeals) for the purpose of determining traffic safety.

Amendment 2 also included an addition to Section 201, Definitions, to define the term "exterior storefront". Exterior storefront: A building wall and entryway which provides direct public access to a tenant's retail space from outside of the overall structure.

Amendment 2 also included an amendment to the legend of the Garfield Township Zoning Map to correct clerical errors by changing "A-1 Agricultural" to "A Agricultural" and by changing "C-P Planning Shopping" to "C-P Planned Shopping."

Amendment No. 3 to Ordinance No. 68 Zoning Map adopted 7-26-2016 and effective 8-4-2016 provided for the following changes to the Zoning Map.

The following described property situated in the Township of Garfield, Grand Traverse County, Michigan has been rezoned from A-1 Agricultural to R-1 M Multiple-Family Residential:

THAT PART OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 23, T27N, R11W, DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE N89° 47' 25"W 986.37 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE ALONG SAID EAST LINE N00° 36' 22" W 500.00 FEET TO THE POINT OF BEGINNING; THENCE N89° 46' 34"W 728.93 FEET; THENCE N00° 35' 28"W 245.92 FEET PARALLEL TO THE WEST EIGHTH LINE AS MONUMENTED; THENCE N89° 59' 13"W 225.00 FEET; THENCE N00° 35' 28"W 1200.79 FEET PARALLEL TO SAID WEST EIGHTH LINE TO A POINT ON THE SOUTH LINE OF A PARCEL DESCRIBED AS THE NORTH 15 ACRES OF THE PART OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 23, LYING EAST OF THE RAILROAD RIGHT-OF-WAY; THENCE S89° 59' 13"E 953.52 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE S00° 36' 22"E 1449.39 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 30.43 ACRES OF LAND MORE OR LESS. SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD IF ANY.

Amendment No. 4 adopted 8-23-2016 and effective 9-3-2016 provided for the following changes to the zoning ordinance:

1. THAT Article 6, Section 611, Accessory Uses and Structures, be amended to read in its entirety as follows: