

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

Wednesday, April 20, 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 – February 22, 2016 & March 10, 2016
3. Public Hearing
 - a. Case # 2016-04 Jackson-Temporary Dwelling
4. Other Business
 - a. Updated Bylaws of the Zoning Board of Appeals
 - b. 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
GARFIELD TOWNSHIP HALL
3848 VETERANS DRIVE
TRAVERSE CITY, MI 49684

MINUTES
SPECIAL MEETING

MONDAY, FEBRUARY 22, 2016

1. CALL TO ORDER: By Acting Chairman Rozycki at 7:00 pm.

Kopriva introduced Fricke, newly appointed ZBA Board Member.
2. ROLL CALL: Board Members present were Uithol, Duell, Fricke and Rozycki. Smith was absent and excused. Also present were Sara Kopriva, Zoning Administrator, and Ronda Robinson, Recording Secretary.
3. APPROVAL OF AGENDA: Moved by Duell and supported by Uithol to approve the agenda as written. Carried.
4. CONFLICT OF INTEREST STATEMENT: None.
5. a. CASE #2016-02 GRAND TRAVERSE MALL:
 1. Remote Sign Variance-Section 630.G
 2. Freestanding Tenant Sign Variance-Section 630.G
 3. Parapet Height Variance-Section 630 M
 4. Wall Sign Above Building Roof Variance-Section 630

Public Hearing was opened by Rozycki at 7:04 pm.

Eric Dinenberg, Rouse Properties, VP Development and Construction, explained that Rouse Properties purchased the Grand Traverse Mall in 2012. If the requested variance is granted Dick's Sporting Goods will open a store in the location that the Cinema vacated. The addition of Dick's Sport Goods would be a transformative change for the Mall and lead to other positive advancements for the Grand Traverse Mall.

Eric Bloch, Dick's Sporting Goods, Director of Real Estate, explained that this location on the back side of the Grand Traverse Mall comes with some challenges. The lease with Rouse Properties is contingent on the proposed signage being allowed by Garfield Township. Dick's Sporting Goods must be allowed to have their signature sign at their main entrance for brand identity and customer ease in locating the store. Also, Dick's Sporting Goods must have a sign on the front side of the mall so visitors to the Mall and passing cars can easily see that Dick's is located in the mall.

Tom Gianni, Image One, explained that to be seen Dick's Sporting Goods' sign must be 12 feet higher than allowed by the Ordinance. It must be this high not only because the sign will be at the back of the Mall but also because of the tree line behind the Mall property.

Bob Verschaeve, Gosling Czubak, explained that without the parapet and wall sign being placed 12 feet above the allowable height the car traffic will not be able to locate Dick's Sporting Goods.

There was no public comment.

Public Hearing was closed by Rozycki at 8:19 pm.

The Board reviewed the Findings of Fact for the proposed requests.

VARIANCE #1-Remote Sign

Practical Difficulty Section 454.E.(3):

- a. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because this case is unique and has special conditions and circumstances.
- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the applicant did not cause the need for the requested variance.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because strict compliance to the ordinance would deprive the applicant of reasonable use of the building.
- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because similar properties in this district have similar signs on their buildings.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the applicant wouldn't incur additional cost to achieve full compliance.

Section 454.E.(2) General Criteria

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. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the property is owned by the applicant.
- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because this standard is not relevant.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance would be in harmony with the area.

- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance would enhance the surrounding area.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance is the smallest variance needed to reasonably use the building.

Motion by Duell and support by Fricke to GRANT the request for a remote off-premise wall sign for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met and due to the fact that the store is over 50,000 square feet, also contingent on approval of location and size of the sign by the Planning Commission. Approved by a vote of 3-1.

VARIANCE #2- Freestanding sign-**Tabled at request of applicant**

VARIANCE #3-18 ft parapet

Practical Difficulty Section 454.E.(3):

- a. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because this property has unique features.
- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the need for the requested variance was not self-created.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because strict application of the ordinance would deprive the applicant of reasonable use of the building.
- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because strict compliance to the ordinance would deprive the applicant from commonly enjoyed rights.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the applicant would only have standard costs.

Section 454.E.(2) General Criteria

- a. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance is only for their property.

- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance is strictly for this location.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance will not be detrimental to the public.
- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance will not alter the character of the area.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because there is not an alternative to the requested variance.

Duell made a motion and Fricke supported it to GRANT the request for a 12 ft variance, or less, pending Planning Commission approval from section 630.M for an 18 ft parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met. Approved with a vote of 4-0.

VARIANCE #4- Sign higher than building wall

Practical Difficulty Section 454.E.(3):

- a. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because there are special circumstances with this property such as the physical conditions and natural features.
- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the need for the variance was not self-created.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because strict application to the Zoning Ordinance would deprive the applicant of reasonable use of the building.
- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because literal interpretation of this ordinance would deprive the applicant of common rights enjoyed by other properties in the area.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the applicant would not incur extra cost to

achieve full compliance.

Section 454.E.(2) General Criteria

- a. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the applicant has control of the property.
- b. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because no other land or structures will be considered as grounds for issuance of the variance.
- c. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance will be in harmony with the general purpose and intent of the ordinance.
- d. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the character of the area will not be changed.
- e. After careful consideration of the facts and evidence that was presented to the Garfield Township Zoning Board of Appeals, the board concluded that the **Standard Has Been Met** because the requested variance is the smallest variance that would allow reasonable use of the building.

Duell made a motion and it was supported by Fricke to GRANT the request for a wall sign to be located up to 18 ft above the building wall on the parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met pending approval of size and location by the Planning Commission.

6. ITEMS FOR NEXT AGENDA: None.
7. PUBLIC COMMENT: None.
8. ADJOURNMENT: Motion by Uithol and second by Fricke to adjourn the meeting at 9:14 pm. Carried.

STEVE DUELL, SECRETARY
CHARTER TOWNSHIP OF GARFIELD ZONING BOARD OF APPEALS

RONDA ROBINSON, RECORDING SECRETARY
CHARTER TOWNSHIP OF GARFIELD ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION PRIOR TO THEIR ADOPTION.

Charter Township of Garfield
Zoning Board of Appeals Meeting

Thursday, March 10, 2016 @ 7:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Kent Rozycki called the meeting to order at 7:00pm.

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

Absent and Excused: Rick Smith

Staff Present: Sara Kopriva

1. **Review and approval of the agenda and declaration of a Conflict of Interest**
Kopriva asked to add "Amend By-Laws" as item 4b.

Uithol moved and Fricke seconded to approve the agenda as amended.

Yeas: Uithol, Fricke, Duell, Rozycki

Nays: None

2. **Minutes – January 6, 2016**

Uithol moved and Duell seconded to approve the minutes of January 6, 2016 as presented

Yeas: Uithol, Duell, Fricke, Rozycki,

Nays: None

3. **Public Hearing**

- a. **Case #2016-03 – Bay Meadows Golf Course – Setback Variance**

The applicant is requesting a variance from Section 749 of the Zoning Ordinance to allow for an addition to an existing driving range building. The addition will be located 37 feet from the property line of an abutting residentially zoned facility. The existing golf building is a non-conforming structure and cannot be enlarged without a variance. The required setback is 200 feet. The parcel is about 85 acres located between Barney Road and M 72 and contains a golf course with a driving range. The property is zoned R-1 as is the property to the West and South. Property to the North and East is zoned Agricultural. Golf courses are a use permitted by special conditions in the R-1 zoning district. Mike Husby, the owner, spoke about the variance and said that his business is very family oriented and teaches golf to all ages. The facility provides lessons in all seasons and the existing facility is getting too small to accommodate all the lessons. He proposes to add on to the existing facility. Board members discussed the

proposed variance. Husby's neighbor, Mike Stekler responded regarding the setback from the nearest house and said it was not a problem at all and the golf facility was not even visible when the trees were filled in. Kopriva said that no written correspondence was received. Board members asked about stray golf balls and neighbor Paula Hoffman said that she has never run into a golf ball during her lawn maintenance and the driving range faces away from the homes. Rozycki opened the Public Hearing at 7:29pm. Paula Hoffman commented that she is supportive of the project. Rozycki closed the Public Hearing at 7:30pm.

Board members discussed the Findings of Fact for a Dimensional Variance; more specifically Section 454.E.(1) Practical Difficulty.

- a. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude 3 votes to 1, that this standard HAS BEEN MET since the applicant is not dealing with a sub-standard lot.
- b. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude 3 votes to 1, that this standard HAS BEEN MET since the neighboring subdivision created the required setback issue and made the existing property non-conforming in that regard.
- c. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET since growth of the business would be hindered.
- d. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard IS NOT APPLICABLE.
- e. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET since the applicant would not incur substantial additional costs if he had to relocate.

Board members then discussed Findings of Fact for Section 454.E.(2) General Criteria.

- a. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET since the applicant is the owner of the property.
- b. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET because other neighboring properties and buildings were not considered.
- c. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET since it is not detrimental to the public health, safety and welfare.

- d. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude unanimously that this standard HAS BEEN MET since the addition will not have any adverse effects on surrounding properties.
- e. After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude 3-1, that this standard HAS BEEN MET because the applicant is merely extending an existing building.

Rozycki moved to GRANT the request for a variance from the Zoning Ordinance to allow for the construction of an addition to the driving range building, located 37 feet from a residentially zoned property line, based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met. Fricke seconded the motion.

Yeas: *Rozycki, Fricke, Uithol*
Nays: *Duell*

4. Other Business

a. Dick's Sporting Goods – Consideration to restate and clarify motion for variance approvals

Upon further review by the Township Attorney, the suggested changes in the motions for the Dick's Sporting Goods variance were made.

Rozycki moved and Uithol seconded to amend the Zoning Board of Appeals' motion and grant of variance for the remote off-premise wall sign for Dick's Sporting Goods at the Grand Traverse Mall by affirming the previous motion and grant for the sign as presented in Exhibit 2 of the variance request but removing the following words "also contingent on approval of location and size of the sign by the Planning Commission."

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

Rozycki moved and Duell seconded to amend the Zoning Board of Appeals' motion and grant of variance for a 12 foot variance for an 18 foot parapet for Dick's Sporting Goods at the Grand Traverse Mall by affirming the previous motion and grant as presented in Exhibit 3 of the variance request but removing the following words "or less, pending Planning Commission approval from Section 630.M."

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

Rozycki moved and Duell seconded to amend the Zoning Board of Appeals' motion and grant of variance for a wall sign to be located up to 18 feet above the building wall on the parapet for Dick's Sporting Goods at the Grand Traverse Mall

by affirming the previous motion and grant as presented in Exhibit 3 of the variance request but removing the following words “pending approval of size and location by the Planning Commission.”

Yeas: Rozycki, Duell, Fricke, Uithol

Nays: None

b. Amend By-Laws

Kopriva proposes that the Zoning Board of Appeals remove references to Article 5 on page two of the ZBA by-laws and simply reference the new ordinance in general by adding a clause “as stated in the ordinance.”

Rozycki moved and Duell seconded to remove references to Article 5 and replace them with a simplified clause such as “as stated in the ordinance.”

Yeas: Rozycki, Duell, Fricke, Uithol

Nays: None

5. Items for next agenda

Kopriva said applications for the next ZBA meeting will be taken until March 21st so she was not sure there was any business at this time.

Kopriva is leaving Garfield Township to pursue Planning at Elmwood Township.

ZBA training will be held on April 25 at noon in Gaylord and April 27th in Mt. Pleasant for those who wish to attend.

6. Public Comment

None

7. Adjournment

Uithol moved and Duell seconded to adjourn the meeting at 8:02 pm.



Charter Township of Garfield
 Planning Department Report No. 2016-30

Prepared:	April 12, 2016	Pages:	Page 1 of 3
Meeting:	April 20, 2016 Zoning Board of Appeals	Attachments:	<input checked="" type="checkbox"/>
Subject:	Use of structure for temporary dwelling		
File No.	ZBA-2016-04	Parcel No.	05-029-018-10
Applicant:	James and Kori Jackson		
Owner(s):	Same		

PURPOSE OF APPLICATION:

The application requests ZBA approval to allow the use of an existing home as a temporary dwelling while a new home is under construction.

SUBJECT PROPERTY:

The subject property is located on McCrae Hill Road, just south of Silver Pines. The property address is 1337 McCrae Hill Road and the parcel number is 05-029-018-10.

STAFF COMMENT:

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.

In this case, the applicant would like to convert an existing home into a "temporary dwelling" so that a new home can be constructed on the same lot. Upon completion of the new residence, the existing home will be demolished so that only one home remains on the property, as required by the zoning ordinance.

Generally, the temporary dwelling standard was written to allow for occupancy of something like a recreational vehicle or trailer while a home was under construction. In this case, it may be applied to continued occupancy of the existing home. However, any approval should be conditioned upon demolition and removal of the existing home prior to occupancy of the new home. This condition will ensure swift removal of the temporary dwelling and avoid potential ordinance enforcement issues if the structure was not removed.

Garfield Township Zoning Ordinance Section 610 Standards for review / Draft Findings of Fact

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.
 - a. *Draft finding: The temporary dwelling will be used while constructing a new dwelling on the same property.*

- (2) The temporary structure is adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department or applicable agency.
 - a. *Draft finding: The temporary dwelling is an existing home which is served by existing water and sewer facilities.*

- (3) The temporary structure shall meet all setbacks for the zoning district where it is located.

- a. Draft finding: The temporary dwelling is an existing home which meets the required setbacks of the A-Agricultural zoning district.*
- (4) A land use permit and building permit is obtained prior to placing temporary structure on property.
 - a. Draft finding: A land use permit authorizing temporary occupancy of the existing structure will be required prior to issuance of land use and building permits for the new structure.*
- (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.
 - a. Draft finding: The applicant intends to complete construction of the new residence within the one-year temporary occupancy period.*

ACTION REQUESTED:

The first purpose of this agenda item is to invite public comment on the application. If, following public comment and applicant / ZBA discussion, the Zoning Board of Appeals is prepared to take action on the application, the following separate motions are offered for consideration:

THAT the Findings of Fact for application ZBA-2016-04, as described within Planning Department Report No. 2016-30, be approved. (Note: motion to be made only following review, modification as necessary, and acceptance of the draft finding).

THAT application ZBA-2016-04, to allow a temporary dwelling on property located at 1337 McCrae Hill Road, be approved subject to the following conditions:

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

Attachments:

Application narrative and property map

(See parcel map on following page)



**ZBA Request : Jackson
Temporary Dwelling**

Legend
 Parcel 2015

THIS MAP IS BASED ON GPS AERIAL PHOTOGRAPHS PROVIDED BY GARFIELD TOWNSHIP. THE TOWNSHIP DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE INFORMATION ON THIS MAP. SURVEY INFORMATION, RECORDS AND/OR OTHER SOURCES SHOULD BE USED TO VERIFY THE LOCATION AND DIMENSIONS OF ANY PROPERTY.

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: 4/12/2016

March 15, 2016

Zoning Board of Appeals
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

**RE: REQUEST FOR USE OF STRUCTURE FOR TEMPORARY DWELLING
DURING CONSTRUCTION OF NEW RESIDENCE
PARCEL ID#: 28-05-029-018-10
1337 MCRAE HILL ROAD
GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN**

Dear Zoning Board of Appeals:

Our current permanent residence is located at 1337 McRae Hill Road in Garfield Township, Grand Traverse County, Michigan. The Tax Parcel Identification Number is 28-05-029-018-10. The current owner is listed as Kori Chrestensen, recently married, now, Kori Jackson. We are planning on constructing a new dwelling on the parcel beginning in late April or early May 2016 following the building permit application process. Construction of the new dwelling is estimated to take four to five months from commencement. During construction of the new dwelling, we would like to remain in our current residence. By staying in our current residence this will allow us to save extra money as we would not have to rent an offsite residence. Renting an offsite residence has also revealed two additional difficulties. The first difficulty is the length of time for renting a property is typically longer than four to five months, our anticipated construction schedule. Secondly, we have two larger sized dogs, which are not allowed in most rentals. Based on the extra costs involved with renting and the difficulties finding a short term rental and one that accepts dogs has proved difficult. As a result, we would like to be able to utilize our current residence for temporary housing until our replacement dwelling is completed.

During the construction period, our current residence will remain connected to all utilities, which are currently in use. The utilities include our onsite potable water well, onsite sanitary septic system, electricity (Consumers Energy), and natural gas (DTE). Once construction of the new residence is ready to be connected to the same utilities, we plan to vacate the current residence and move into our new dwelling following building permit closure and the granting of our occupancy permit by the Township.

We are requesting the Zoning Board of Appeals review our request under Section 610, Use of Structure for Temporary Dwelling of Article 6 of the 2015 Garfield Township Zoning Ordinance. It is our understanding such a request can be granted assuming the criteria outlined below is met. We have also included our reasoning for how we believe we comply with the criteria (*noted in italics*). According to the Criteria, the Zoning Board of Appeals may approve a temporary dwelling as follows:

- (1) The temporary structure is for living while constructing a new dwelling or repairing a dwelling damaged by wind, fire, or other natural disasters. *We are going to demolish our current dwelling following completion of construction of the new residence, which is estimated at four to five months for completion.*
- (2) The temporary structure is adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department or applicable agency. *Our current residence is serviced by a potable water well and sanitary septic system that are permitted by the Grand Traverse County Health Department. These services will remain in place until, which time they are transferred to the new dwelling. Their use/ connection in the new dwelling will be reviewed by the Grand Traverse County Health Department as part of our building permit application.*
- (3) The temporary structure shall meet all setbacks for the zoning district where it is located. *We are planning on using our current residence prior to its demolition as our temporary house. A survey of the subject property has been attached, which shows the current residence and future residence will meet all setbacks, as required by the zoning ordinance.*
- (4) A land use permit and building permit is obtained prior to placing temporary structure on property. *As noted above (response #3), we are not placing a temporary structure on the property, we plan to use our current residence until the new one is constructed. Permits for the construction of the new residence and demolition of the old residence will be obtained through the Garfield Township and/ or Grand Traverse County, if required.*
- (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. *Construction of our new residence is planned to take four to five months from its commencement followed by which the current residence will be demolished. This timeline is well within the one year permit period allowed by the Ordinance standards. It is not anticipated that an extension over the one-year period would be needed.*

Based on the criteria outlined in Section 610, Use of Structure for Temporary Dwelling of Article 6 of the 2015 Garfield Township Zoning Ordinance (noted above), we believe we meet the requirements to allow our current residence to be used as a temporary dwelling while our new home is constructed. We are requesting the Zoning Board of Appeals grant our request per the Ordinance. Our Zoning Board of Appeals Application is attached for your review.

Respectfully Submitted,

James and Kori Jackson (formerly Kori Chrestensen, the listed parcel owner)
1337 McRae Hill Road
Traverse City, MI 49685

Attachments, as stated

March 15, 2016

Zoning Board of Appeals
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

**RE: REQUEST FOR USE OF STRUCTURE FOR TEMPORARY DWELLING
DURING CONSTRUCTION OF NEW RESIDENCE
PARCEL ID#: 28-05-029-018-10
1337 MCRAE HILL ROAD
GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN**

Dear Zoning Board of Appeals:

Our current permanent residence is located at 1337 McRae Hill Road in Garfield Township, Grand Traverse County, Michigan. The Tax Parcel Identification Number is 28-05-029-018-10. The current owner is listed as Kori Chrestensen, recently married, now, Kori Jackson. We are planning on constructing a new dwelling on the parcel beginning in late April or early May 2016 following the building permit application process. Construction of the new dwelling is estimated to take four to five months from commencement. During construction of the new dwelling, we would like to remain in our current residence. By staying in our current residence this will allow us to save extra money as we would not have to rent an offsite residence. Renting an offsite residence has also revealed two additional difficulties. The first difficulty is the length of time for renting a property is typically longer than four to five months, our anticipated construction schedule. Secondly, we have two larger sized dogs, which are not allowed in most rentals. Based on the extra costs involved with renting and the difficulties finding a short term rental and one that accepts dogs has proved difficult. As a result, we would like to be able to utilize our current residence for temporary housing until our replacement dwelling is completed.

During the construction period, our current residence will remain connected to all utilities, which are currently in use. The utilities include our onsite potable water well, onsite sanitary septic system, electricity (Consumers Energy), and natural gas (DTE). Once construction of the new residence is ready to be connected to the same utilities, we plan to vacate the current residence and move into our new dwelling following building permit closure and the granting of our occupancy permit by the Township.

We are requesting the Zoning Board of Appeals review our request under Section 610, Use of Structure for Temporary Dwelling of Article 6 of the 2015 Garfield Township Zoning Ordinance. It is our understanding such a request can be granted assuming the criteria outlined below is met. We have also included our reasoning for how we believe we comply with the criteria (*noted in italics*). According to the Criteria, the Zoning Board of Appeals may approve a temporary dwelling as follows:

- (1) The temporary structure is for living while constructing a new dwelling or repairing a dwelling damaged by wind, fire, or other natural disasters. *We are going to demolish our current dwelling following completion of construction of the new residence, which is estimated at four to five months for completion.*
- (2) The temporary structure is adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department or applicable agency. *Our current residence is serviced by a potable water well and sanitary septic system that are permitted by the Grand Traverse County Health Department. These services will remain in place until, which time they are transferred to the new dwelling. Their use/ connection in the new dwelling will be reviewed by the Grand Traverse County Health Department as part of our building permit application.*
- (3) The temporary structure shall meet all setbacks for the zoning district where it is located. *We are planning on using our current residence prior to its demolition as our temporary house. A survey of the subject property has been attached, which shows the current residence and future residence will meet all setbacks, as required by the zoning ordinance.*
- (4) A land use permit and building permit is obtained prior to placing temporary structure on property. *As noted above (response #3), we are not placing a temporary structure on the property, we plan to use our current residence until the new one is constructed. Permits for the construction of the new residence and demolition of the old residence will be obtained through the Garfield Township and/ or Grand Traverse County, if required.*
- (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. *Construction of our new residence is planned to take four to five months from its commencement followed by which the current residence will be demolished. This timeline is well within the one year permit period allowed by the Ordinance standards. It is not anticipated that an extension over the one-year period would be needed.*

Based on the criteria outlined in Section 610, Use of Structure for Temporary Dwelling of Article 6 of the 2015 Garfield Township Zoning Ordinance (noted above), we believe we meet the requirements to allow our current residence to be used as a temporary dwelling while our new home is constructed. We are requesting the Zoning Board of Appeals grant our request per the Ordinance. Our Zoning Board of Appeals Application is attached for your review.

Respectfully Submitted,

James and Kori Jackson (formerly Kori Chrestensen, the listed parcel owner)
1337 McRae Hill Road
Traverse City, MI 49685

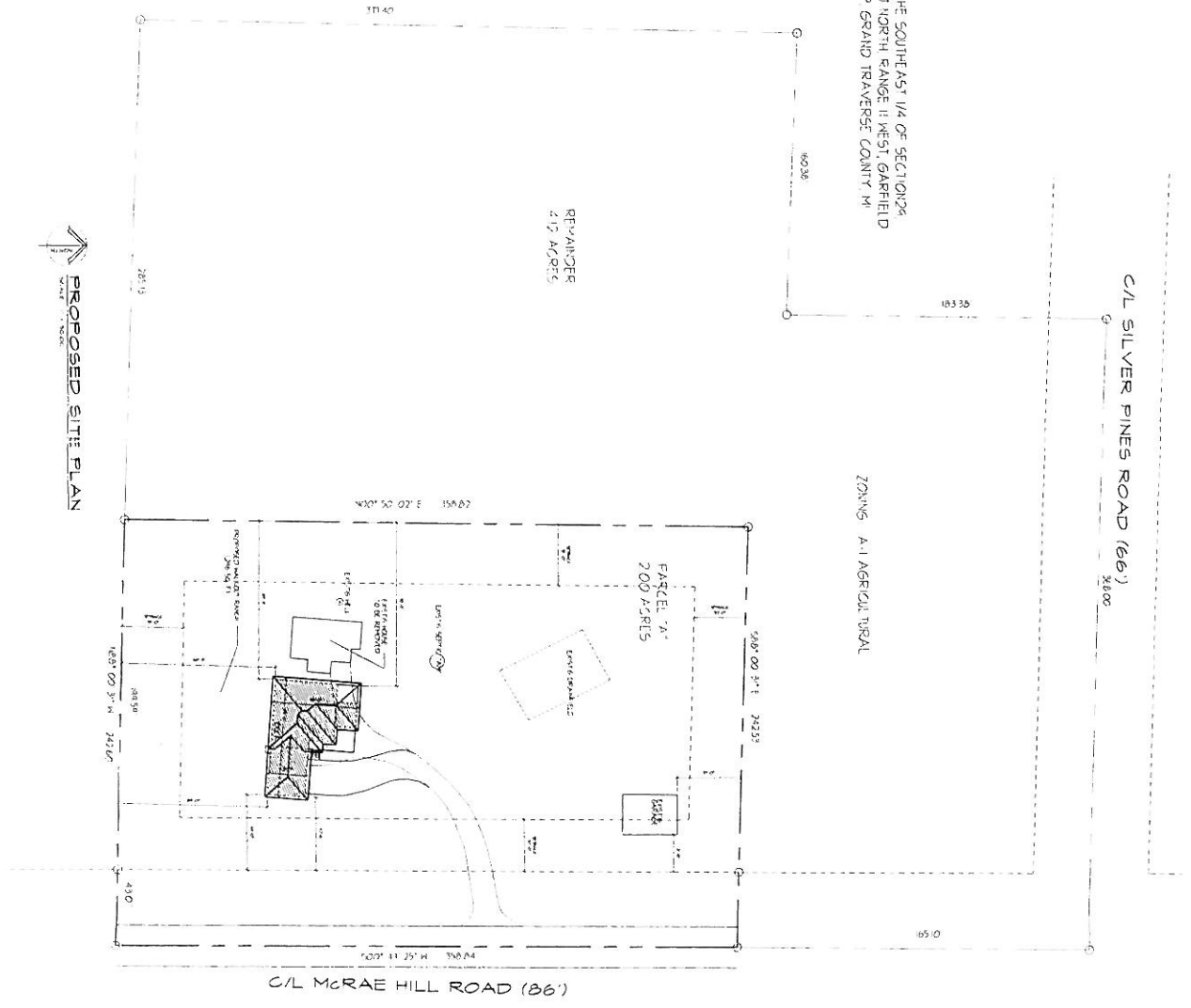
Attachments, as stated

PART OF THE SOUTH EAST 1/4 OF SECTION 26,
TOWNSHIP 21 NORTH RANGE 11 WEST, GARFIELD
COUNTY GRAND TRAVERSE COUNTY MI

C/L SILVER PINES ROAD (66)
36.00'

ZONING A-1 AGRICULTURAL

PROPOSED SITE PLAN



<p>—</p>	<p>ELO-S/O</p>	<p>12/4/2015 100% PRIMARY DESIGN</p>	<p>NEW HOME DESIGN FOR JAMES JACKSON 1321 McRAE HILL ROAD GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN</p>	<p></p>	<p>CHD CREATIVE HOME DESIGN RESIDENTIAL DESIGN AND CONSTRUCTION DOCUMENTS 200 HAWTHORNE NORTH FORT MYERS FL 33901 888-888-8888</p>
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Charter Township of Garfield

Grand Traverse County

Bylaws of the Zoning Board of Appeals

The following rules of procedure are hereby adopted by the Garfield Charter Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended and the Garfield Charter Township Zoning Ordinance.

SECTION 1: OFFICERS

- A. Selection and Tenure** - At the first meeting in each fiscal year, the Zoning Board of Appeals shall select from its membership a chairperson, vice chairperson, and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson** - The chairperson shall preside at all meetings, appoint committees, and perform such other duties as ordered by the Zoning Board of Appeals or Township Board. An alternate member shall not serve as chairperson.
- C. Vice Chairperson** - The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary** - The secretary shall execute documents in the name of the Zoning Board of Appeals and shall perform such other duties as the Zoning Board of Appeals may determine.
 - 1. **Minutes** - The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions, or recommendations made on any action and record of attendance.
 - 2. **Correspondence** - The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports, or other written materials received by the secretary shall be brought to the attention of the Zoning Board of Appeals.
 - 3. **Attendance** - The secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals.
 - 4. **Notices** - The secretary shall assist Township staff in the issuance such notices as may be required by the Zoning Board of Appeals.

SECTION 2: MEETINGS

The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Zoning Board of Appeals may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** - The Zoning Board of Appeals may schedule regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Zoning Board of Appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Zoning Board of Appeals meetings shall be posted at the Township office within 10 days after the Zoning Board of Appeals' first meeting in each fiscal year in accordance with the Open Meetings Act.

- B. Special Meetings** - Special meetings may be called by the Chairperson, the Township Supervisor or upon written request to the secretary by at least two other members of the Zoning Board of Appeals.

Notice of special meetings shall be given to the members of the Zoning Board of Appeals at least 48 hours prior to the meeting. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice** - Notice required for specific requests or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.

- D. Public Hearings** - All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals.

- E. Agenda** - The chairperson shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The agenda may be modified by action of the Zoning Board of Appeals.

- F. Quorum** - A majority of the members of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the members is present.

- G. Voting** - The following procedures shall be followed when taking action on any request

1. Before taking action, the voting members of the Zoning Board of Appeals shall discuss each decision standard set forth in the Zoning Ordinance and any relevant past precedent. Each of the standards governing variance decisions presented in the Zoning Ordinance shall be considered independently and a consensus reached among the voting members as to how the case meets or fails to meet each standards. Such discussion shall be fully and accurately represented within the minutes.
2. A motion to approve or deny shall be based on detailed findings of facts and shall be made by one, and seconded by another voting member.
3. To approve or deny any dimensional variance, appeal or to rule on any other matter provided by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a

roll call vote shall be required if requested by any voting member of the Zoning Board of Appeals or directed by the chairperson.

4. All Zoning Board of Appeals members shall vote on all matters, except members with a conflict of interest.
5. If a decision on a particular matter is postponed until a later meeting, only members present to hear the discussion on said matter at previous meetings shall be permitted to vote on said request.
6. In the event fewer than five members of the Board are in attendance at any meeting, the Chairperson shall advise all appellants that a majority of the total membership is required for the Board to act and, at the appellant's discretion, consideration of a matter may be postponed until the full Board is in attendance. If the applicant requests such postponement, any matter shall be tabled until the next meeting without consideration.

H. Public Records - All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: DUTIES OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for dimensional variances, appeals, interpretations, or other matters as authorized or required by the Garfield Township Charter Zoning Ordinance and the Michigan Zoning Enabling Act.
- B. Conduct site visits as deemed necessary to evaluate an application and supporting material.

SECTION 4: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES, AND ALTERNATES

- A. To be excused, Zoning Board of Appeals members shall notify the Township Supervisor, Zoning Board of Appeals Chairperson, Township Clerk, or Zoning Administrator when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence. In the event a member has three consecutive unexcused absences in a calendar year, that member shall be subject to removal from the commission by the Supervisor or Township Board.
- B. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Board.
- D. A successor shall be appointed as soon as practical after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.

SECTION 5: CONFLICT OF INTEREST

- A.** Before casting a vote on a matter on which a Zoning Board of Appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Zoning Board of Appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B.** Conflict of interest is defined as, and a Zoning Board of Appeals member shall declare a conflict of interest and abstain from participating in Zoning Board of Appeals deliberations and voting on a request, when:
 - 1. An immediate family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or other individual residing within the same dwelling a single housekeeping unit.
 - 2. The member has a business or direct financial interest in the property involved in the request or has a business or direct financial interest in the applicant's company, agency, or association.
 - 3. The member owns or has a direct financial interest in neighboring property.
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
 - 5. In case of appeals of decisions of the Planning Commission, the member that is also a member of the Planning Commission and voted on the matter under appeal as a member of the Planning Commission. However, such member may consider and vote on other unrelated matters involving the same property.
- C.** The Zoning Board of Appeals member declaring a conflict of interest should state the nature of the actual or potential conflict and whether he or she believes he or she could impartially consider the request before the Zoning Board of Appeals. Such member or the Chairperson shall determine if the member shall abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member with the conflict shall leave the Board table and refrain from all participation in the consideration of the matter before the Board. Such member should not make any presentations to the Zoning Board of Appeals with regard to the matter before the Board.

SECTION 7: AMENDMENTS

These bylaws may be amended at any meeting by a vote of a majority of the membership of the Zoning Board of Appeals.

ADOPTED by the Garfield Township Zoning Board of Appeals at a regularly scheduled meeting held on January 19, 2010.

AYES: Smith, Featherstone, McGuire, Yelencich, OBrien

NAYS: None