

CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS MEETING

Wednesday, November 19, 2014 @ 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 – January 15, 2014
3. Public Hearing
 - a. Case # 2014-01 Paul Britten, Front Yard Setback Variance
4. Other Business
5. Public Comment
6. 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 Kay Schumacher, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

Charter Township of Garfield
Zoning Board of Appeals
January 15, 2014

Present: Gil Uithol, Joe Yelencich, Bob Featherstone, Rick Smith, Kent Rozycki
Absent and Excused: None

Call the Meeting to Order: The meeting was called to order at 7:00 p.m. by Chairman Rick Smith at the Township Hall, 3848 Veterans Drive, Traverse City, MI 49684.

1. Election of Officers (chairman, vice-chairman, secretary)

Yelencich moved and Featherstone seconded to elect Smith as Chair.

Yeas: Yelencich, Featherstone, Uithol, Smith, Rozycki

Nays: None

Featherstone moved and Uithol seconded to elect Yelencich as Vice-Chair.

Yeas: Featherstone, Uithol, Yelencich, Smith, Rozycki

Nays: None

Featherstone moved and Uithol seconded to elect Rozycki as Secretary for the 2014 year.

Yeas: Featherstone, Uithol, Yelencich, Smith, Rozycki

Nays: None

2. Review and Approval of the Agenda and Declaration of a Conflict of Interest

Yelencich moved and Rozycki supported to approve the agenda.

Yeas: Yelencich, Rozycki, Featherstone, Uithol, Smith

Nays: None

3. Minutes – October 15, 2013

Featherstone moved and Yelencich seconded to adopt the minutes of October 15, 2013.

Yeas: Featherstone, Yelencich, Uithol, Smith, Rozycki

Nays: None

4. Report and Decision Order

a. Case #2013-04 – TC Christian School

Uithol moved and Yelencich seconded to adopt the Report and Decision Order for Case #2013-04 – TC Christian School.

Yeas: Uithol, Yelencich, Featherstone, Smith, Rozycki

Nays: None

5. 2014 ZBA Meeting Schedule (Recommend Adoption)

Featherstone moved and Uithol seconded to adopt the 2014 ZBA Meeting Schedule.

Yeas: Featherstone, Uithol, Yelencich, Smith, Rozycki

Nays: None

6. Items for Next Agenda

None

7. Public Comment

None

8. Adjournment

Featherstone moved and Uithol seconded to adjourn the meeting at 7:08 pm.

Kent Rozycki, Secretary
Zoning Board of Appeals
3848 Veterans Drive
Traverse City, MI 49684



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: November 19, 2014
Case #: 2014-01 Front Yard Setback Variance
Owner: Paul Britten
Agent: Doug Mansfield-Mansfield Land Use Consultants
Property ID #: 186-047-00
Property Location: 4000 Incochee Crest Commons
Zoning District: R-1B, Single Family Residential

Request

The applicant is requesting a variance from the required 30 foot front yard setback to construct a 1 story addition with deck to an existing single family dwelling. The variance request is for a 19.83 foot variance, measured to the drip edge, for the addition and a 20.3 foot variance for the deck, meaning that the addition would be located 10.17 feet from the edge of the road right of way and the deck 9.7 feet from the edge of the road right of way.

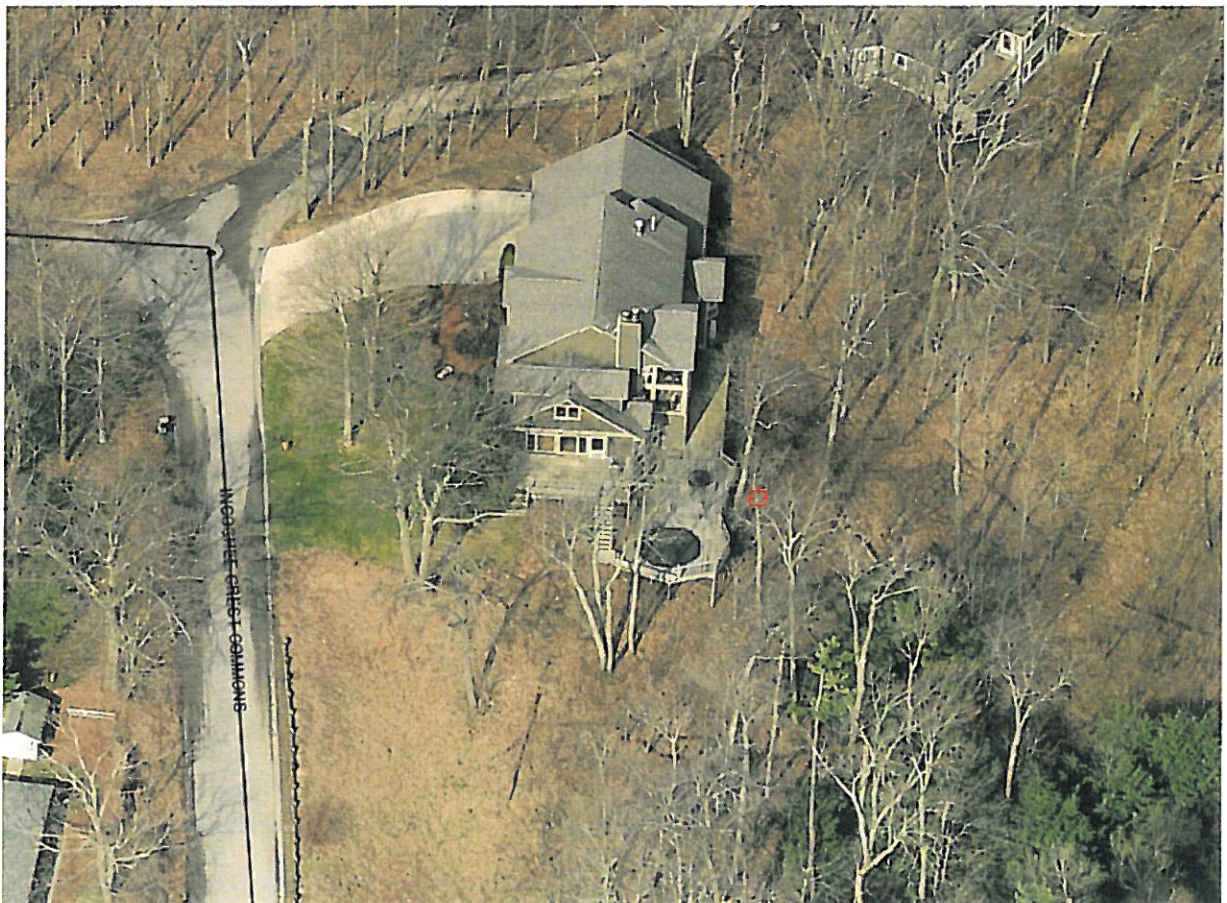
The addition would include two bedrooms and two bathrooms in the basement and a family room on the main floor. The deck would be located off the main floor.

Parcel Overview

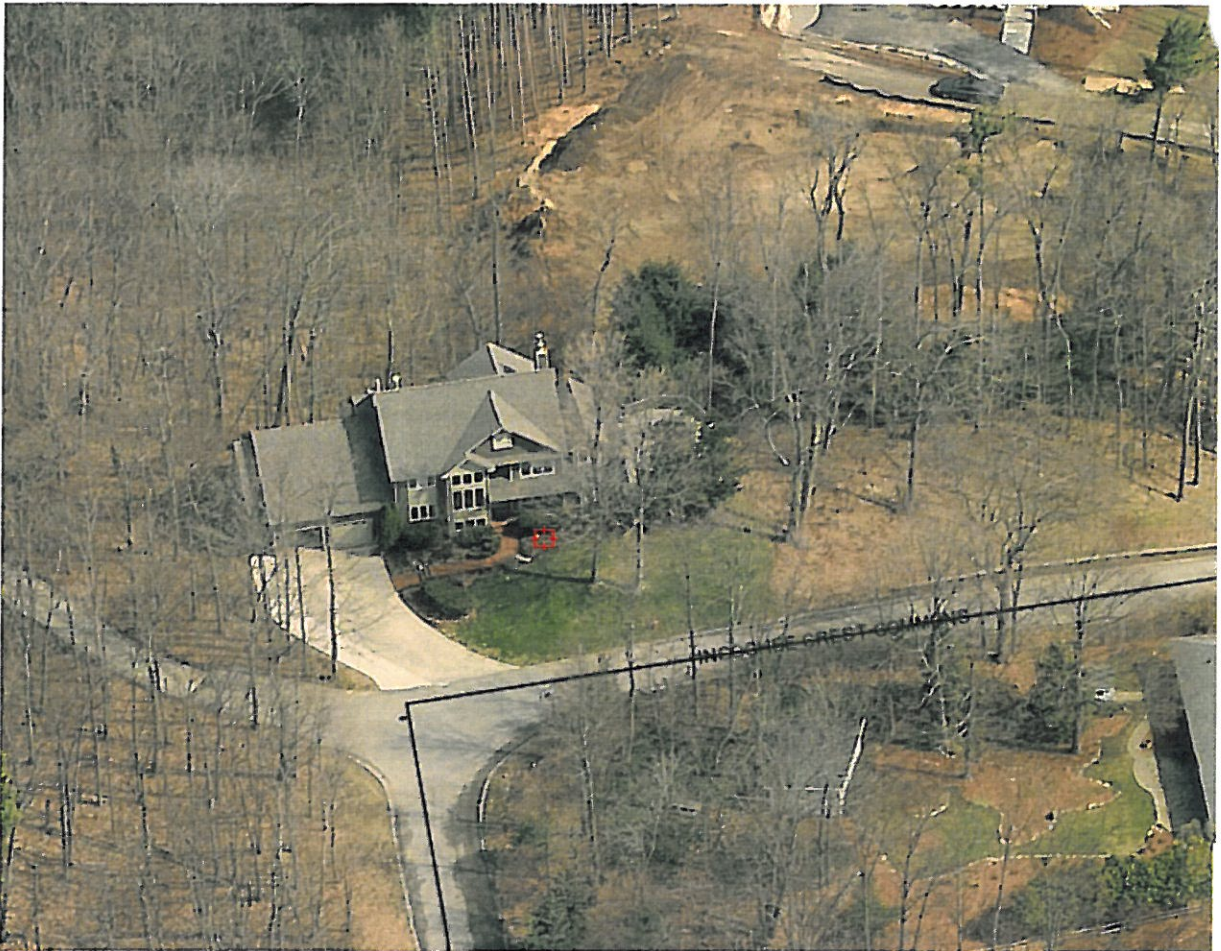
The parcel is 1.16 acres and located on a private road in the Incochee Hill Subdivision. In 1997 a front yard variance of 10 feet was granted for the construction of the dwelling due to topography. A copy of this variance is included in the packet.



North Side for house.



East Side of house.



North Side of house.

Staff Comments

This variance request is for an addition to an existing dwelling. According to the construction drawings on file, the existing dwelling has 3 bedrooms and 2 ½ baths.

While this site does have topographical challenges, the question is if the house on this property is sufficient and if the addition is necessary or the minimum needed. The existing dwelling is approximately 1793 sq ft on the main floor and approximately 1145 sq ft on the second floor. The Assessing Department has 1600 sq ft of the basement finished as well. This addition would add 704 of finished living to both the basement and the main floor. The total finished square feet would be approximately 5946 with the addition (4538 sq ft existing + 1408 sq ft addition). A copy of the record card and sketch of the house is included in the packet.

The applicant has provided a site plan, floor plan, elevations, and addressed the standards for approval.

Variance Request 2014-01
Front Yard Setback Variance

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. I have provided findings below both for and against the request that may assist you in your discussions.

Before any nonuse variance is granted, all of the following standards shall be satisfied.

- a. 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 THAT DIFFERENTIATE THE PROPERTY FROM OTHER PROPERTIES IN THE ZONING DISTRICT.**

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to the unique circumstance of the topography of the lot because of the steep hill to the North of the house.

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** due to the fact that there may be other locations on the site to accommodate the addition without a variance. (North of the garage, along West property line). There are other locations in the same subdivision and nearby that deal with the same tough topography.

- b. **THE NEED FOR THE REQUESTED VARIANCE IS NOT SELF-CREATED, AND IS NOT THE RESULT OF ACTION TAKEN BY THE PROPERTY OWNER.**

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** and is not self-created because any development on this lot would require a variance.

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** because there is not a need for the variance. The addition is a want and there is enough finished living area in the existing house without the variance. The lot was also platted to be compliant with the Zoning Ordinance.

- c. **THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST OR TO THE INTENT AND PURPOSE OF THE ORDINANCE. RELIEF CAN BE GRANTED IN SUCH A FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED, AND THE PUBLIC SAFETY AND WELFARE SERVED.**

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET and is not contrary to the public interest due to the following:**

1. The house is located off a private drive with limited traffic.

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** due to the request for being for a house much larger than the minimum required by the Zoning Ordinance.

- d. COMPLIANCE WITH THE STRICT LETTER OF THE RESTRICTIONS GOVERNING AREA, SETBACKS, FRONTAGE, HEIGHT, BULK, OR DENSITY WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME.

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** as strict conformance of the restrictions governing setback would be unnecessarily burdensome as:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** because the owner still has the ability to use their property for a single family dwelling. A large single family dwelling currently exists on the site and can be used as is.

- e. GRANTING OF THE VARIANCE APPLIED FOR WOULD DO SUBSTANTIAL JUSTICE TO THE APPLICANT, AS WELL AS TO OTHER PROPERTY OWNERS IN THE DISTRICT, OR A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF TO THE OWNER OF THE PROPERTY INVOLVED AND BE MORE CONSISTENT WITH JUSTICE TO THE OTHER PROPERTY OWNERS.

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET**

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** for the fact that this addition would allow a very large house on the property.

- f. **ISSUANCE OF THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT UPON PROPERTY VALUES IN THE IMMEDIATE VICINITY OR IN THE ZONING DISTRICT IN WHICH THE PROPERTY OF THE APPLICANT IS LOCATED.**

----- *To be determined by the Board of Appeals* -----

Sample Finding NOT APPLICABLE

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD IS NOT APPLICABLE** to the request as the use itself is currently in place.

- G. **IS NOT WHERE THE SPECIFIC CONDITIONS RELATING TO THE PROPERTY ARE SO GENERAL OR RECURRENT IN NATURE, AS TO MAKE THE FORMULATION OF A GENERAL REGULATION FOR SUCH CONDITIONS REASONABLY PRACTICAL**

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to the fact that the topography of the lot is unique.

Sample Finding

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** due to the fact that this request is to increase the size of an already large dwelling. The property owner has a sufficient number of bedrooms and finished living area in the existing house. There are multiple lots in the subdivision and Township that have the same tough topography.

- g. **THE VARIANCE WILL RELATE ONLY TO THE PROPERTY THAT IS UNDER THE CONTROL OF THE APPLICANT, AND THE LOT OR PARCEL OF LAND IS A LEGAL LOT OR PARCEL OF RECORD, OR HAS BEEN LEGALLY ESTABLISHED.**

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to the determination that the this variance will only effect property under control by the applicant and was a legally created lot.

Determination (variance) Possible Motion

Motion to:

GRANT the request for variance from Section 6.3.6 AND 6.15 Schedule of Regulations to allow for a front yard setback variance, as requested, based upon the fact that the general standards of the Ordinance for granting such requests have been met and with the following conditions:

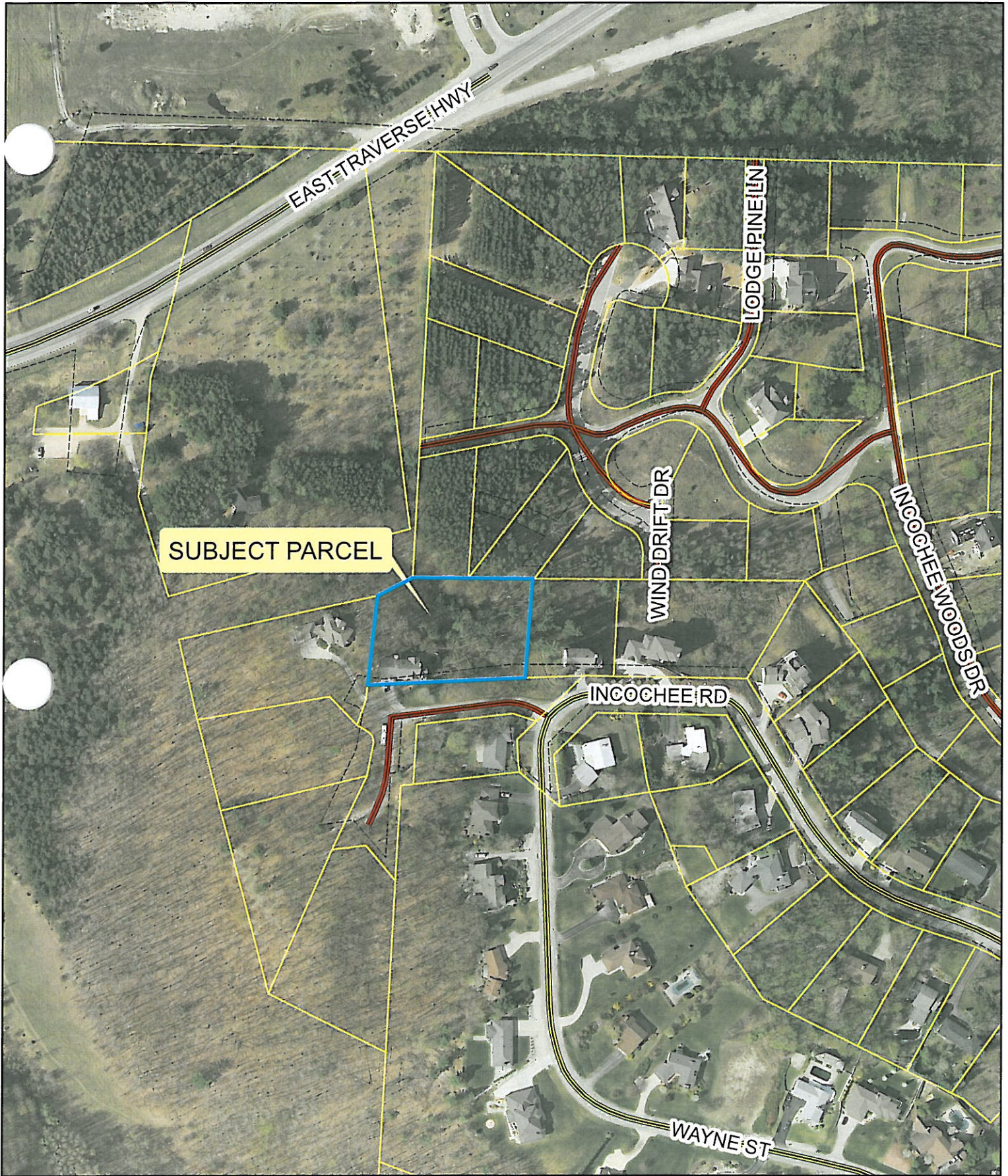
REJECT the request for a variance from Section 6.3.6 AND 6.15 Schedule of Regulations to allow for a front yard setback variance, as requested, based upon the fact that the general standards of the Ordinance for granting such requests has not been met, due to:

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Parcel Map

2010 Aerial

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not warrant, expressly or irrgladly, 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.

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

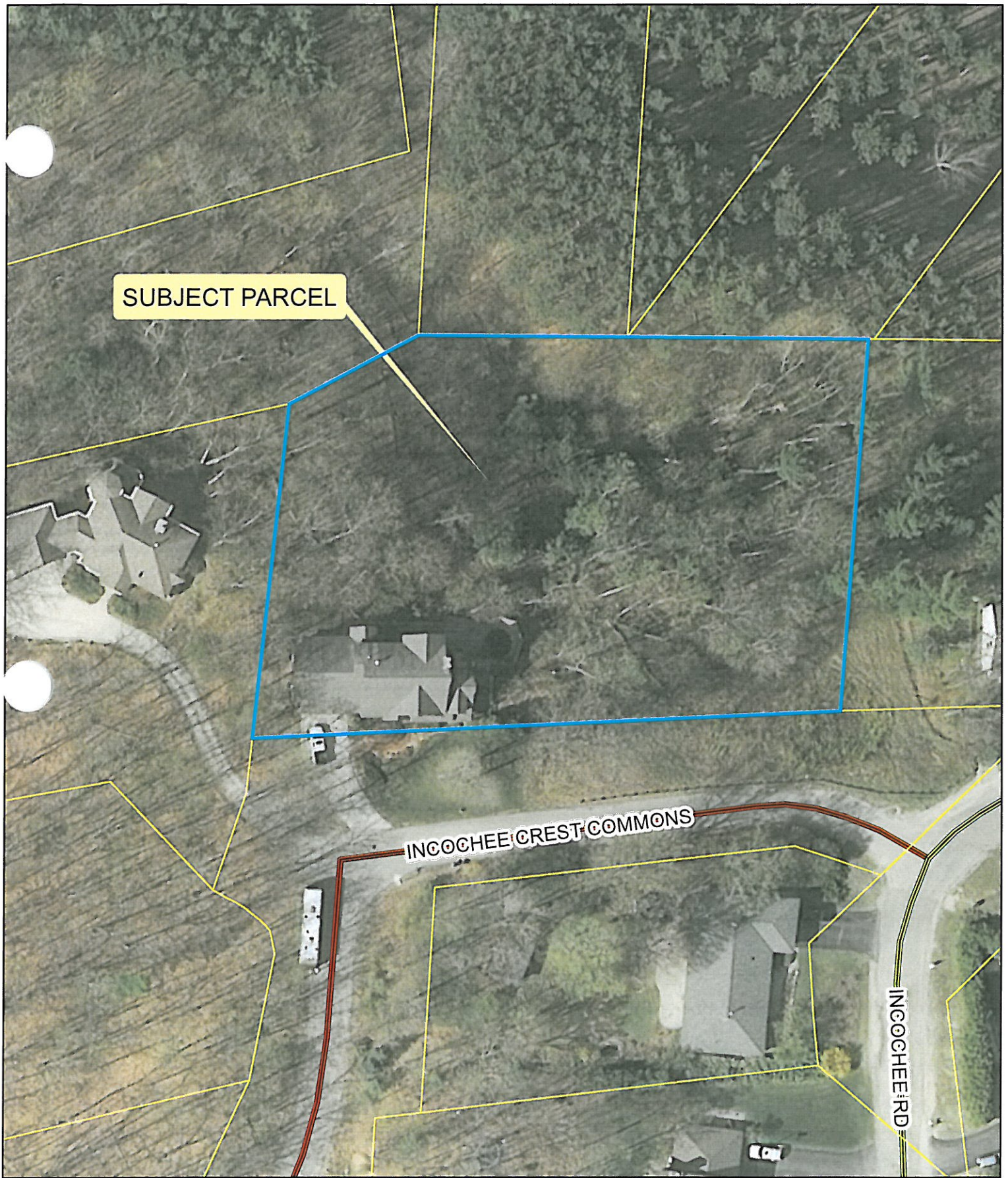


NOT TO SCALE



NOT A LEGAL SURVEY

Zonina Deot 11/6/2014



SUBJECT PARCEL

INOCHEE CREST COMMONS

INOCHEE RD

Parcel Map

2010 Aerial

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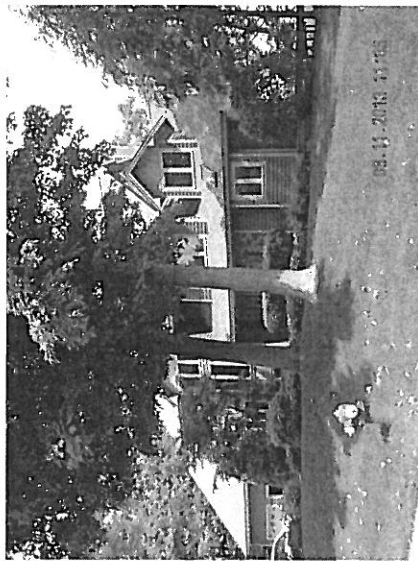
Garfield Charter Township
3848 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1620
Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Zonina Dept 11/6/2014

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
KARR CAL & MOHR JAYNE	BRITTEN PAUL J & DOROTHY	550,000	04/05/1999	WD	ARMS-LENGTH	1316/255		100.0
GDO INVESTMENTS	KARR CAL & MOHR JAYNE	75,000	09/30/1995	WD	ARMS-LENGTH	1025/381		0.0
<p>Property Address</p> <p>4000 INCOCHEE CREST COMMONS</p> <p>Owner's Name/Address</p> <p>BRITTEN PAUL J & DOROTHY L 4000 INCOCHEE CREST COMMONS TRAVERSE CITY MI 49684</p>								
Tax Description		Class: 401 RES IMPROVED		Zoning: R-1B		Building Permit(s)		Status
LOT 47 INCOCHEE HILL SUB NO. 3 FR'L NE 1/4 SEC 5 T27N R11W		School: TCAPS		HOUSE & GARAGE		10/26/1994		308-94
Comments/Influences		P.R.E. 100% 05/01/1999		R3		10/26/1994		PB1994.308
		MAP #: 6						
		2015 Est TCV 648,305 TCV/TFA: 220.06						
		X Improved		Vacant				
		Public						
		Improvements						
		Dirt Road						
		Gravel Road						
		Paved Road						
		Storm Sewer						
		Sidewalk						
		Water						
		Sewer						
		Electric						
		Gas						
		Curb						
		Street Lights						
		Standard Utilities						
		Underground Utils.						
		Topography of Site						
		Level						
		Rolling						
		Low						
		High						
		Landscaped						
		Swamp						
		Wooded						
		Pond						
		Waterfront						
		Ravine						
		Wetland						
		Flood Plain						
		Who		When		What		
		KES		06/11/2013		INSPECTED		
		Year		Land Value		Building Value		Assessed Value
		2015		106,000		218,200		324,200
		2014		105,600		200,100		305,700
		2013		105,600		216,600		322,200
		2012		105,600		258,800		364,400
		Board of Review		Tribunal/Other		Taxable Value		
						310,591C		310,591C
						305,700S		305,700S
						315,979C		315,979C
						308,574C		308,574C



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*** Information herein deemed reliable but not guaranteed***

SKETCH/AREA TABLE ADDENDUM

Parcel No 05-186-047-00

Property Address 4000 INCOCHEE CREST COMMONS

City TRAVERSE CITY

County GRAND TRAVERSE State MI

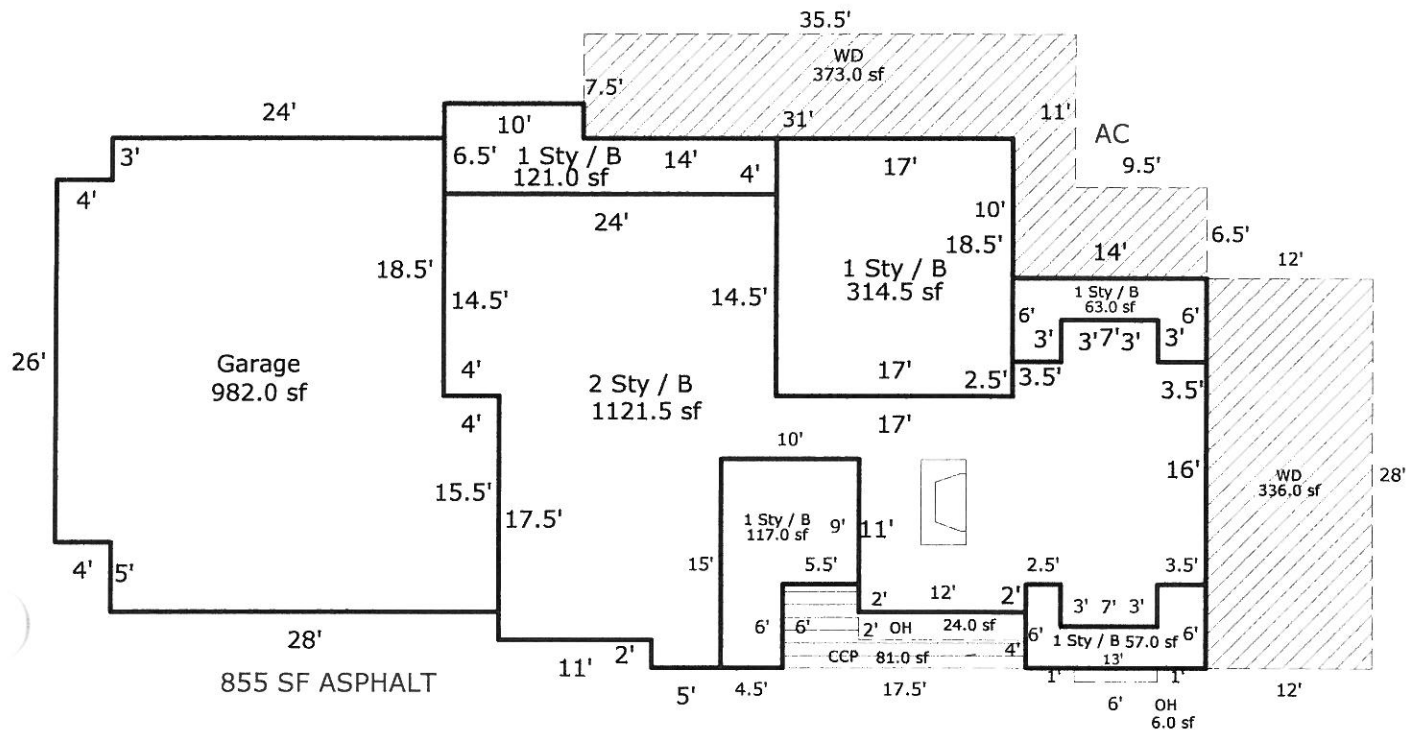
Zip 49684

Owner BRITTEN PAUL J & DOROTHY L

Lot 00000

Project Name

IMPROVEMENTS SKETCH



Scale: 1" = 20'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1B	1 Sty / B	1.00	121.00	61.0	
	1 Sty / B	1.00	63.00	46.0	
	1 Sty / B	1.00	57.00	44.0	
	1 Sty / B	1.00	314.50	71.0	
	1 Sty / B	1.00	117.00	50.0	672.50
GLA2B	2 Sty / B	1.00	1121.50	217.0	1121.50
GARG	Garage	1.00	982.00	132.0	982.00
P/PWD	WD	1.00	373.00	125.0	
	WD	1.00	336.00	80.0	709.00
P/PCCP	CCP	1.00	81.00	47.0	81.00
P/POH	OH	1.00	24.00	28.0	
	OH	1.00	6.00	14.0	30.00

Comment Table 1

Comment Table 2

Comment Table 3

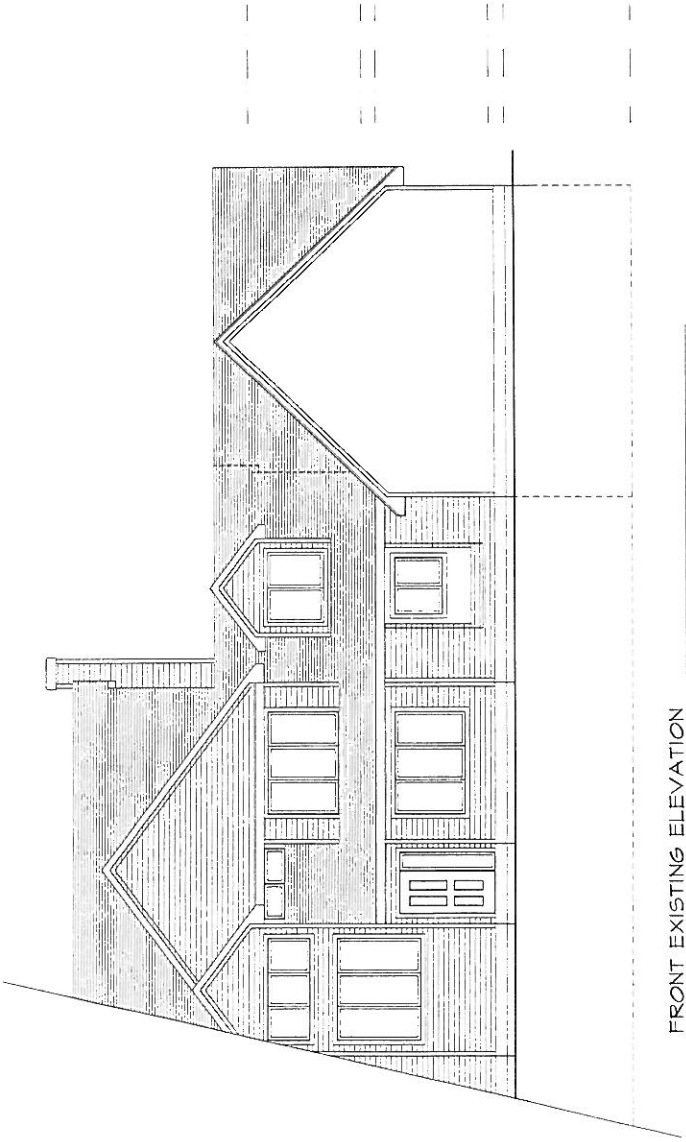
Net LIVABLE Area

(rounded w/ factors)

1794

AREA CALCULATIONS

<input type="checkbox"/>	PROPOSED
<input checked="" type="checkbox"/>	EXISTING
<input type="checkbox"/>	NEW MATERIAL
<input type="checkbox"/>	NEW FINISH
<input type="checkbox"/>	NEW EQUIPMENT
<input type="checkbox"/>	NEW UTILITIES
<input type="checkbox"/>	NEW ROOFING
<input type="checkbox"/>	NEW PAINT
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<input type="checkbox"/>	NEW DOORS
<input type="checkbox"/>	NEW WINDOWS
<input type="checkbox"/>	NEW FLOORING
<input type="checkbox"/>	NEW CEILING
<input type="checkbox"/>	NEW WALLS
<input type="checkbox"/>	NEW FOUNDATION
<input type="checkbox"/>	NEW STRUCTURE
<input type="checkbox"/>	NEW MECHANICAL
<input type="checkbox"/>	NEW ELECTRICAL
<input type="checkbox"/>	NEW PLUMBING
<input type="checkbox"/>	NEW HVAC
<input type="checkbox"/>	NEW LIGHTING
<input type="checkbox"/>	NEW INTERIORS
<input type="checkbox"/>	NEW EXTERIORS
<input type="checkbox"/>	NEW LANDSCAPE
<input type="checkbox"/>	NEW SITEWORK
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<input type="checkbox"/>	NEW HVAC
<input type="checkbox"/>	NEW LIGHTING
<input type="checkbox"/>	NEW INTERIORS
<input type="checkbox"/>	NEW EXTERIORS
<input type="checkbox"/>	NEW LANDSCAPE
<input type="checkbox"/>	NEW SITEWORK



FRONT EXISTING ELEVATION
 SCALE 1/4" = 1'-0"



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

PAUL & DARCY BRITTON
Owner:
4000 INCOCHEE CREST COMMONS
Address:
TRAVERSE CITY, MI
City, State, Zip Code
231-218-5817
Phone Numbers

MAUSFIELD LAND USE CONSULT.
Applicant:
DOUGLAS MAUSFIELD
Address:
830 COTTAGEVIEW DR., ST. 201
City, State, Zip Code
TRAVERSE CITY, MI 49685
Phone Numbers
(231) 218-5560

2. Property Information:

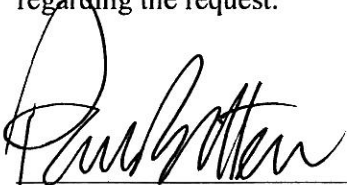
- a. Property Address: 4000 INCOCHEE CREST COMMONS
- b. Property Location: _____
- c. Lot # 47 Subdivision Name: INCOCHEE HILL No. 3
- d. Parcel ID# 28-05- 186-047-00
- e. Current Zoning: R1-B SINGLE FAMILY RESIDENTIAL
- f. Current Use: SINGLE FAMILY RESIDENTIAL

3. Purpose For Request:

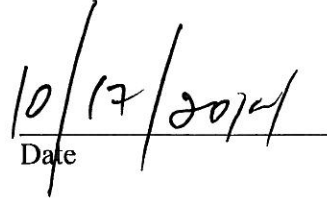
Variance <u>X</u>	Appeal _____	Interpretation _____	Review _____
Other _____ Please explain request / List section(s) related to request: _____			
<u>REQUEST VARIANCE FROM FRONT YARD</u>			
<u>SETBACK AS PROVIDED IN SECTIONS 6.3.6</u>			
<u>AND 6.15 OF 30 FT DUE TO STEEP SLOPES</u>			
<u>ON REAR PORTION OF LOT.</u>			

Affidavit:

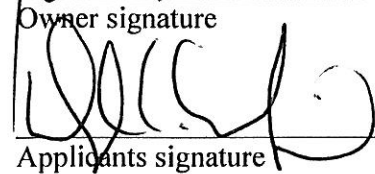
The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does 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.



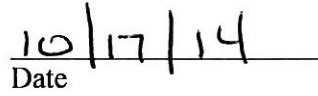
Owner signature



Date



Applicants signature



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.

General Standards

1. Before any nonuse variance is granted, all of the following standards shall be Satisfied:

- a. 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 that differentiate the property from other properties in the zoning district.
- The need for the requested variance is due to the lot having an downhill slope of greater than a 1:2 ratio which not only impacts the methods and frankly the ability of practically constructing anything would do more harm to the environment and potentially neighboring properties. This issue was the reason the original variance was requested and granted.
- b. The need for the requested variance is not self-created, and is not the result of action taken by the property owner.
- The current owner did not develop the lot, was not the original builder or owner of the home. The extreme slope is natural - not man made.
- c. The variance will not be contrary to the public interest or to the intent and purpose of this Ordinance. Relief can be granted in such a fashion that the spirit of the Ordinance will be observed, and the public safety and welfare served.
- The variance is intended to protect the adjacent neighbors downhill of this site and protect the natural features of the region. Approval of the variance will meet the intent of the goals and objectives of the Township and County Soil Erosion.
- d. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- Compliance with specifically the Front Yard Setback requirements of the Zoning Ordinance in the district would cause the Owner to utilize extreme methods in excavation and foundation design for what is not necessarily a wide or large addition that as designed does follow the guidelines of the variance initially granted when the home was originally built.
- e. Granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the District, or a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to the other property owners.
- The slope that follows the ridgeline is consistently found in the lots developed in this region. However it is unknown if other lots are encumbered by said slope to the degree that this lot is. A variance from certain setbacks in this region would be reasonable for any other property owners having the same issue and further the goals of protecting the natural features of the Township. A lessor relaxation the actual addition proposed will not give the relief needed to accomplish the goals of the owner. However a lessor relaxation from the standards as it applies to the deck proposed may be appropriate. In any situation the requested variance is consistent with that granted initially.
- f. Issuance of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity or in the zoning district in which the property of the applicant is located.
- The requested variance will allow an addition to the home which would be typical in scale of the surrounding homes. The natural features found on this lot are typical of

those in the neighborhood. If required to follow the standards of the ordinance the construction required to accomplish the same goals would require extreme clearing and methods of excavation and construction such that it may impact the character of the neighborhood and thus potentially the values of the homes. In such the requested variance will help maintain property values adjacent to the subject property and in the district.

g. Is not where the specific conditions relating to the property are so general or recurrent in nature, as to make the formulation of a general regulation for such conditions reasonably practical?

- The comparative number of lots in this development and in this region effected by the natural slopes do not create such a precedent that the district language should be changed. Each lot encumbered by the ridgeline is impacted in different ways and on different sides or angles. It is the belief of the applicant that each lot development should be looked at individually.

h. The variance will relate only to the property that is under the control of the applicant, and the lot or parcel of land is a legal lot or parcel of record, or has been legally established.

-It is understood that the requested variance is only for the lot that is owned by the applicant/owner and that the subject parcel was approved by the township, is legally recorded and established by all applicable agencies.

N88°18'22"E
192.20'

N75°30'58"E
65.88'

30.0'

S1°41'38"E
179.05'

10.0'

SETBACK LINE

LOT 47

PROPOSED ADDITION 32' X 22'

TRAMPOLINE

12" BASSWOOD

TRP 1.4" BASSWOOD

1.6" BASSWOOD

S81°03'00"W
229.66'

TW 2.4" OAK

PROPOSED DECK 32' X 16'

130.7'

EXISTING HOUSE
#4000

FIN FER=55 7/8"

1.33' EAVES

DECK

DECK

32'

32'

32'

16'

11.5'

9.7'

14.0'

22'

19.0'

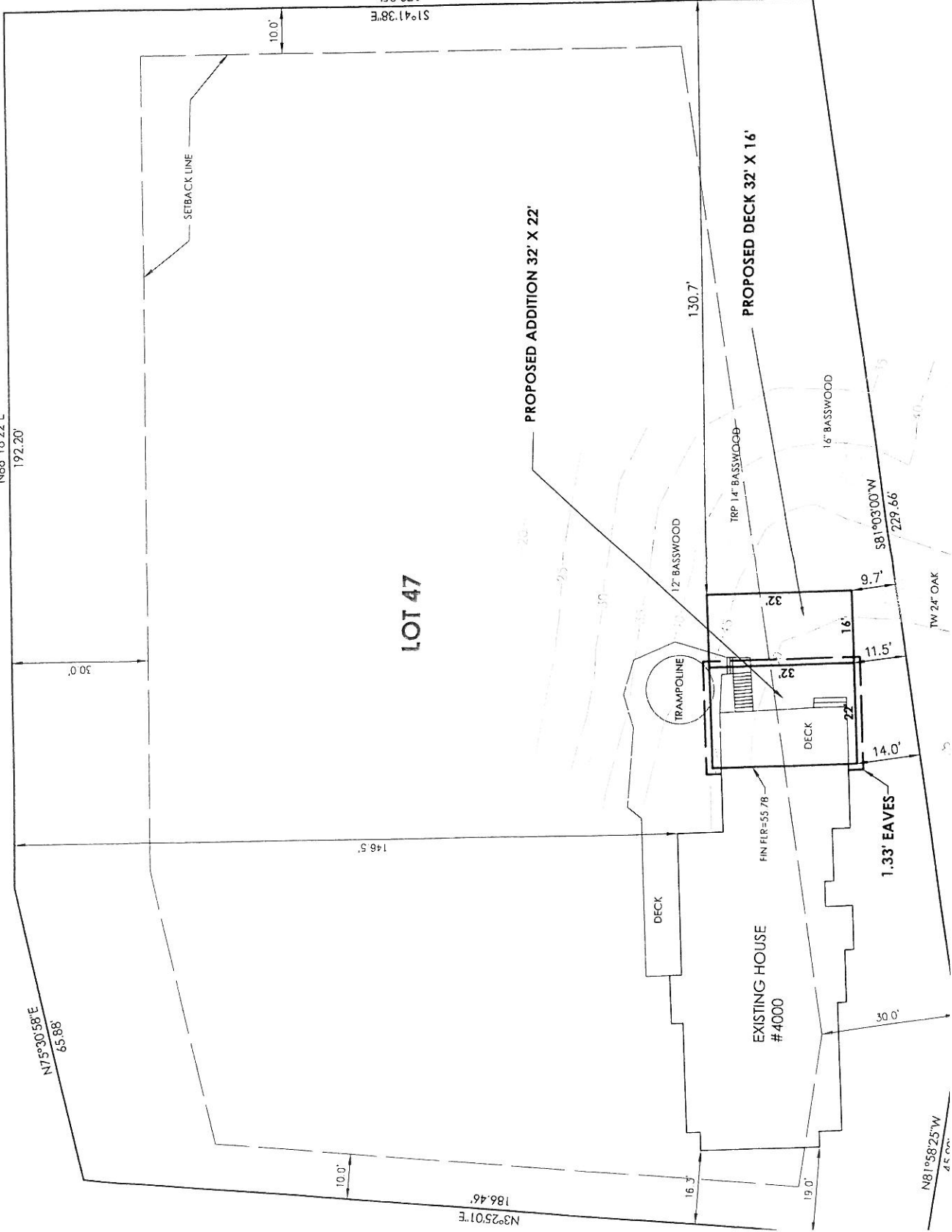
16.3'

10.0'

10.0'

N3°25'01"E
186.46'

N81°58'25"W
48.00'



Appeal No. _____

Date _____ 19____

Appellant _____

1994 ZBA
Case

NOTICE OF APPEAL TO THE GARFIELD ZONING BOARD OF APPEALS

Grand Traverse County, Michigan

Appellant CAL KARR Address BOX 4342
TRAVERSE CITY 49685 Phone: 941-4938
 Owner JACK SMITH Address BOX 72 T.C. 49685
 Location of Property LOT # 47 LAMOCHEE #3

Instruction to Appellant: Fill in appropriate Section 1, 2, 3, or 4. Do Not fill in more than one of these sections. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided on this form is inadequate.

The following is an appeal from a determination made by the zoning ordinance enforcing officer on the following date: _____

Section 1 REVIEW

The appellant respectfully petitions that the following request be approved: _____

This request was disapproved by the Zoning Administrator on (date): _____ for the following reasons: _____

Section 2 INTERPRETATION

The appellant respectfully requests that an interpretation be made by the Board of Appeals of Article _____

Section _____ of the _____ Zoning Ordinance.

An appeal is made for an interpretation of the zoning map _____

An interpretation is requested for the following reason: _____

Section 3 VARIANCE

The appellant respectfully requests that a variance of the terms of the zoning ordinance be made in the case of his property because the following peculiar or unusual conditions are present which justify a variance:

SEE ATTACHED

The following hardship will result if the variance is not made: _____

SEE ATTACHED

Section 4 SITE PLAN REVIEW

Section 5 SPECIAL EXCEPTION

The appellant respectfully requests that the following special exception be made to enable him to use his property in the following manner: _____

Article _____ Section _____ of the zoning ordinance authorizes the Board of Appeals to make the special exception requested _____

[Signature]
SIGNATURE

8/20/94
DATE

DECISION

The appeal was granted denied for the following reasons:

_____ by the Zoning Board of Appeals and that the previous decision of the enforcing officer be confirmed reversed

GARFIELD TOWNSHIP ZONING BOARD OF APPEALS
Traverse City, Michigan

By _____ Date: _____

#3 Variance Request

Front setback be reduced to 45 feet from edge of curb and 10 feet off R.O.W. S.E. corner, 20 feet off R.O.W. S.W. corner.

1. 66 foot R.O.W. exists serving five homes on a 20 foot street
2. R.O.W.. south side of street 15 feet
3. R.O.W. north side of street 31feet
4. Existing setback requirement is 66 feet from edge of curb
5. Very limited flat areas on building site
6. Subdivision is private. The five property owners own and control all common areas through an association
7. Development will never exceed five property owners

#3 Variance Request

Side setback be reduced to 8 feet to correspond with subdivision restrictions

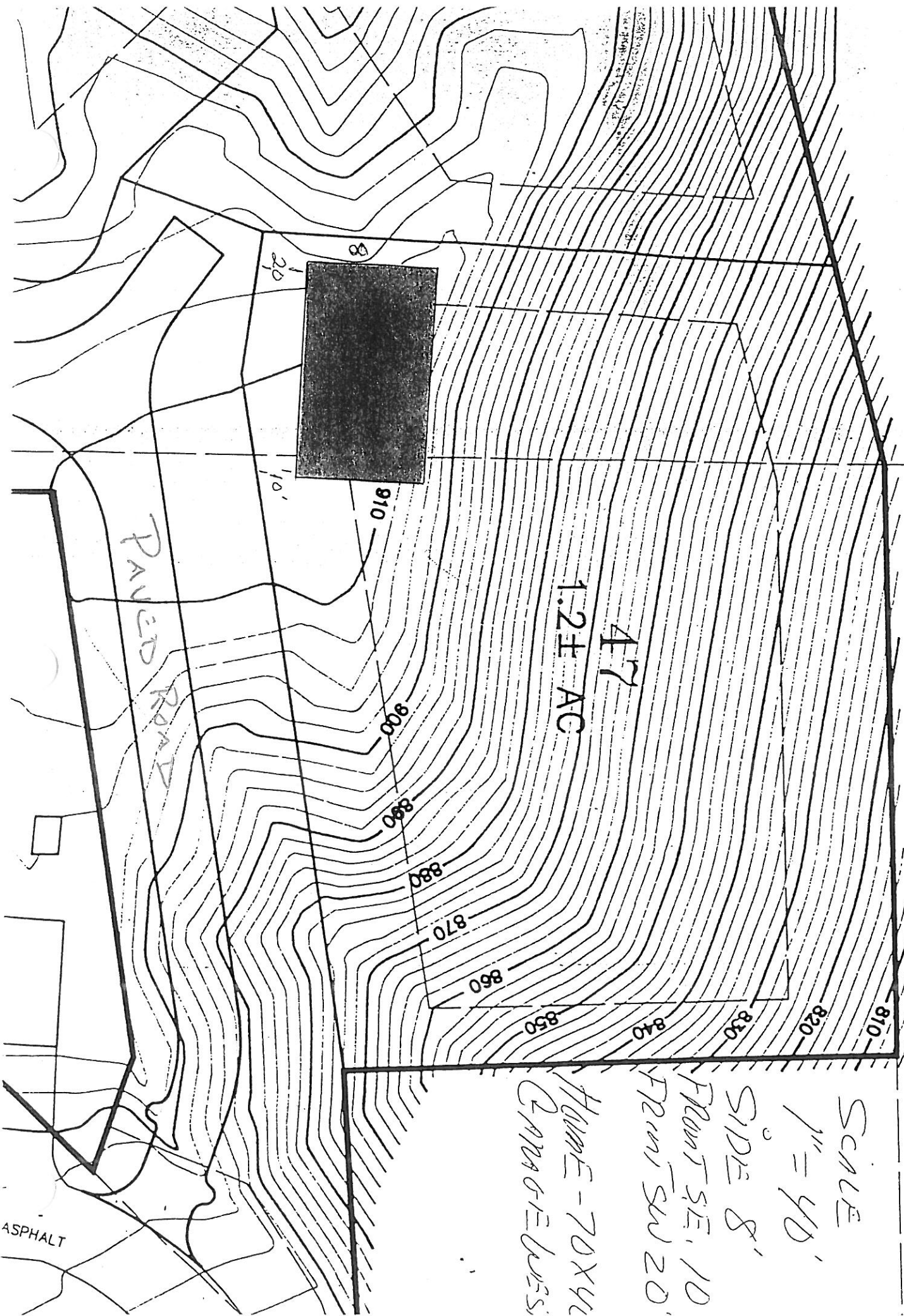
Peculiar Conditions:

1. Very limited flat areas on building site

Hardships

A Variance will allow us to minimize disturbing many trees and ground cover. Costs increase substantially as building site moves north down the hill.

Proposed site plan



47
1.2± AC

PAVED ROAD

ASPHALT

SCALE

1" = 40'

SIDE 8'

FRONT SE, 10'

FRONT SW 20'

HOME - 70x40

CARPORT 6x25

S T A F F
FINDINGS OF FACTS

Note: The following information has been prepared by the Township planning and building department staff to assist the Zoning Board of Appeals in their deliberations concerning the indicated request. This information in no way represents the opinions of the Zoning Board of Appeals, nor represents their findings.

Request of: Cal Karr
 P O Box 4342
 Traverse City, Mi

Applicant Request: A twenty (20) foot front yard variance and a twelve (12) foot side yard variance

Finding of Facts: The lot in question is located in the recently platted Incochee #3 subdivision. A part of the lot lies in the R-1B residential district and the balance is located in the R-1A residential district. The lot is steeply sloping with the exception of a small level area along the road frontage in the south west corner of the lot. The lot is owned by the developer who created the situation regarding the lot by the act of platting this particular parcel.

All of the following basic conditions must be met:

(1) Basic Conditions: That any variance granted from this Ordinance:

(a) Will not be contrary to the public interest or to the intent and purpose of this ordinance.

(answer by BOA)

(b) Shall not permit the establishment within a district any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit is required.

The use requested is a legal use.

(c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

There has been no compelling evidence presented with the application to indicate that this would or would not have a substantial adverse effect.

(d) Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

Other similar properties would likely if similarly platted have recurrent property conditions which would require a general regulation.

(e) Will relate only to property that is under control of the applicant.

True

(f) Is a legal lot or parcel of record or has been legally established.

The lot was legally established.

(2) Special Conditions: A variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

(a) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use or a particular parcel of land.

Practical Difficulty: is defined in the Zoning Ordinance as: A situation whereby a property owner cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owners desire to establish a use greater than the "minimum practical" standard or to enhance economic gain greater than associated with a "minimum practical" standard; or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty. Based on this definition a practical difficulty does not exist as there are commonly used construction techniques which allow for the utilization of such parcels for residential purposes and the lot was created by the owner subsequent to the adoption date of the ordinance.

Unnecessary Hardship: is defined as: A situation whereby a property owner, due to conditions of a lot or parcel cannot use said lot or parcel for any legal use allowed by the Zoning Ordinance, within the district within which the lot is located. Situations occurring due to the owner's desire to establish an alternate use, when allowed use options are available or due to situations created by an owner subsequent to the enactment of this Ordinance shall not be deemed an

unnecessary hardship. Based on this definition a unnecessary hardship does not exist.

(b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.

The circumstances regarding this property were created by the owner and the applicant as the owner chose to plat this parcel and the applicant has chosen to purchase the property subsequent to the adoption date of this ordinance.

(c) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

The property owner would not be denied a substantial property right should he not be granted the variance as he can construct a residence on the property using commonly accepted residential construction techniques for steeply sloping properties.

Conclusion: None of the special conditions for granting a variance in this case can be met as the conditions regarding this lot were created by the owner through the act of platting subsequent to the enactment date of the ordinance and the lot is buildable for the purposes of residential development meeting the required set backs.

CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals Meeting - Minutes of September 13, 1994

A meeting of the Zoning Board of Appeals of the Charter Township of Garfield was held on Tuesday, September 13, 1994, at 7:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan. The Notice of the Meeting was posted at the Garfield Township Hall, and was printed in the Traverse City Record Eagle.

Board members present: Rick Smith, Terry Clark, Roger Thompson, Frank McManus, Bob Featherstone

Review and approval of the agenda - conflict of interest

Motion/Clark, seconded/McManus, PASSED to accept the Agenda as published.

Minutes of July 12, 1994

Motion/McManus, seconded/Thompson, PASSED to accept the Minutes of July 12, 1994 as printed.

Petition of Cal Karr

Cal Karr requests front and side yard variances, that the southwest corner be 20 feet and the southeast corner be 10 feet of lot 47, Incochee #3, in the R-1A, Rural Residential District. In laying out his house on the subject lot he found it difficult to set it in such a way that there wouldn't be a lot of cost involved in site work as the lot falls off to the north. The cost for excavation of the lot would be prohibitive. He would like to utilize the flat surface on top as much as possible and not disturb the ground cover. The plat is privately owned. All the common areas are owned by the Association or the property owners. There is a 66 foot right of way and the 20 foot road sits on the south side of the right of way. There was no public input or correspondence received. The public hearing was closed.

Discussion by the Board

The following comments were made by the Board. A letter was submitted from Donald and Jerry Oleson stating they do not object to the variance. A Findings of Fact was submitted for review. Economic hardships are not considered by the Board. There are techniques available for building on the subject lot. The information supplied by Mr. Karr is not justification to grant a variance. All the setbacks in the plat were determined for each lot when the plat was approved by the Planning Commission. Any time a variance is granted a precedent is set.

Motion/Clark, seconded/Thompson, PASSED to table the Petition of Cal Karr to the October 11, 1994 Meeting. Ayes: Featherstone, Thompson, Smith, McManus, Clark. No: None.

Petition of Jim Greiner

A public hearing was held on the request of Jim Greiner for a variance in the setback from the high watermark on Silver Lake to construct a deck of property located at 541 E. Silver Lake Road in the R-1B District. The deck was constructed without a building permit. It is 5 feet from the south property line and comes out to just the edge of the water's edge. Mr. Greiner would move the deck so it meets the 10 foot sideyard requirement and requests a variance so the deck would be closer than 50 feet from the water's edge. A sketch and pictures were submitted of the property. Mr. Greiner purchased the subject property before the high water mark was established on Silver Lake. There was no public input or correspondence received. The public hearing was closed.

Discussion by the Board

Terry Clark said he doesn't see any similarity between the subject request and Pat Brady's request to construct a deck, doesn't see where the grade has any bearing on granting a variance. Frank McManus said Silver Lake has had three lake levels. He said there is an exception to the setbacks on Silver Lake, that the Planning Commission could establish setbacks on Silver Lake. There are many decks in the water, some which are legal and some which are not.

Motion/Clark, seconded/McManus to deny the request of Jim Greiner for a variance in the setback from the high water mark on Silver Lake to construct a deck of property located at 541 E. Silver Lake Road in the R-1B District.

Petition of Biedron Builders, Inc.

Jack Biedron requests a side yard variance of property located at 1011 W. Silver Lake Road North, Old English Village Subdivision in the R-1A District. He is construction a house for Bill Thomas. John Porritt explained in 1975 Clint Kinney applied to the Township to have the setbacks changed in Old English Village Subdivision from R-1A to R-1B. A blanket setback variance was granted for the subdivision but it did not include the four outlots. Mr. Kinney had deeded two of the metes and bounds lots on Silver Lake Road to the subdivision owners for a park. Mr. Biedron said he didn't realize the setbacks were R-1A on the

subject metes and bounds lot. A survey was reviewed of the property indicating a 10.07 foot sideyard setback on one side and a 6.31 foot setback adjacent to the park property (needs 3.69 feet). Mr. Thomas, owner of subject property, said he spoke with property owners who would be affected by the variance, and they had no opposition to encroachment on the park property. He said the subdivision rules are not enforced. The park is deeded to the lot owners in the subdivision. There was no public input or correspondence received. The public hearing was closed.

Discussion by the Board

Terry Clark said these are extenuating circumstances with this subdivision, that the four metes and bounds lots should have had R-1B setbacks. Dick Ford, Township Attorney, suggests that Mr. Thomas purchase some of the park property to combine with his lot. Terry Clark said he would be amenable to allowing R-1B setbacks on the subject lot but not go any further than that. It is suggested a variance be granted for the R-1B setbacks, and ask Mr. Thomas see if he can acquire four feet of park property and obtain legal counsel.

Motion/Clark, seconded/McManus, PASSED to grant a variance, imposing R-1B, One Family Residential District setback requirements on Parcel 28 005 030 035 00, located on West Silver Lake Road North, a R-1A, Rural Residential zoned lot. Ayes: Clark, McManus, Smith, Thompson, Featherstone, don't feel comfortable with this, the Board should have some leeway.

Petition of Terry L. Cox

Terry Cox requests a side lot variance in the R-1B District of property located at 1458 West Silver Lake Road. Mr. Cox wants to remove the back part of a building and add on to the front side and fill in the void. Mr. Cox was unable to attend the meeting. This Petition is set over to the October meeting.

Petition of Northwest Senior Resources

Petitioner Northwest Senior Resources requests an appeal of the Zoning Administrator's Decision (letter of July 27, 1994) to issue a Land Use and Building Permit for lot 19, Orthwood Pines #2 (3137 Cedar Valley Drive) in the R-1B District. Greg Piaskowski, Director of Northwest Senior Resources explained the building permit is for a ramp to accommodate barrier free access to a deck and to a bathroom at their residence at 3137 Cedar Valley. The basis for denial given in Mr. Porritt's letter was Section 6.3 of the Zoning Ordinance, more specifically based on Section 3.2 Definitions with respect to family.

In 1970 the Board granted a variance to allow construction of a home at 3137 Cedar Valley based on the prior definition of family. The home has four bedrooms and four baths and was to house four seniors. Mr. Piaskowski said he was of the opinion a variance was not needed because the definition of family was amended. Community Mental Health has clients for the home who are currently in nursing homes and who are capable of living in the community. Petitioner owns and operates a similar home on Webster Street where many of the people living in the home have services brought in. It is felt the definition of family in the Zoning Ordinance is broad enough for family to allow the use to continue. The only difference is they are Community Mental Health Clients who have mobility limitations, thus the reason for barrier free. Barrier free accommodations were eliminated from the original construction of the house because of cost.

A Staff Memo was reviewed which relates to the definition of family. Community Mental Health submitted a letter of May 12, 1994 stating its program would include on-site staff 24 hours a day. John Porritt said he is still of the opinion this matter should be before the Planning Commission for a Special Use Permit as an institutional use.

Gerry Harsch said the Planning Commission had previously addressed the request for a Special Use Permit to use this house as a licensed residential care facility. There was opposition by the neighbors at a public hearing held because there are two licensed homes of similar character within 1500 square feet which the state set out as a minimum distance. Community Mental Health decided to use the home for a facility not needing licensing. The Planning Commission never concluded that the standards were met to issue a Special Use Permit. It is the position of the Township that if someone is to be occupying the residence with these people on a 24 hours basis that it does come under our institutional kind of uses and would follow the procedure for a Special Use Permit at the Planning Commission.

Mr. Piaskowski said delivery of service to seniors is changing. Their office receives requests for 24 hour care for the elderly living in their own homes. Zoning and planning have not kept up with the mode of delivery of service to provide people with services in their homes or in homes. From that standpoint it is not institutional care, just the way things are evolving in terms of delivery of service.

Terry Clark said the Planning Commission should look at this matter because things are continually changing as far as zoning is concerned. The Planning Commission should deliberate on the Special Use Permit, doesn't think the Board of Appeals has any reason to deal with the Zoning Administrator's decision.

Mr. Piaskowski said there won't be anyone other than the four residents living there, but there will be someone on duty 24 hours a day to assist those handicapped individuals.

Roger Dunigan, of Community Mental Health said the agency could move four handicapped individuals into the home without any contact with the neighbors and township and meet the Township zoning requirements. The only difference they are asking to move in people who are handicapped and have physical limitations. The people are elderly, most are in wheelchairs. A variance is needed in the building to make it barrier free and that is what is being denied. State and Federal laws say four handicapped elderly meet the requirement for single family. He is asking consideration of the special circumstance of the handicapped elderly people to make the building barrier free. The reason for not pursuing a licensed foster care home is because care for handicapped people is moving away from licensed facilities. The building they are looking at is for supportive independent living.

Beverly Banks of 3008 Pineview Drive said she does not want Community Mental Health residents as neighbors, thinks they will be mentally ill people. This use is allowed in the A-1, Agricultural District, suggests Northwest Senior Resource sell the home.

Patrick Began of Northwest Senior Resources there is a stigma against mental illness. They are requesting approval to make the home barrier free.

Tom Harrigan said he lives next door to the home in question, is against the facility being there and asked why don't they remodel the inside of the home and sell it.

Terry Banks of 3008 Pineview said there are two licensed homes within 1500 square feet. This facility should be in the A-1 District. The public hearing was closed.

Discussion by the Board

Bob Featherstone said this is a complicated issue, this matter should go back to the Planning Commission. Terry Clark said the only question that can be addressed is the appeal to the Zoning Administrator's Decision, doesn't see a reason to overturn his ruling at this time, thinks it is appropriate, agrees with Community Mental Health that it is necessary to mainstream the elderly, don't think this is the place to solve that problem, doesn't see a reason to overturn the Decision of John Porritt.

Motion/Thompson, seconded/McManus, PASSED to uphold the Decision of the Zoning Administrator to deny a land use and building permit to Northwest Senior Resources, Inc. to alter it's residence at 3137 Cedar Valley Drive, Garfield Township to allow occupancy of four unrelated individuals needing twenty four (24) hour supervision and care. Ayes: Clark, McManus, Smith, Thompson, Featherstone. No: None.

Public Comment

None.

Adjournment

Meeting adjourned at 8:40 p.m.

Marge Johnson, Administrative Secretary

CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals Meeting - Minutes of October 11, 1994

A meeting of the Zoning Board of Appeals of the Charter Township of Garfield was held on Tuesday, October 11, 1994, at 7:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan

Board members present: Rick Smith, Frank McManus, Terry Clark, Bob Featherstone

Board members absent
and excused: Roger Thompson

Review and approval of the Agenda - Conflict of Interest

Motion/Clark, seconded/McManus, PASSED to accept the Agenda as printed.

Minutes of September 13, 1994

Motion/Featherstone, seconded/Clark, PASSED to approve the Minutes of September 13, 1994 as printed.

Continuation of Petition of Cal Karr

Cal Carr requests front and side yard variances of lot 47, Incochee #3, in the R-1A, Rural Residential District. He submitted a letter from Pete Bruski, of the Soil Erosion Office who agrees the homesite as staked is the best location for the building due to the extremely steep slopes of the lot. Incochee #3 consists of five parcels. The common areas are owned by the plat owners. There is a 66 foot right-of-way with a 20 foot road. The zoning ordinance requires that the front of his house be set back 61 feet from the edge of the curve. There is no cul-de-sac in the plat.

Terry Clark said the Ordinance envisions that a 66 foot right-of-way in a plat would be taken over as a public road. The subject road in this plat will remain private.

Cal Carr said there is a 15 foot right-of-way, a 20 foot road, consider a 16 foot right-of-way and a 30 foot setback, that would give him an extra 15 feet. He said there are three key elements to be concerned about when making decisions about variances: what the neighbors have to say; what is in the best interest of the Township; and what is the best interest of the applicant. He said the topography and rights of other property owners in the same district would apply to his request. On lot 2, Incochee #2 a setback variance was previously granted. Correspondence was

submitted from the Oleson's stating they approve of the variance for Mr. Carr. Mr. Carr said he could live with a 20 foot sideyard setback. There was no public comment.

Discussion by the Board

Terry Clark said he viewed the subject property, recognizes the severity of the slope on the site. The property was created after the Zoning Ordinance was adopted. There were two other sites in Incochee where 10 foot setback variances were granted in similar situations, those lots being created before the Ordinance went into effect. There are extenuating circumstances with this lot. He would agree to grant a 10 foot variance.

Bob Featherstone said the developers of the plat should have requested setback variances from the road when the plat was approved.

Rick Smith said he can see both sides of the issue.

Kent Gerberding said the owners of the plat could request the plat be amended to change the right-of-way.

John Porritt said the basis for granting the other variances was to look at the length of a car as 20 feet and make sure the car could be kept off the road right-of-way.

Terry Clark said there is some justification for a 10 foot variance because a variance was granted before in a similar circumstance.

Motion/Clark, seconded/McManus, PASSED to grant a 10 foot front yard variance of lot 47, Incochee No. 3, requested by Cal Carr, because there are some extenuating circumstances, and it does meet all of the basic conditions of the Ordinance, the hardship being the topography of the lot, and it is consistent with other variances the Board has granted in the same area. Ayes: Clark, McManus, Featherstone, because it is consistent with what we have done in the past in that area, and it also meets the intent of the Ordinance. Smith. No: None. Absent and excused: Thompson.

Continuation of Petition of Biedron Builders, Inc.

A side yard variance is requested of property located at 1011 W. Silver Lake Road North in the R-1A District. Bill Thomas, owner of the subject lot said he is encroaching on the south lot line within a 10 foot area. As suggested by the Board, Mr. Thomas is in the process of purchasing 5 feet of park property from the owners of lots 1 thru 36 of Old English Woods. Mr. Thomas

requests a sideyard variance contingent on the fact he is purchasing the property as evidenced by the Quit Claim Deed submitted. Two property owners are out of town and have not signed the Deed. Mr. Thomas said he would like a variance pending receipt of the remaining signatures so he can close on his loan. He said they are paying the property owners \$500 for the five feet of property. Purchasing the five feet is the only way he can access the back of his property.

Bob Featherstone said the requested variance would not have an affect on the adjacent park property, that he would give Mr. Thomas the benefit of the doubt that the remaining signatures will be obtained on the Deed.

Kent Gerberding this could be characterized as an unnecessary hardship or a practical difficulty in granting a variance, not being economic but a practical difficulty in obtaining the signatures to resolve the problem. He reviewed the special exceptions and conditional permit requirements of the Ordinance. Once the five feet of property is purchased, the special exception/temporary permit would be null and void. It would be a legitimate act on the part of the Board of Appeals to allow this to continue to exist where it is until the setback problem resolves itself.

John Porritt said he cannot issue an occupancy permit until this issue is resolved.

Terry Clark said the problem was created by the contractor, and he should guarantee to the bank the problem will be corrected.

Rick Smith thinks the bank would give Mr. Thomas a mortgage. If they had a problem, they could talk to Kent or the Township.

Motion/Featherstone, seconded/McManus, PASSED to grant a five foot sideyard variance to Biedron Builders, Inc. of property located at 1011 W. Silver Lake Road North, in the R-1A District because there is a practical difficulty in obtaining the remaining signatures on the Quit Claim Deed for the purchase of five feet of park property in Old English Woods Subdivision. Ayes: Smith, McManus, Featherstone. No: Clark. Absent and excused: Thompson.

Petition of Terry L. Cox

Terry Cox requests a side lot variance in the R-1B District located at 1458 West Silver Lake Road. Two surveys were submitted of the property which indicate different lot dimensions. There is an existing structure which is between 1-

1/2 and 6 feet off the line depending on the survey being used. Mr. Cox would like to remove a portion of the structure and construct an addition off the side of the building. The neighbors do not object to the variance. Mr. Cox will be moving away from the lot line. The house was built in 1946 and the addition was constructed in 1971. John Porritt said this is a non-conforming structure. The situation will be improved by taking off the part of the building which is closest to the lot line.

There was no public comment or correspondence received. The public hearing was closed.

Motion/McManus, seconded/Featherstone, PASSED to grant a side lot variance to Terry Cox because this is a pre-existing structure to the Zoning Ordinance and would be an improvement to what exists now. Ayes: Featherstone, McManus, Clark, Smith. No: None. Absent and excused: Roger Thompson.

Petition of Horizon Outlet Center

Todd Beyer, Property Manager of the Horizon Outlet Center requests a sign variance to allow the installation of permanent banners on light poles in the C-2, General Business District of property located at 3639 Marketplace Circle. A site plan was submitted indicating where the 13 banners on 13 individual light poles would be installed at the center. The banners will be 30 inches wide by 60 inches tall and are not illuminated. There would be two different banners, one a Christmas banner, and the other a graphic banner intended to represent a proposed pylon sign. The banners would be on the poles year around. There are two special conditions under variances which Mr. Beyer says he can meet. (b) topography, the property is set off U.S. 31, and (c) it is a right enjoyed by other property owners in the district (Grand Traverse Mall).

Terry Clark said the approval for banners was part of the planned unit development for the Grand Traverse Mall in the C-4 District. This issue needs to be addressed in the Ordinance itself to allow this specific kind of banner to be used in the C-2 District.

Kent Gerberding referred to page 19 of the Ordinance, definition of signs. Christmas related decorations are not included in the requirements.

There was no public input or correspondence received. The public hearing was closed.

Motion/Clark, seconded/McManus, PASSED to deny the request of the Horizon Outlet Center for a sign variance to allow the

installation of permanent banners. Ayes: Clark, McManus, Featherstone, Smith. No: None. Absent and excused: Thompson.

The Collison Center

Al Martin of the Collison Center requests an interpretation of the Zoning Ordinance regarding what the rear setback between the C-2 zoning district and the M-1 zoning district when both properties are owned by the same person. An addition is proposed to the existing building which would extend to the rear lot line of the C-2 property. Mr. Martin purchased the lot in the back zoned M-1. He would like to construct a building up to the back line of the front lot (C-2 parcel). The M-1 property would be used for parking and stormwater retention. The subject business and a parking lot are allowed in the M-1 District. The subject properties go from street to street and will be combined into one legal description.

Kent Gerberding said no action needs to be taken as the Petitioner owns both properties. If the properties were split out, there would be a problem with setbacks.

There was no public input or correspondence received. The public hearing was closed.

Motion/Featherstone, seconded/Clark, PASSED that in this situation of the Collison Center where one property owner owns both parcels, there is no setback requirement from what had formerly been the rear lot line, provided that the two parcels remain as one single lot under common ownership. Ayes: Clark, Smith, McManus, Featherstone. No: None. Absent and excused: Thompson.

Public Comment

None.

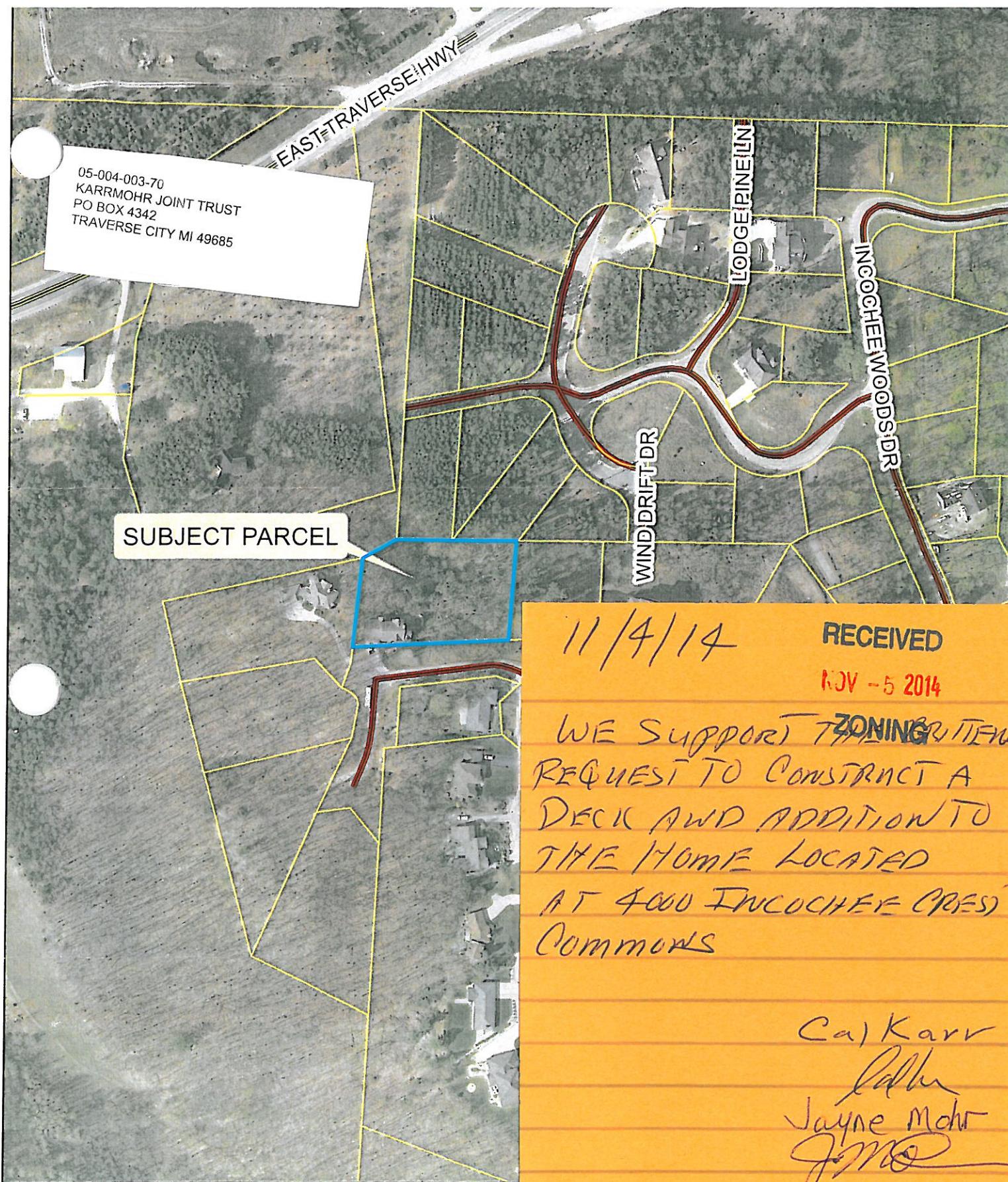
Other Business

None.

Adjournment

The meeting was adjourned at 8:40 p.m.

Marge Johnson, Administrative Secretary



SUBJECT PARCEL

05-004-003-70
KARRMOHR JOINT TRUST
PO BOX 4342
TRAVERSE CITY MI 49685

11/4/14 RECEIVED
NOV - 5 2014
WE SUPPORT THE ~~WITNESS~~ **ZONING** REQUEST TO CONSTRUCT A DECK AND ADDITION TO THE HOME LOCATED AT 400 INCOGHEE CRESS COMMONS
Cal Karr
Jayne Mohr
JMO
3972 INCOGHEE

Parcel Map

2010 Aerial

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not warrant, expressly or irrgladly, 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.