

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

Wednesday, August 19, 2015 @ 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 – June 11, 2015
3. Public Hearing
 - a. Case # 2015-02 Northern Delta, LLC, 708 Boon St, Ste B, To allow an medical marihuana cultivation facility with 1000 feet of any residentially zoned property, park, school, child care organization, place of worship or any other medical marihuana cultivation facility.
4. Items for next agenda
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 Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

Charter Township of Garfield
Zoning Board of Appeals
June 11, 2015

Present: Steve Duell, Kent Rozycki, Gil Uithol, Rick Smith
Absent and Excused: Joe Yelencich
Staff Present: Sara Kopriva, Zoning Administrator

There were no members of the public present.

Call meeting to Order: The meeting was called to order at 7:05 pm by Chairman Smith at the Township Hall, 3848 Veterans Dr, Traverse City, MI 49684

1. Agenda

Motion by Rozycki and seconded by Uithol to approve the agenda as presented. Motion carried unanimously.

2. Minutes

Motion by Uithol and seconded by Rozycki to approve the minutes of the May 20 , 2015 Zoning Board of Appeals minutes as presented. Motion approved unanimously.

3. Decision and Order- Case #2015-01- O-Grady

Motion by Duell and seconded by Rozycki to approve decision and order for case #2015-01 as presented. Motion carried unanimously.

4. New Business

a. New Zoning Ordinance presentation

Kopriva presented a brief PowerPoint explaining the changes that were made to the new Zoning Ordinance.

5. Items for Next Agenda

Judge Power remanded a portion of the Sonny's Body Shop case back to the Zoning Board of Appeals. No date has been set for the meeting.

6. Public Comment

There was none.

7. Adjournment

Motion by Uithol and seconded by Rozycki to adjourn at 7:27 pm. Motion carried unanimously.

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

DRAFT

Exhibit List

DRAFT

Case # 2015-02

Northern Delta

- A. Garfield Township Zoning Ordinance
- B. Garfield Township Master Plan
- C. Property Record Card with building drawing
- D. Published notice including map of property and 300 ft mailing list
- E. Zoning Board of Appeals Application (submitted by Applicant)
- F. Application for Certification of Registration of a Medical Marihuana Cultivation Facility
- G. Letter from Northern Delta LLC (submitted by Applicant)
- H. Public Comment- letter from Traverse City Print and Copy, dated 7/28/15 (submitted by applicant)
- I. Public Comment- letter from Grand Traverse Mobile Communications, dated 7/28/15 (submitted by applicant)
- J. Public Comment- letter from Mike and Carol Wagner, dated 8/8/15
- K. Garfield Township Medical Marihuana Ordinance, Ordinance #65
- L. Map of known child care organizations, churches, residentially zoned properties within 1000 feet of property
- M. City of Traverse City Zoning Map
- N. Child Care Centers Licenses from State of Michigan
- O. Salvation Army Website
- P. Staff Report
- Q. Draft Findings of Fact

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.

Property Address
700 BOON ST

Owner's Name/Address
LEASEWELL INC
PO BOX 452
TRAVERSE CITY MI 49685-0452


Class: 201 COML IMPROVED Zoning: I-G E Building Permit(s)
School: TRAVERSE CITY AREA PUBLIC
P.R.E. 0%
MAP #: 39
2016 Est TCV 277,725 TCV/TFA: 53.41

X	Improved	Vacant	Land Value Estimates for Land Table 22000.C-PARK-BARLOW
	Public Improvements		
X	Dirt Road		Description Frontage Depth Front Rate %Adj. Reason Value 202.67 95.00 1.0000 0.0000 0.100* 0
X	Gravel Road		WOODMERE 3.43 19408 SqFt 3.43000 100 66,569
X	Paved Road		* denotes lines that do not contribute to the total acreage calculation.
X	Storm Sewer		200 Actual Front Feet, 0.45 Total Acres Total Est. Land Value = 66,569
X	Sidewalk		
X	Water		Land Improvement Cost Estimates
X	Sewer		Description Rate CountyMult. Size %Good Cash Value
X	Electric		D/W/P: Asphalt Paving 1.61 1.00 1960 58 1,830
X	Gas		D/W/P: 4in Concrete 3.61 1.00 3400 58 7,119
X	Curb		D/W/P: 3.5 Concrete 3.44 1.00 814 58 1,624
	Street Lights		Total Estimated Land Improvements True Cash Value = 10,573
	Standard Utilities		
	Underground Utils.		

Topography of Site		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
X	Level	2016	33,300	105,600	138,900			106,705C
	Rolling	2015	35,900	108,400	144,300			106,705C
	Low	2014	28,200	99,800	128,000			105,025C
X	High	2013	19,000	87,500	106,500			106,705C
	Landscaped							
	Swamp							
	Wooded							
	Pond							
	Waterfront							
	Ravine							
	Wetland							
	Flood Plain							

7/9/14 CHANGED MAILING ADDRESS FROM DUELL TO PO BOX PER NOTICE FROM POST OFFICE ON RETURNED SUMMER 2014 TAX BILL. HA

10/7/10 CHANGED THIS AND ALL OTHER LEASEWELL INC MAILING ADDRESSES PER PHONE CONVERSATION. HA



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

Desc. of Bldg/Section: LOFT Calculator Occupancy: Industrial, Loft		<<<<<< Calculator Cost Computations Class: D Quality: Average Percent Adj: +0 >>>>>>	
Construction Cost High Above Ave. Ave. X Low ** ** Calculator Cost Data ** ** Quality: Average Adj: +0 \$/SqFt:0.00 Heat#1: Package Heating & Cooling 100 Heat#2: Space Heaters, Gas with Fan 0% Ave. SqFt./Story: 5200 Ave. Perimeter: 340 Has Elevators:		Base Rate for Upper Floors = 47.90 (10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 47.90 1 Stories Number of Stories Multiplier: 1.000 Average Height per Story: 10 Height per Story Multiplier: 0.920 Ave. Floor Area: 5,200 Perimeter: 340 Perim. Multiplier: 1.107 Refined Square Foot Cost for Upper Floors: 48.78 County Multiplier: 1.39, Final Square Foot Cost for Upper Floors = 67.809 Total Floor Area: 5,200 Base Cost New of Upper Floors = 352,606 Eff. Age: 22 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 57 /100/100/100/57.0 Total Depreciated Cost = 200,985 ECF (2320 EAST - CENTRAL (BARLOW AREA)) 0.998 => TCV of Bldg: 1 = 200,583 Replacement Cost/Floor Area= 67.81 Est. TCV/Floor Area= 38.57	
*** Basement Info *** Area: Perimeter: Type: Finished/Office Heat: No Heating or Cooling * Mezzanine Info * Area #1: Type #1: Office (No Rates) Area #2: Type #2: Office (No Rates) * Sprinkler Info * Area: Type: Low		(11) Electric and Lighting: Outlets: Fixtures: X Few Average Many Unfinished Typical Incandescent Fluorescent Mercury Sodium Vapor Transformer (13) Roof Structure: Slope=0 (14) Roof Cover:	
(1) Excavation/Site Prep: (2) Foundation: Footings X Poured Conc Brick/Stone Block (3) Frame: (4) Floor Structure: (5) Floor Cover: (6) Ceiling:		(7) Interior: (8) Plumbing: Many Above Ave. Average Typical Few None Urinals Wash Bowls Water Heaters Wash Stalls Water Softeners (9) Sprinklers: (10) Heating and Cooling: X Gas Coal Hand Fired Oil Stoker Boiler	
(1) Excavation/Site Prep: (2) Foundation: Footings X Poured Conc Brick/Stone Block (3) Frame: (4) Floor Structure: (5) Floor Cover: (6) Ceiling:		(39) Miscellaneous: (40) Exterior Wall: Thickness Bsmnt Insul.	

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

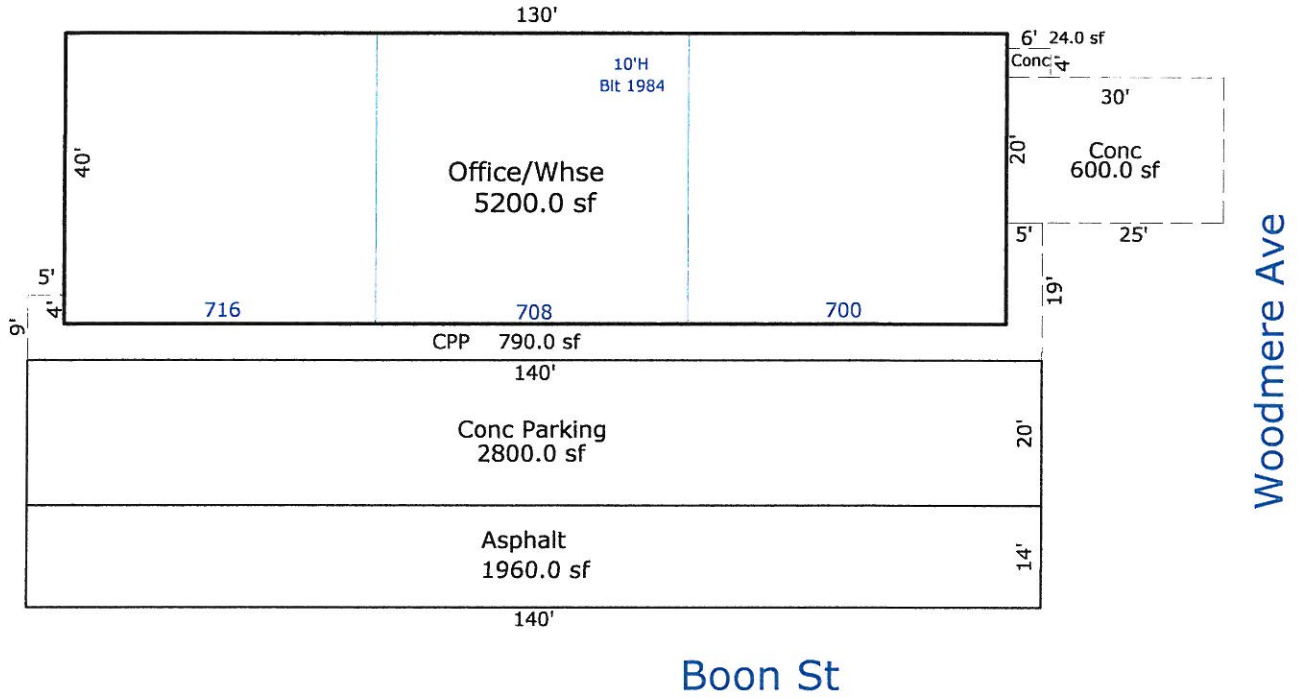
SKETCH/AREA TABLE ADDENDUM

Parcel No 05-135-008-00

SUBJECT

Property Address 700 BOON ST	County GRAND TRAVERSE	State MI	Zip 49686
City TRAVERSE CITY			
Owner LEASEWELL INC			
Client 00000			
Appraiser Name			

IMPROVEMENTS SKETCH



Comments:

Scale: 1" = 20'

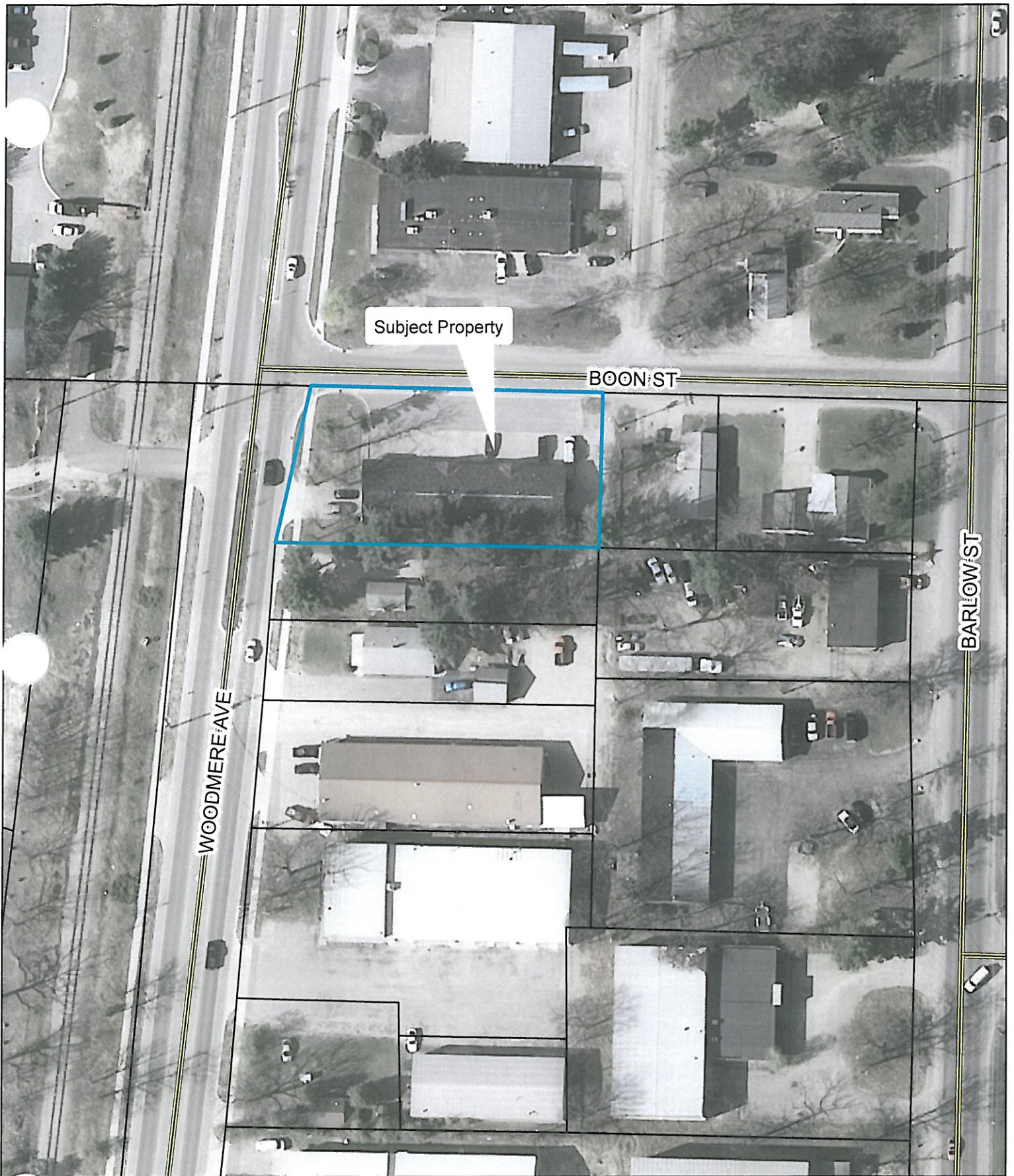
AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	Office/Whse	1.00	5200.00	340.0	5200.00
PConc	Conc	1.00	600.00	100.0	
	Conc	1.00	24.00	20.0	624.00
PCPP	CPP	1.00	790.00	326.0	790.00
JUST	Conc Parking	1.00	2800.00	320.0	
	Asphalt	1.00	1960.00	308.0	4760.00

Comment Table 1

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NOTATIONS



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



Exhibit D

NOT A LEGAL ZBA 2015-02

Zoning Dept 8/3/2015

CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals will hold a public hearing at their regular meeting on August 19, 2015 at 7:00 p.m. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The hearing is for a request made by Northern Delta, LLC, Michael Wittig, to allow a variance from the Township Zoning Ordinance (#68) for a Medical Marihuana Cultivation Facility within 1000 feet of any residentially zoned property, park, school, child care organization, place of worship or any other Medical Marihuana Cultivation Facility. The property is located in the I-G General Mixed Use Industrial Business zoning district at 708 Boon St, Suite B, parcel no. 28-05-135-008-00.

A copy of the application, zoning ordinance and zoning map may be inspected at the Township Offices between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons and Counsel will have the right to speak at the Public Hearing. Any written comments with respect to this application may be submitted to the Township Zoning Department by mail or in person during regular office hours and location as stated above or during the Public Hearing. The Township telephone number is: (231) 941-1640.

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

Sara Kopriva – Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

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05-135-004-00
BWK RENTAL PROPERTIES LLC
7420 S CENTER HWY
TRAVERSE CITY MI 49684

05-135-007-00
M22 PROPERTIES LLC
6433 S WEST BAY SHORE
TRAVERSE CITY MI 49684

51-888-006-00
JIM ENTERPRISES LLC
2250 GARFIELD RD S
TRAVERSE CITY MI 49686

05-045-080-00
VANSIPE BRIAN L
801 S GARFIELD AVE #214
TRAVERSE CITY MI 49686

51-678-010-00
HAYWOOD LAWRENCE W & MARILYN E
1230 BARLOW ST
TRAVERSE CITY MI 49686

51-888-004-00
GRUBB SCOTT
508 W TWELFTH STREET
TRAVERSE CITY MI 49684

05-135-001-00
NORTHWEST PROPERTIES OF TC LLC
1310 BARLOW ST
TRAVERSE CITY MI 49686

05-135-006-00
FEWINS LOREN & BARBARA
1304 BARLOW ST
TRAVERSE CITY MI 49686

51-678-009-20
RENTAL PLUS LLC
6872 S LAKE LEELANAU DR
TRAVERSE CITY MI 49684

05-135-005-00
KORSON DORIS
8775 E CRIMSON VALLEY AVE
TRAVERSE CITY MI 49684

51-678-016-01
SALVATION ARMY THE
PO BOX 63
TRAVERSE CITY MI 49685

~~51-888-002-00~~
~~JGJ INVESTMENT CO OF GRAND TRAVERSE~~
~~1210 WOODMERE AVENUE UNIT 2~~
~~TRAVERSE CITY MI 49686~~

05-135-017-00
SAMPSON DONALD D TRUST
371 N FOUR MILE RD
TRAVERSE CITY MI 49686

51-111-080-00
LEAR OPERATIONS CORP
21557 TELEGRAPH RD
SOUTHFIELD MI 48033

51-888-005-00
MKWA LLC
13340 PARTRIDGE RUN
TRAVERSE CITY MI 49684

05-135-009-00
KORSON DORIS M
8775 E CRIMSON VALLEY AVE
TRAVERSE CITY MI 49684

05-135-014-00
DOLOMITE HOLDINGS LLC
TAYLOR TOM
803 W FRONT ST
TRAVERSE CITY MI 49684

51-888-007-00
BUSTANCE WILLIAM & ROBBIN M
10329 ELK LAKE RD
WILLIAMSBURG MI 49690

05-135-010-00
SAMPSON DONALD D TRUST
371 N FOUR MILE RD
TRAVERSE CITY MI 49684

05-264-111-01
PREMIER PLACE
PO BOX 104
ADA MI 49301

51-888-003-00
SPARTAN VENTURES OF TC LLC
OTWELL MAWBY PC
309 EAST FRONT ST
TRAVERSE CITY MI 49684

51-678-014-00
MCLAIN JOHN R (LE) & ROBERT &
FERGUSON BEVERLY & MCLAIN DOUGLAS
9946 N LONG LAKE RD
TRAVERSE CITY MI 49685

05-135-002-00
SHAW KARL E & PATRICIA M TR
808 MUNSON AVE
TRAVERSE CITY MI 49686

51-888-008-00
AUTUMN LEAF DEVELOPMENT LLC
420 E MCKINLEY RD
TRAVERSE CITY MI 49685

~~51-678-011-00~~
~~SALISBURY SAMUEL IVAN~~
~~1234 BARLOW ST~~
~~TRAVERSE CITY MI 49686~~

~~51-888-001-00~~
~~JGJ INVESTMENT CO OF GRAND TRAVERSE~~
~~1210 WOODMERE AVE 2~~
~~TRAVERSE CITY MI 49686~~

51-011-001-10
MICHIGAN DEPT OF TRANSPORTATION
RAILROAD RIGHT OF WAY
2084 US 31 SOUTH STE B
TRAVERSE CITY MI 49684

5-008-00
SEWELL INC
765 DUELL RD
TRAVERSE CITY MI 49686

05-264-900-00
PREMIER PLACE COMMON AREA
PO BOX 104
ADA MI 49301

51-678-013-00
WOODMERE HOLDINGS LLC
10721 BLUFF ROAD
TRAVERSE CITY MI 49686



51-678-009-00
WOODMERE INVESTMENTS LLC
7655 CLEARWATER DR
WILLIAMSBURG MI 49690

51-678-011-00
Occupant
1234 BARLOW
TRAVERSE CITY MI 49686

51-888-001-00
Occupant
1210 WOODMERE 2
TRAVERSE CITY MI 49686

05-014-004-00
STATE OF MICHIGAN
DEPT OF TRANSPORTATION
TRAVERSE CITY MI 49696

05-135-008-00
Occupant
700 BOON ST
TRAVERSE CITY MI 49686

~~05-264-900-00~~
~~Occupant~~
~~WOODMERE AVE~~
~~TRAVERSE CITY MI 49684~~

05-135-004-00
Occupant
1309 WOODMERE AVE
TRAVERSE CITY MI 49686-4308

05-135-007-00
Occupant
720 BOON ST
TRAVERSE CITY MI 49686-4301

51-888-006-00
Occupant
1220 WOODMERE 6
TRAVERSE CITY MI 49686

05-045-080-00
Occupant
802 BOON ST
TRAVERSE CITY MI 49686-4303

~~51-678-010-00~~
~~Occupant~~
~~1230 BARLOW~~
~~TRAVERSE CITY MI 49686~~

51-888-004-00
Occupant
1220 WOODMERE 4
TRAVERSE CITY MI 49686

~~05-135-001-00~~
~~Occupant~~
~~1310 BARLOW ST~~
~~TRAVERSE CITY MI 49686-4312~~

~~05-135-006-00~~
~~Occupant~~
~~1304 BARLOW ST~~
~~TRAVERSE CITY MI 49686-4312~~

51-678-009-20
Occupant
1225 WOODMERE
TRAVERSE CITY MI 49686

05-135-005-00
Occupant
1311 WOODMERE AVE
TRAVERSE CITY MI 49684-4308

51-678-016-01
Occupant
1239 BARLOW
TRAVERSE CITY MI 49686

51-888-002-00
Occupant
1210 WOODMERE 2
TRAVERSE CITY MI 49686

05-135-017-00
Occupant
1423 WOODMERE AVE
TRAVERSE CITY MI 49686-4309

51-111-080-00
Occupant
710 CARVER ST
TRAVERSE CITY MI 49686

51-888-005-00
Occupant
1220 WOODMERE 5
TRAVERSE CITY MI 49686

05-135-009-00
Occupant
1315 WOODMERE AVE
TRAVERSE CITY MI 49686-4308

05-135-014-00
Occupant
1420 BARLOW ST
TRAVERSE CITY MI 49686-4314

51-888-007-00
Occupant
1220 WOODMERE 7
TRAVERSE CITY MI 49686

05-135-010-00
Occupant
1401 WOODMERE AVE
TRAVERSE CITY MI 49686-4309

~~05-264-111-01~~
~~Occupant~~
~~SIMSBURY ST~~
~~TRAVERSE CITY MI 49686~~

51-888-003-00
Occupant
1210 WOODMERE 3
TRAVERSE CITY MI 49686

05-014-00
Occupant
1242 BARLOW
TRAVERSE CITY MI 49686

05-135-002-00
Occupant
1324 BARLOW ST
TRAVERSE CITY MI 49686-4312

51-888-008-00
Occupant
1230 WOODMERE 8
TRAVERSE CITY MI 49686



STAPLES

label size 1" x 2 5/8" compatible with Avery ©5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ©5160/8160

~~31-011-001-10~~
Occupant
WITHIN CITY LIMITS

51-678-013-00
Occupant
1249 WOODMERE
TRAVERSE CITY MI 49686

51-678-009-00
Occupant
1235 WOODMERE
TRAVERSE CITY MI 49686

~~05-014-004-00~~
Occupant
N KEYSTONE RD
TRAVERSE CITY MI 49696

STAPLES

label size 1" x 2 5/8" compatible with Avery ©5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ©5160/8160



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

Lece well
Owner:
Po Box 452
Address:
Traverse City, MI 49685
City, State, Zip Code
231-219-9584
Phone Numbers

Northern Delta, LLC
Applicant:
Michael W. Hug
708 Boon St. Suite B
Address:
Traverse City, MI 49686
City, State, Zip Code
231-313-3770
Phone Numbers

2. Property Information:

- a. Property Address: 708 Boon Street Suite B Traverse City, MI 49686
- b. Property Location: _____
- c. Lot # _____ Subdivision Name: _____
- d. Parcel ID# 28-05- 135-008-00
- e. Current Zoning: Mixed use industrial
- f. Current Use: Medical Marijuana Cultivation Facility

3. Purpose For Request:

Variance Appeal _____ Interpretation _____ Review _____

Other _____ Please explain request / List section(s) related to request: _____

Permit Denial overturn ment. Secure, Discreet Facility. request for exemption from being 1000 ft from a residential zone. Ordinance arbitrary and depreicious since article IV section g. of Ordinance No. 65 permits for cultivation of medical marijuana permitted at a residence inside the zone being infringed upon ~~is~~ permit denial. (Sighting reason for)

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.

R. D. Wells

Owner signature

6-24-15

Date

M. J.

Applicants signature

6-24-15

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.

Sara Kopriva

From: Sara Kopriva
Sent: Wednesday, June 24, 2015 12:17 PM
To: 'mikeross0711@gmail.com'
Subject: Variance Standards
Attachments: ZBA Approval Criteria.pdf

Mike,

Attached is the approval criteria for a variance. Please disregard the previous copy that I gave to you as they are from an old Ordinance that no longer applies. Feel free to address each one of these and submit by July 30th to be included in the packet for the Zoning Board of Appeals to review prior to the meeting. Anything submitted after this date will be given to the Board the night of the meeting.

Please let me know if you have any questions,

Sara Kopriva, AICP

Zoning Administrator
Charter Township of Garfield
3848 Veterans Dr
Traverse City, MI 49684
(231)941-1620

Township Hours:
Monday - Thursday
8:00 am to 6:00 pm

SECTION 454 VARIANCES

A. Applicability – Dimensional Variances

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

B. Applicability – Use Variances

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

C. Initiation

A variance application and supporting documents shall be filed with the Zoning Administrator. The application shall state fully and in detail the variance requested and the special conditions and circumstances applying to the building, other structure or land for which such variance is sought. The Zoning Administrator may reject an application that does not meet the requirements of this ordinance.

D. Decision

The Zoning Board of Appeals shall hold a public hearing. Notice shall be provided as set forth in State Law. The Zoning Administrator shall submit a report to the Zoning Board of Appeals and the applicant which evaluates the application based on the criteria required by this section. The Zoning Board of Appeals shall render a decision and deny, approve, or approve with conditions the variance after considering the evidence presented at this hearing. In addition to the specific conditions of approval called for in this ordinance, such other conditions regarding location, character, landscaping or treatment as are reasonably necessary to the furtherance of the intent and spirit of this ordinance and the protection of the public interest may be attached to the decision.

E. Approval Criteria

(1) Practical Difficulty

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

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

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

(2) General Criteria

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

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

(3) Special Conditions or Circumstances

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

(a) Physical Conditions

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

(b) Significant Vegetation or Natural Features

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

(c) Substandard Lot(s)

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

(d) Historic Resources

The proposed project site contains historical significance.

(e) Neighborhood Character

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

F. Voiding of Variance

Each variance granted under the provisions of this ordinance shall become null and void one (1) year after the date the variance was granted, unless the construction authorized by such variance or permit has begun and is pursued diligently to completion, or the occupancy and operation of land or buildings authorized by such variance has taken place.



Charter Township of Garfield

Grand Traverse County

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

RECEIVED

JUN 15 2015

CLERK

APPLICATION FOR CERTIFICATE OF REGISTRATION OF A MEDICAL MARIHUANA CULTIVATION FACILITY

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. CULTIVATION FACILITY OWNER(S) INFORMATION

The names, addresses and contact information of all owners of the Medical Marihuana Cultivation Facility must be provided below. If the owner is a corporation, limited liability company, partnership or sole proprietorship with an assumed name, the names, addresses and contact information of all directors, officers, members, partners and individuals must be provided. Please attach additional sheets if necessary.

Name of Owner(s): Michael Wittig - Northern Delta, LLC
Street Address: 708 Boon Street Suite B - Traverse City, MI, 49686
Phone: 248-602-0599 E-mail: mike.ross@711@gmail.com
cell 231-313-3770

B. PROPERTY OWNER(S) INFORMATION (If different than facility owner)

The names, addresses and contact information of all real owners of the property on which the Medical Marihuana Cultivation Facility is proposed must be provided below. Proof of ownership may be required if ownership cannot be verified through Township records.

Name of Owner(s): Lease Well, Inc.
Street Address: PO Box 452 T.C. MI 49685
Phone: 231-218-9584 E-mail: _____

C. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Parcel Address: 708 Boon Street Suite B Traverse City, MI 49686
Tax Parcel ID Number: 28-05-135-008-00
Legal Description: Mixed Use Commercial / Industrial Warehouse with Garage
1100 ft²

D. TERMS AND CONDITIONS

I/We, Michael Wittig hereby acknowledge that the proposed Medical Marihuana Cultivation Facility shall operate at all times in compliance with the following standards:

- All Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended from time to time
- Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot
- Each *Medical Marihuana Cultivation Facility* shall obtain and continue to hold a Certificate of Registration issued by the Township
- No transfer of *Medical Marijuana* by the primary caregiver or qualifying patient cultivating the *Medical Marihuana* to any other person(s) shall take place on the premises.

Michael Wittig
Signature of Facility Owner

6-10-2015
Date

Signature of Facility Owner

Date

Exhibit F

ZBA 2015-02

E. DECLARATION AND ACKNOWLEDGEMENT

I/We Michael Wittig solemnly declare that all of the above statements and the statements contained in any exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath. I acknowledge that any misrepresentation or omission of any material fact, or false or misleading information, or failure to operate in accordance with the provisions and standards of the Township's Medical Marihuana Ordinance (Ordinance No. 65) may result in the Township suspending or revoking the Certificate of Registration or imposing any other penalties authorized by the Township's Medical Marihuana Ordinance.

[Signature]
Signature of Facility Owner

6-10-2015
Date

F. OWNER'S AUTHORIZATION

If the facility owner is not the registered owner of the lands that is the subject of this application, the registered owner of the lands must complete the authorization set out below.

I/We Leasewell, Inc. am/are the registered owner(s) of the lands that is the subject of this application for a Certificate of Registration for a Medical Marihuana Cultivation Facility.

I/We authorize Northern Delta to make this application on my/our land and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

[Signature]
Signature of Land Owner

6-10-15
Date

Zoning - Does not comply
See Section 757 (A)(5) of Zoning Ord.
within 1000 ft of residential property

[Signature]
Zoning Administrator's Signature Sara Kopriva

6/10/15
Date

Building Compliance - Michigan Building Code Use Group

Complies Does Not Comply

Building Official's Signature Carl Studzinski

Date

CERTIFICATE OF REGISTRATION

Approved

Not Approved

Clerk's Signature Kay Schumacher
Lanie Melmann

Date

SECTION 754 JUNK YARDS

A. REGULATIONS AND CONDITIONS

- (1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- (2) The site shall be a minimum of five (5) acres in size and at least one (1) property line shall abut upon a railroad right-of-way.
- (3) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site.
- (4) All activities, equipment, or material shall be confined within the fenced in area, and there shall be no stocking of material above the height of the fence or wall.
- (5) All fenced in areas shall be set back at least one hundred (100) feet from the front street or highway right-of-way line. Such front yard setback shall be landscaped with plant materials as approved by the Planning Commission to minimize the appearance of the installation.
- (6) All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.
- (7) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (8) Whenever the installation abuts upon any property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.

SECTION 756 KENNELS

A. REGULATIONS AND CONDITIONS

- (1) The property shall meet the minimum standards for the Zoning Ordinance for lot area and frontage.
- (2) The applicant shall declare the maximum number of animals intended to be housed at the facility, measures for noise control, methods for exercise, waste disposal, location of outdoor structures, and fencing.
- (3) All structures that are used for animal occupancy shall be a minimum of thirty feet from property lines and located in the rear of the property.

SECTION 757 MEDICAL MARIHUANA CULTIVATION FACILITY

A. REGULATIONS AND CONDITIONS

- (1) All Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- (3) Each Medical Marihuana Cultivation Facility has received and continues to hold a Certificate of Registration issued by the Township pursuant to the Charter Township of Garfield Ordinance No. 65, Medical Marihuana Ordinance, as amended or replaced from time to time;
- (4) No transfer of Medical Marijuana by the primary caregiver or qualifying patient cultivating the Medical Marihuana to any other person(s) shall take place at a Medical Marijuana Cultivation facility;

- (5) No Medical Marihuana Cultivation Facility shall be located within 1000 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Medical Marihuana Cultivation Facility. For the purposes of this provision, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the nearest property line of the parcel containing the Medical Marihuana Cultivation Facility to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other Medical Marihuana Cultivation Facility.

SECTION 758 MEDICAL MARIHUANA RESIDENTIAL CULTIVATION

A. REGULATIONS AND CONDITIONS

- (1) Permitted only as an accessory use to a dwelling unit
- (2) All Medical Marihuana Residential Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time
- (3) The principal use of the parcel shall be a dwelling and shall be in actual use as such by the primary caregiver or qualifying patient cultivating the Medical Marihuana
- (4) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible
- (5) No vehicles used in cultivation may be parked, kept or otherwise be present on the parcel, other than such as are customarily used for domestic or household purposes
- (6) No transfer of Medical Marihuana to qualifying patients other than qualifying patients residing on the parcel shall occur
- (7) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors or light spillage beyond the parcel and shall not be visible from an adjoining public way
- (8) No Medical Marihuana shall be cultivated outdoors
- (9) Not more than the maximum number of plants one (1) qualifying patient may cultivate under the Michigan Medical Marihuana Act shall be cultivated per dwelling unit

SECTION 760 MOBILE HOME PARK DEVELOPMENTS

A. REGULATIONS AND CONDITIONS

- (1) Any mobile home development may include any or all of the following uses, provided, that a plan of the proposed development is approved by the State of Michigan in accordance with PA 96 of 1987 as amended, and provided further that said development plan can meet the standards of this Section.
- (2) One permanent building for conducting the operation and maintenance of the mobile home park development and such other accessory buildings including a caretaker's residence as may be necessary for the normal operation of the mobile home development.
- (3) Parking Requirements:
 - (a) Parking shall be prohibited on any street or access lane.
 - (b) No visitor vehicles shall be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.
 - (c) Space between mobile home units may be used for parking of motor vehicles provided that such space is surfaced with materials which provide a dustless, durable and smooth surface and meets the parking requirements of this Ordinance.
 - (d) Off-street group parking facilities shall be within three hundred (300) feet of all mobile home lots intended to be served.

July 28th, 2015

Northern Delta, LLC
Garfield Township
708 Boon Street Suite B
Traverse City, MI 49685

Garfield Township Zoning Board
3848 Veterans Drive
Traverse City, MI 49684
231-941-1620

Zoning Appeal Request for Variance

Variance Requested:

Medical Marihuana Cultivation Facility permit at 708 Boon Street, Suite B, Traverse City, MI, 49686 to continue existing operation.

Dear Zoning Board of Appeals of Garfield Township, MI,

We believe that a variance approval and permit approval is prudent based on the single rejection that the subject property is operating within 1000 feet of a residential zone. We and others agree that the language and logic written within Ordinance 10 and Ordinance 65 are conflicting, rendering the rejection arbitrary and capricious. Arguably a caregiver could relocate to the residential zone sited and grow within the same state legal limits.

Above and beyond the rejection, we strive to continue to operate as a discreet fully state compliant Medical Marihuana Cultivation Facility. Also, attached are approval to operate from my the two neighboring tenants for your review.

Thank you for your time and consideration,



Michael R. Wittig



July 28th, 2015

To whom it may concern,

Mike has been our neighbor for almost a year now. He has been helpful, courteous and respectful. He recently informed us that he has been operating a Medical Marijuana Cultivation Facility in the warehouse side of his space for his personal and patient needs. He has been very discreet and we do not consider him or his activities a nuisance to us or our customers.

Respectfully,

A handwritten signature in black ink that reads "Anthony Casciani". The signature is written in a cursive style with a large, looping initial "A".

Anthony Casciani

Exhibit H
ZBA 2015-02

NEXEDGE

Grand Traverse Mobile Communications

Critical Radio Systems

716 Boon Street, Traverse City, Michigan 49686-4301

Phone: 231.947.9851 Fax: 231.947.9077

Authorized Dealer

sales@fireradios.com

28 July 2015

Zoning Board

Charter Township of Garfield, Michigan

Traverse City, Michigan 49684

To whom it may concern,

Mr. Wittig is our next door neighbor on Boon Street. He recently informed us that he has been operating a small Medical Marijuana operation for himself and his patients. Mike has been a respectful neighbor and do not have any complaints if approved to continue his operation.

Respectfully,


Harold S. Carlton

Grand Traverse Mobile Communications

716 Boon Street

Traverse City, MI 49686

231.947.9851

Exhibit I
ZBA 2015-02

Mike and Carol Wagner
1443 Newport St. #4
Traverse City, MI 49686

RECEIVED
AUG 10 2015
ZONING

August 8, 2015

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

Re: Northern Delta, LLC to allow variance for Medical Marihuana Cultivation Facility

Garfield Township Zoning Board

The above medical marihuana cultivation facility should not be granted a variance. This is not the right area for this type of business. This area is highly residential, apartments, condos, and assisted care facility with more apartments and condos to be built!

This type of business should not be located by a large residential population. The potential for problems in this congested residential area is huge.

Please do not grant this variance. Again this is not the place for this type of facility.

Sincerely,

Mike and Carol Wagner

THE CHARTER TOWNSHIP OF GARFIELD
ORDINANCE NO. 65

Medical Marihuana Ordinance

An ordinance establishing registration requirements and regulations for the cultivation and transfer of medical marihuana in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*

WHEREAS the Michigan Medical Marihuana Act was enacted by the People of the State of Michigan and took effect on December 4, 2008; and

WHEREAS the Michigan Medical Marihuana Act provides limited protection against prosecution for the use, cultivation and transfer of medical marihuana in accordance with specific and narrow standards and regulations set out in the Act; and

WHEREAS marihuana, including medical marihuana, remains a Schedule 1 controlled substance under the Public Health Code, meaning it has a high potential for abuse; and

WHEREAS medical marihuana related activities require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety and welfare of medical marihuana patients and caregivers, as well as the citizens of the Township; and

WHEREAS the Township finds that medical marihuana related activities, as a category of uses, have a significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of Township residents absent careful monitoring and regulation; and

WHEREAS the Township finds that medical marihuana related activities, as a category of uses, have a significant potential for deleterious secondary effects, including the sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values; and

WHEREAS the Township recognizes its constitutional duty to interpret, construe and amend its laws to comply with State of Michigan requirements as they are announced; and

WHEREAS the Township desires to provide for those medical marihuana related activities that are directly provided for by the Michigan Medical Marihuana Act;

NOW THEREFORE THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Garfield Township Medical Marihuana Ordinance.

Section II: Purpose

The purpose of this ordinance is to regulate the conduct of activity pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* in order to:

- a) Protect the health, safety and welfare of the general public;
- b) Establish a set of rules and regulations which are fair and equitable for those interested in establishing medical marihuana related activities in compliance with the Michigan Medical Marihuana Act;
- c) Provide reasonable regulation pursuant to the Township's general police power granted to townships by the Michigan Constitution of 1963 and the Charter Township Act, MCL 42.1 *et seq.*

The Township does not intend that registration and regulation under this ordinance be construed as a finding that such businesses and activities are legal under state or federal law. Although some specific uses of marihuana are purported to be exempt from prosecution by the Michigan Medical Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute or dispense marihuana, or to possess it with intent to manufacture, distribute, or dispense. By requiring registration and compliance with requirements as provided in this ordinance, the township intends to protect to the extent possible the public health, safety and welfare of the residents of and visitors to the Township, including but not limited to registered qualifying patients, from harm that may result from the activities of persons who unilaterally or on the advice of their own attorney determine that they may legally operate a business involved in the possession, use, manufacture, distribution or dispensing of medical marihuana.

Nothing in this ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for possession, use, manufacture, distribution or dispensing of marihuana not in strict compliance with the Michigan Medical Marihuana Act. Also, since Federal law is not affected by the Michigan Medical Marihuana Act, nothing in this ordinance, or in any companion regulatory provision adopted in any other provision of a Township ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

Section III: Legal Basis

This ordinance is enacted pursuant to the statutory authority granted by the Charter Township Act, being Act 359 of 1947, MCL 42.1 *et seq.*, authorizing the Township Board to adopt ordinances and regulations to secure the public health, safety and general welfare.

Section IV: Definitions

For purposes of this ordinance, terms and words defined by the Michigan Medical Marihuana Act shall have the same meaning as provided in the Michigan Medical Marihuana Act.

Additionally, certain terms and words used herein shall have the following meaning:

- A. ***Dwelling Unit*** shall have the same meaning as defined in the Garfield Township Zoning Ordinance.
- B. ***Lot*** shall have the same meaning as defined in the Garfield Township Zoning Ordinance.
- C. ***Medical Marihuana*** means marihuana as defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* grown, used, or transferred for "medical use" as defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*
- D. ***Medical Marihuana Collective*** means (a) any commercial use of property for the purpose of sale of medical marihuana for money or other consideration to registered qualifying patients or registered primary caregivers, or (b) any commercial business, commercial establishment or commercial structure that provides or rents space to multiple caregivers for storage and/or sale of Medical Marihuana. *Medical Marihuana Collective* includes uses commonly referred to as Medical Marihuana Dispensaries, Compassion Centers, Provisioning Centers and Medical Marihuana Cooperatives. The sale of *Medical Marihuana* where any other commodity, product or service is also available shall be considered a *Medical Marihuana Collective*.
- E. ***Medical Marihuana Cultivation*** means a use where *Medical Marihuana* is grown by a primary caregiver or a qualifying patient as permitted by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*

- F. **Medical Marihuana Cultivation Facility** means a use where *Medical Marihuana Cultivation*, as defined by this ordinance, is being conducted on a lot, but shall not include a Medical Marihuana Collective.
- G. **Medical Marihuana Residential Cultivation** means *Medical Marihuana Cultivation* undertaken by a primary caregiver, or a qualifying patient that has not specified a primary caregiver to cultivate marihuana for the qualifying patient, at the primary caregiver's or qualifying patient's primary place of residence.

Section V: Ingestion of Medical Marihuana and Primary Caregiver to Patient Transfers

The ingestion by any means of medical marihuana is neither addressed nor regulated by the provisions and standards of this ordinance. The transfer of medical marihuana from a primary caregiver to a qualifying patient is not regulated by the ordinance except at *Medical Marihuana Cultivation Facilities* and commercial establishments defined as *Medical Marihuana Collectives*.

Section VI: Medical Marihuana Residential Cultivation

Medical Marihuana Residential Cultivation shall be considered and permitted as an accessory use to a dwelling unit provided that it shall comply at all times with the provisions of the Garfield Township Zoning Ordinance No. 10, as amended from time to time.

Section VII: Medical Marihuana Cultivation Facility

Medical Marihuana Cultivation Facilities shall be permitted only where "Medical Marihuana Cultivation Facility" is specifically listed and permitted by the Garfield Township Zoning Ordinance, provided further that such shall comply at all times with the following:

- a) All *Medical Marihuana Cultivation* shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- b) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- c) Each *Medical Marihuana Cultivation Facility* shall obtain and continue to hold a Certificate of Registration issued by the Township in accordance with this ordinance;
- d) No transfer of *Medical Marijuana* by the primary caregiver or qualifying patient cultivating the *Medical Marihuana* to any other person(s) shall take place at a *Medical Marijuana Cultivation Facility*.

Section VIII: Medical Marihuana Collectives

Medical Marihuana Collectives are not permitted within the Charter Township of Garfield.

Section IX: Medical Marihuana Cultivation Facility – Registration Required

- 1) No person shall operate a *Medical Marihuana Cultivation Facility* at a location for which an annual Certificate of Registration as provided for in this ordinance has not been issued and/or renewed as required by this ordinance.
- 2) The registration requirement in this ordinance applies to all *Medical Marijuana Cultivation Facilities* that exist on the effective date of this ordinance or are established after the effective date of this ordinance.
- 3) The registration requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state or local law.
- 4) A Certificate of Registration issued under this ordinance shall expire one year after the date of issuance.
- 5) No Certificate of Registration issued under this ordinance may be transferred or assigned, and no Certificate of Registration is valid for any location other than the location specified in the Certificate of Registration.

Section X: Application Requirements for a New Annual Certificate of Registration or Renewal of Existing Certificate of Registration

- 1) No applications for a *Medical Marihuana Cultivation Facility* will be accepted by the Township until thirty (30) days after the effective date of this chapter.

- 2) New Annual Certificate of Registration Application: An application for a new annual Certificate of Registration for a *Medical Marihuana Cultivation Facility* shall be submitted to the Township Clerk on a form provided by the Township for preliminary review by Township staff to confirm that the applicant has submitted a complete application, which shall fulfill all of the requirements indicated on the form, including but not limited to:
 - a) The name and address of the *Medical Marihuana Cultivation Facility* and any other contact information requested on the application form.
 - b) The name and address of all owners of the real property where the *Medical Marihuana Cultivation Facility* is located.
 - c) Name, street address, and other contact information of all owners of the *Medical Marihuana Cultivation Facility* and, if the owner is a corporation, limited liability company, partnership, or sole proprietor with an assumed name, of all directors, officers, members, partners, and individuals, all of whom are considered collectively to be the registrant.
 - d) Proof of applicant's ownership or legal possession of the premises and, if the applicant does not own the premises, the signatures of all owners on the application indicating that the owners support issuance of a Certificate of Registration for the property.
 - e) A zoning compliance permit that shows the proposed *Medical Marihuana Cultivation Facility* is located in a zoning district that would permit its operation.
 - f) A building compliance verification or a certificate of occupancy that shows the structure for the proposed *Medical Marihuana Cultivation Facility* meets the requirements of the applicable use group under the Michigan Building Code.
 - g) Payment of a non-refundable registration fee, which shall be determined by resolution of the Township Board. Fees for zoning compliance permits, building compliance verification, and certificates of occupancy shall be separate from the registration fee.

- 3) Renewal or Amendment of Existing Certificate of Registration: The same procedures for application for and issuance of a new Certificate of Registration shall apply to renewal or the amendment of an existing Certificate of Registration, subject also to the following:
 - a) To renew an existing Certificate of Registration, the registrant shall submit an application in the same manner as is required to apply for a new Certificate of Registration no sooner than ninety (90) days before the expiration date and no later than sixty (60) days before the expiration date.
 - b) An amended application shall be submitted when there is a change in any information the applicant was required to provide in the most recent application on file with the Township.
 - c) An application to change the location of an existing Certificate of Registration shall require a new application and shall be processed in the same manner as provided for the issuance of a new Certificate of Registration.

Section XI: Certificate Of Registration

If the applicant has successfully demonstrated compliance with all requirements for issuance of a Certificate of Registration, the Township Clerk or designee shall issue a Certificate of Registration for a *Medical Marihuana Cultivation Facility* to the applicant. An applicant who fails to demonstrate compliance with all requirements of this ordinance or who is found to have submitted an application that contains any false or incomplete information is not eligible for issuance of a Certificate of Registration.

Section XII: Certificate of Registration Revocation

A Certificate of Registration issued under this ordinance may be suspended or revoked for any of the following violations:

- 1) Any person required to be named on the application for the Certificate of Registration is convicted of or found responsible for violating any provision of this ordinance;
- 2) The application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the Township with any other false or misleading information related to the *Medical Marihuana Cultivation Facility*;
- 3) Marihuana is transferred or otherwise dispensed on the business premises in violation of this ordinance or any other applicable state or local law, rule or regulation;

- 4) The *Medical Marihuana Cultivation Facility* is operated or is operating in violation of the specifications of the Certificate of Registration application, any conditions of approval by the Township or any other applicable state or local law, rule or regulation.
- 5) The Township, or the County or the department or any other governmental entity with jurisdiction, has closed the business temporarily or permanently or issued any sanction for failure to comply with health and safety provisions of this ordinance or otherwise applicable to the business or any other applicable state or local law.
- 6) The *Medical Marihuana Cultivation Facility* is determined by the Township to have become a public nuisance.

Section XIII: Revocation Not Exclusive Penalty.

Nothing in this ordinance shall be deemed to prohibit the Township from imposing other penalties authorized by this code or other ordinance of the Township, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

Section XIV: Civil Infraction

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. The provisions of this ordinance may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule.

	<u>Fine</u>
1 st violation within 3-year period*	\$200.00
2 nd violation within 3-year period*	\$350.00
3 rd violation within 3-year period*	\$500.00

Section XV: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section XVI: Effective Date

This ordinance shall take immediate effect upon publication following its adoption.

The following voted:

YEAS: Agostinelli, Featherstone, Wilson, Blood, Schumacher, Korn

NAYS: None

ABSTAIN: None

ABSENT: Schmuckal

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 25th day of October, 2011 and that (6) six members of the Township Board were in attendance and (6) six voted for the adoption of the Ordinance.

Kay Schumacher, Clerk

The Charter Township of Garfield
3848 Veterans Drive
Traverse City, Michigan 49684

INTRODUCED: September 27, 2011

ADOPTED: October 25, 2011

PUBLISHED: November 5, 2011

EFFECTIVE: November 5, 2011

Amendment No. 1:

INTRODUCED: October 14, 2014

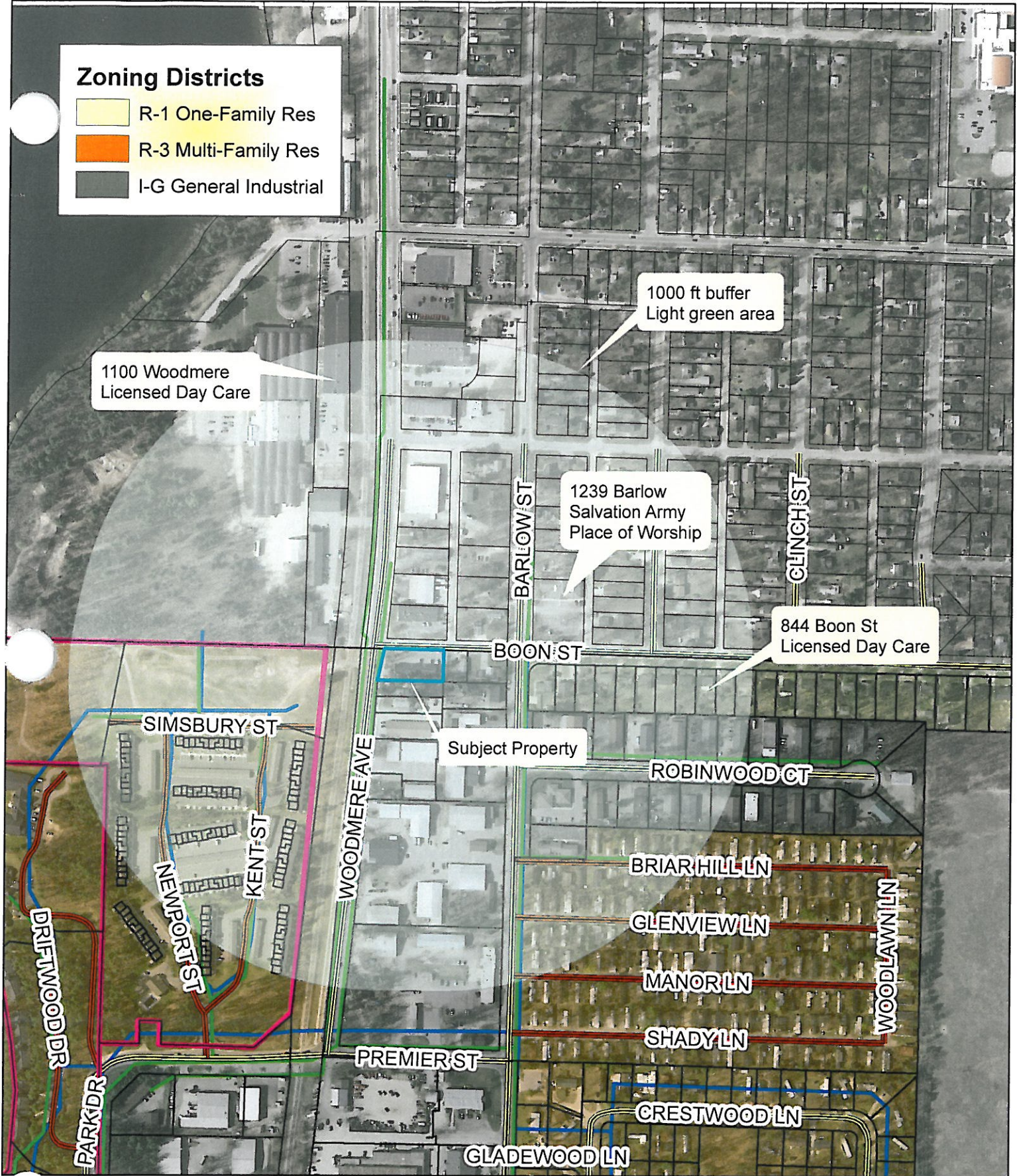
ADOPTED: October 28, 2014

PUBLISHED: October 31, 2014

EFFECTIVE: October 31, 2014

Zoning Districts

- R-1 One-Family Res
- R-3 Multi-Family Res
- I-G General Industrial



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



Exhibit L

ZBA 2015-02

Zoning Dept 8/10/2015

NOT A LEGAL



[Michigan.gov Home](http://Michigan.gov)

[LARA Home](#) | [Contact LARA](#) | [BHCS Home](#) | [State Web Sites](#) | [Complaint Info](#)

Statewide Detail Child Care Centers and Homes

[See Online Reports](#)

Facility Information						
Name: GRAND TRAVERSE BAY YMCA CHILD CARE CENTER						
Address: 1100 WOODMERE AVE. STE B TRAVERSE CITY, MI 496864217						
County:						
Phone: (231)933-9622			License Status: ACTIVE			
Licensee Information						
Name: GRAND TRAVERSE BAY YMCA						
Address: 3700 SILVER LAKE DRIVE TRAVERSE CITY, MI 49684						
Phone:						
License Information						
Number	Facility Type	Capacity	Effective Date	Expiration Date	Period of Operation	
DC280298592	Centers	75	8/1/2013	7/31/2015	Year Round	
Days Open						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
NOT OPEN	DAY ONLY	DAY ONLY	DAY ONLY	DAY ONLY	DAY ONLY	NOT OPEN
Services Offered						
Full Day Program: YES						
Provides: SCHOOL AGE - INFANT/TODDLER - BEFORE/AFTER SCHOOL - PRESCHOOL -						
Reports Available						
The reports on this site are available for downloading or viewing using the Adobe Acrobat Reader .						
When rule violations have been cited in a report, the licensee is required to submit a corrective action plan. All child care providers are required to have a licensing notebook on-site and available during regular business hours. The notebook must include all licensing study and special investigation reports issued and related corrective action plans developed after 5/27/10. Reports and corrective action plans are also available through the Freedom of Information of Act .						
✦ Addendum to Original Licensing Study Report						
✦ Inspection Report						
✦ Original Licensing Study Report						
✦ Renewal Licensing Study Report						
✦ Special Investigation Report # 2011D0732014						
✦ Special Investigation Report # 2014D0732010						
✦ Special Investigation Report # 2009D0732022						

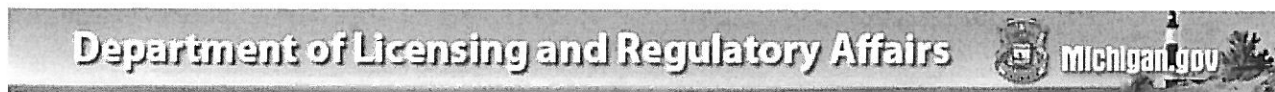
Original and Renewal Licensing Study Report

- Completed in response to the initial or renewal application for license on Child Care Centers and Group Child Care Homes.

Inspection Report

- These reports include Interim, 90 Day, and 10% Sample Inspections.

Exhibit N
ZBA 2015-02



[Michigan.gov Home](http://Michigan.gov/Home)

[LARA Home](#) | [Contact LARA](#) | [BHCS Home](#) | [State Web Sites](#) | [Complaint Info](#)

Statewide Detail Child Care Centers and Homes

[See Online Reports](#)

Facility Information						
Name: SHAW, ROBIN						
Address: 844 BOON STREET TRAVERSE CITY, MI 49686						
County:						
Phone: (231)944-6000			License Status: ACTIVE			
Licensee Information						
Name: SHAW, ROBIN						
Address: 844 BOON STREET TRAVERSE CITY, MI 49686						
Phone: Same as Facility						
License Information						
Number	Facility Type	Capacity	Effective Date	Expiration Date	Period of Operation	
DF280319068	Family	6	5/31/2015	5/30/2018		
Days Open						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
NOT OPEN	DAY ONLY	DAY ONLY	DAY ONLY	DAY ONLY	DAY ONLY	NOT OPEN
Services Offered						
Full Day Program: YES						
Provides: SERVICES NOT SPECIFIED						
Reports Available						
The reports on this site are available for downloading or viewing using the Adobe Acrobat Reader .						
When rule violations have been cited in a report, the licensee is required to submit a corrective action plan. All child care providers are required to have a licensing notebook on-site and available during regular business hours. The notebook must include all licensing study and special investigation reports issued and related corrective action plans developed after 5/27/10. Reports and corrective action plans are also available through the Freedom of Information of Act .						
Inspection Report						
Original Licensing Study Report						

Original and Renewal Licensing Study Report

- Completed in response to the initial or renewal application for license on Child Care Centers and Group Child Care Homes.

Inspection Report

- These reports include Interim, 90 Day, and 10% Sample Inspections.
 - Interim Inspections are conducted for Centers and Group Homes at or near the mid point of the effective dates of the license.
 - 90 Day Inspections are completed within 90 days of the issuance date of Family Child Care Home certificate of registration.
 - 10% Sample Inspections are conducted on a random 10% sample of Family Child Care Homes in each county each year.

Special Investigation Report

- Special Investigation Reports are conducted in response to rule related complaints received regarding a facility.

WEEKLY COMMUNITY CENTER CALENDAR

New Food Pantry hours beginning July 6th, 2015 are Monday and Friday from 9:30-11:30 am and 1:30- 3:30 pm.

SUNDAYS

9:30am Sunday School
11:00am Worship Service

MONDAYS MONDAY AND FRIDAY FROM 9:30-11:30 AM AND 1:30- 3:30 PM.

6:30am Narcotics Anonymous
9:30am - 11:30am and 1:30pm - 3:30pm Food Pantry
12:00pm Community Meal
5:30pm Bible Study

TUESDAY

7:00pm Narcotics Anonymous

WEDNESDAY

12:00pm Community Meal
3:30pm Youth Programs [Contact our Youth Specialist \(mailto:susie_afton@usc.salvationarmy.org\)](mailto:susie_afton@usc.salvationarmy.org)

THURSDAY

10:00am Women A.A. Mtg
5:00pm Women's Ministry
7:00pm Narcotics Anonymous

FRIDAY

Monday and Friday from 9:30-11:30 am and 1:30- 3:30 pm.
12:00pm Community Meal

Exhibit O
ZBA 2015-02

Please follow us on [Facebook \(https://www.facebook.com/tsatraversecity\)](https://www.facebook.com/tsatraversecity) for updates and changes

CHURCH AND WORSHIP



Good Friday Service 3:00pm

EASTER SERVICES

Resurrection Breakfast 9:00am

Easter Egg Hunt 9:30am

Celebration Service 11:00am

1239 Barlow St, Traverse City 231.946.4644



EASTER CELEBRATIONS

Please join us for Good Friday service at 3pm and Easter Sunday Services beginning with a Resurrection Breakfast at 9am, Easter Egg Hunt at 9:30 and Celebration Service at 11am.

SUNDAY WORSHIP AND CHRISTIAN EDUCATION

The Traverse City Salvation Army Corps Community and Worship Center is a Christian congregation devoted to sharing God's love through Sunday services, inspirational music programs and year-round educational ministries that encourage Christ-centered living for people of all ages.

All are welcome to join us for services, ministry meeting and our music programs.

We invite you to join us for Sunday worship at our chapel at 1239 Barlow Street, Traverse City, MI 49686. All ages are welcome.

Sunday Worship 11:00am

Sunday Christian Education 9:30am

Women's Ministry meetings are held Thursday evenings at 5:00pm.

For more information contact Captain Roxanne Spencer at 231.946.4644.

Bible Study is held Monday evenings at 5:30pm.

For more information contact Captain Roxanne Spencer at 231.946.4644

For additional youth development program information [click here](http://satraversecity.org/traversecity/youth)
(<http://satraversecity.org/traversecity/youth>).



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

To: Zoning Board of Appeals
From: Sara Kopriva, ACIP, Zoning Administrator
Date: August 10, 2015

Meeting Date: August 19, 2015
Case #: 2015-02 Allow a Medical Marihuana Cultivation Facility within 1000 ft of residential, day care, church
Owner: Northern Delta, LLC-Michael Wittig-Business (Leasewell, LLC-Property)
Property ID #: 28-05-135-008-00
Property Location: 708 Boon St, Ste B
Zoning District: I-G, General Industrial

Request

The applicant is requesting to allow a medical marihuana cultivation facility within 1000 ft of a residentially zoned area. While researching for this case, staff found that this location is also located within 1000 ft of a place of worship and 2 licensed day cares.

Parcel Overview

This parcel is located at the corner of Boon St and Woodmere Ave (Exhibit D and L). It is approximately .45 acres and zoned I-G, General Industrial (Exhibit C and A). This property is relatively flat (Exhibit C, A, and Site Visit). Currently there is a commercial building that contains multiple businesses. This request is to occupy a space within the existing structure.

Staff Comments

The applicant applied for a Certificate of Registration of a Medical Marihuana Cultivation Facility at this location (Exhibit F). Upon review, it was found that the operation did not meet the requirements of the Zoning Ordinance, as it was within 1000 ft of residentially zoned property (Exhibit A, F, and L). The Garfield Township Medical Marihuana Ordinance requires that a licensed facility comply with the Zoning Ordinance prior to being issued a license to operate (Exhibit K).

Section 323.B of the Zoning Ordinance allows for a medical marihuana cultivation facility in the General Mixed Use Industrial Business district subject to Section 757 of the Zoning Ordinance (Exhibit A). Section 757 is below:

SECTION 757 MEDICAL MARIHUANA CULTIVATION FACILITY

A. REGULATIONS AND CONDITIONS

- (1) All Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- (3) Each Medical Marihuana Cultivation Facility has received and continues to hold a Certificate of Registration issued by the Township pursuant to the Charter Township of Garfield Ordinance No. 65, Medical Marihuana Ordinance, as amended or replaced from time to time;
- (4) No transfer of Medical Marijuana by the primary caregiver or qualifying patient cultivating the Medical Marihuana to any other person(s) shall take place at a Medical Marijuana Cultivation facility;

Charter Township of Garfield Zoning Ordinance

Article 7, Page 7-9

-
- (5) No Medical Marihuana Cultivation Facility shall be located within 1000 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Medical Marihuana Cultivation Facility. For the purposes of this provision, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the nearest property line of the parcel containing the Medical Marihuana Cultivation Facility to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other Medical Marihuana Cultivation Facility.

Since the application does not meet the 1000 ft setback, the applicant is requesting a variance from the setback requirement.

While preparing for this variance request, it was found that a church and day care facility exist within 1000 ft of this property (Exhibit L). Although the original application was denied because of location to residentially zoned property, it makes sense to deal with all the uses that would require a variance since approving a variance for setback from residential uses would not allow the business to operate without the variance from the church and day cares.

Enclosed in the packet are licenses for day cares from the State of Michigan license search. You will see that the YMCA license is valid through July 31, 2015. I contacted the State on August 10, 2015 to see if a new permit has been applied for or approved. I was informed that an

application had been received and was in process. They can continue to operate under the old license until a new license is issued or the old license is revoked.

The variance standards can be found in Section 454 of the Zoning Ordinance.

Variance Request 2015-02
Medical Marihuana Cultivation Facility Setback

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

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

Section 454.E.(1) Practical Difficulty

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

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

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

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

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

Sample Findings In Favor

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

Sample Findings Against

1. The Zoning Board of Appeals finds that no special conditions or circumstances as listed in Section 454.E.(3) exist for the property in question (Exhibit C, D, and L).
2. The Zoning Board of Appeals finds that this property is similar to other properties in the same zoning district. It is of similar size to other properties in the district and is located near different zoning districts like many other properties in the same district (Exhibit A).

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

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

Sample Findings in Favor

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

Sample Findings Against

1. The Zoning Board of Appeals finds that the applicant chose to operate his business in this location (Exhibit E and F).
2. The Zoning Board of Appeals finds that there is no new construction or rezoning of the property or neighboring properties (Exhibit A and P)

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

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

Sample Findings in Favor

1. The Zoning Board of Appeals finds complying with the 1000 ft setback from residentially zoned properties, churches and day cares will not allow the applicant to operate at this property (Exhibit A and P).
2. The Zoning Board of Appeals finds

Sample Findings Against

1. The Zoning Board of Appeals finds that while the applicants use does not meet the requirements of the ordinance, there are many other uses allowed on this property in the General Industrial zoning district (Exhibit A).
2. The Zoning Board of Appeals finds

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

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

Sample Findings in Favor

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

Sample Findings Against

1. The Zoning Board of Appeals finds all property owners and applicants are required to meet the same setback requirements in this zoning district (Exhibit A).
2. The Zoning Board of Appeals finds

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

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

Sample Findings in Favor

1. The Zoning Board of Appeals finds that costs and income were not considered as a part of this application.
2. The Zoning Board of Appeals finds

Sample Findings Against

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

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

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

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

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

Sample Findings in Favor

1. The Zoning Board of Appeals finds that the variance only relates to the property under control by the applicant. All activities occur on the site (Exhibit D).
2. The Zoning Board of Appeals finds

Sample Findings Against

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

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

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

Sample Findings in Favor

1. The Zoning Board of Appeals finds that this type of setback variance has not been requested for any other properties in the Township (Past ZBA cases).
2. The Zoning Board of Appeals finds

Sample Findings Against

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

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

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

Sample Findings in Favor

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

Sample Findings Against

1. The Zoning Board of Appeals finds that the requested variance is not in harmony with the general purpose of the ordinance (Exhibit A).
2. The Zoning Board of Appeals finds

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

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

ZBA to determine after hearing case.

Sample Findings in Favor

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

Sample Findings Against

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

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

- e. **The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance**

Sample Findings in Favor

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

Sample Findings Against

1. The Zoning Board of Appeals finds this property is located immediately adjacent to residentially zoned property therefore not having any setback from residentially zoned property. There are other industrially zoned property that would be located further from residential property (Exhibit A).
2. The Zoning Board of Appeals finds

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

Possible Motion:

Motion to:

GRANT the request for variance from the 1000 ft setback from residentially zoned property, churches, and day cares to allow for a medical marihuana cultivation facility, based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for variance from the 1000 ft setback from residentially zoned property, churches, and day cares, based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.