

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

Thursday, January 18, 2024 @ 6:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

AMENDED A G E N D A

ORDER OF BUSINESS

Call meeting to order
Pledge of Allegiance
Roll call of Board Members

1. Review and approval of the Amended Agenda and declaration of a Conflict of Interest
2. Minutes – December 21, 2023
3. Public Hearings:
 - a. A request made by Craig and Jayne Gilmer for a variance from the nonconforming structure limitations in Article 8, Section 813. The specific request is for a variance to allow a second story addition to an existing dwelling located within the lakefront setback area. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 612 N. West Silver Lake Road with the property number of 05-031-052-00
4. Unfinished Business
5. Other Business
6. Items for next agenda
7. Public Comment
8. 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.

Charter Township of Garfield
Zoning Board of Appeals Meeting

Thursday, December 21, 2023 @ 6:00 pm

Chair Rick Smith called the meeting to order at 6:00 pm.

Board Members Present: Rick Smith, Lynn Fricke, Kent Rozycki, Robert Fudge and Scott Swan

Staff Present: Zoning Administrator Michael Green

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

Fudge moved and Rozycki seconded to approve the agenda as presented.

*Yeas: Fudge, Rozycki, Swan, Fricke, Smith
Nays: None*

2. Election of Officers

Rozycki moved and Fricke seconded to elect Rick Smith as Chair of the ZBA.

*Yeas: Rozycki, Fricke, Swan, Fudge, Smith
Nays: None*

Rozycki moved and Smith seconded to elect Robert Fudge as Vice Chair.

*Yeas: Rozycki, Swan, Smith, Fricke, Fudge
Nays: None*

Rozycki moved and Smith seconded to elect Lynn Fricke as secretary to the ZBA.

*Yeas: Rozycki, Smith, Swan, Fudge, Fricke
Nays: None*

3. Minutes – November 16, 2023

Swan moved and Fricke seconded to approve the minutes of November 16, 2023 as presented.

*Yeas: Swan, Fricke, Rozycki, Fudge, Smith
Nays: None*

4. Public Hearings

None

5. Other Business

a. Approve 2024 Meeting Schedule

Fricke moved and Smith seconded to adopt the 2024 meeting schedule as presented.

Yeas: Fricke, Smith, Fudge, Rozycki, Swan

Nays: None

6. Items for next agenda

No items at this time.

7. Public Comment

None

8. Adjournment

Rozycki moved and Fudge seconded to adjourn the meeting at 6:11 pm.

Lynn Fricke, Secretary



Charter Township of Garfield

Grand Traverse County

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

ZONING BOARD OF APPEALS STAFF REPORT

Meeting Date: Thursday, January 18, 2024
Case #: **2023-04** Section 813 (Nonconforming Structures) setback variance request.
Owner: Craig and Jayne Gilmer
Applicant: Craig and Jayne Gilmer
Property ID #: 05-031-052-00
Property Location: 612 N West Silver Lake Road
Zoning District: R-1 One Family Residential

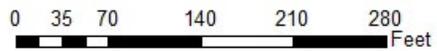
Parcel Overview and History

The parcel is generally located along the west side of West Silver Lake Road between Boone and Secor Roads with frontage on Silver Lake. The property is zoned R-1 One Family Residential, and is located at 612 N. West Silver Lake Road, with the property number of 05-030-008-25. Adjacent properties along N. West Silver Lake Road are also zoned R-1 One Family Residential. According to Township records and information supplied in the application, the property contains a dwelling with an attached garage and attached deck. The dwelling is reported as being built in 1965. A Land Use Permit was issued in 2001 to rebuild and expand an existing deck.

Request

A request has been made by the applicant/property owner for a variance from Sections 813 (Nonconforming Structures) of the Garfield Township Zoning Ordinance to allow for an addition to an existing dwelling that doesn't meet the side yard setback requirements. Staff review has been provided in the following pages of this report. Please note that the application includes correspondence regarding a boundary adjustment involving several parcels including the subject property that effectively "shifted" their lot lines by several feet and created the current nonconformity. This mass boundary adjustment, completed sometime in 1975, appears to have been borne out of a legal agreement meant to settle a potential adverse possession lawsuit. The settlement is referenced throughout this report.

**Aerial view of subject parcel and adjacent properties
(subject property outlined in light blue)**



- 2023 Parcels
- Addresses
- Roads
- Public Right-of-Way

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or impliedly, that the information on this map is current or proportionally accurate. Always contact a surveyor to be sure of where your property lines are located.

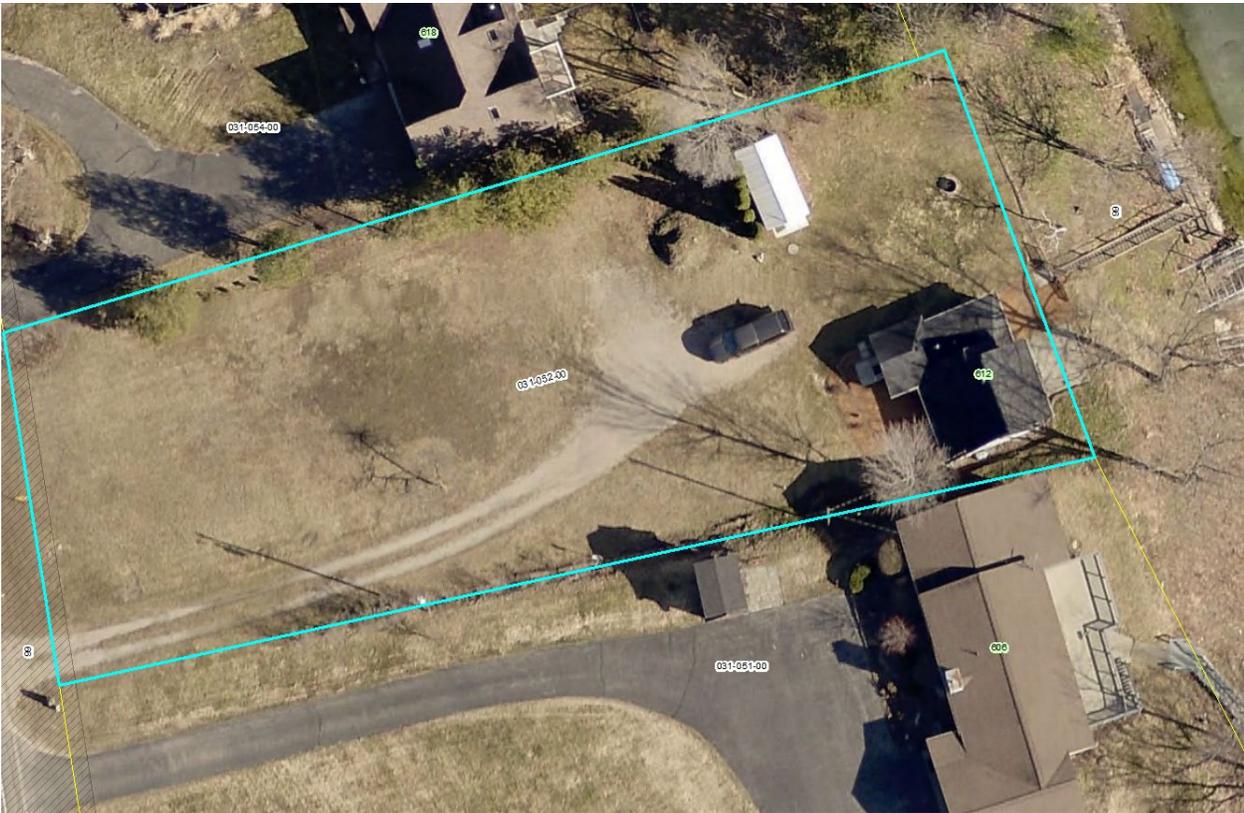
Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com



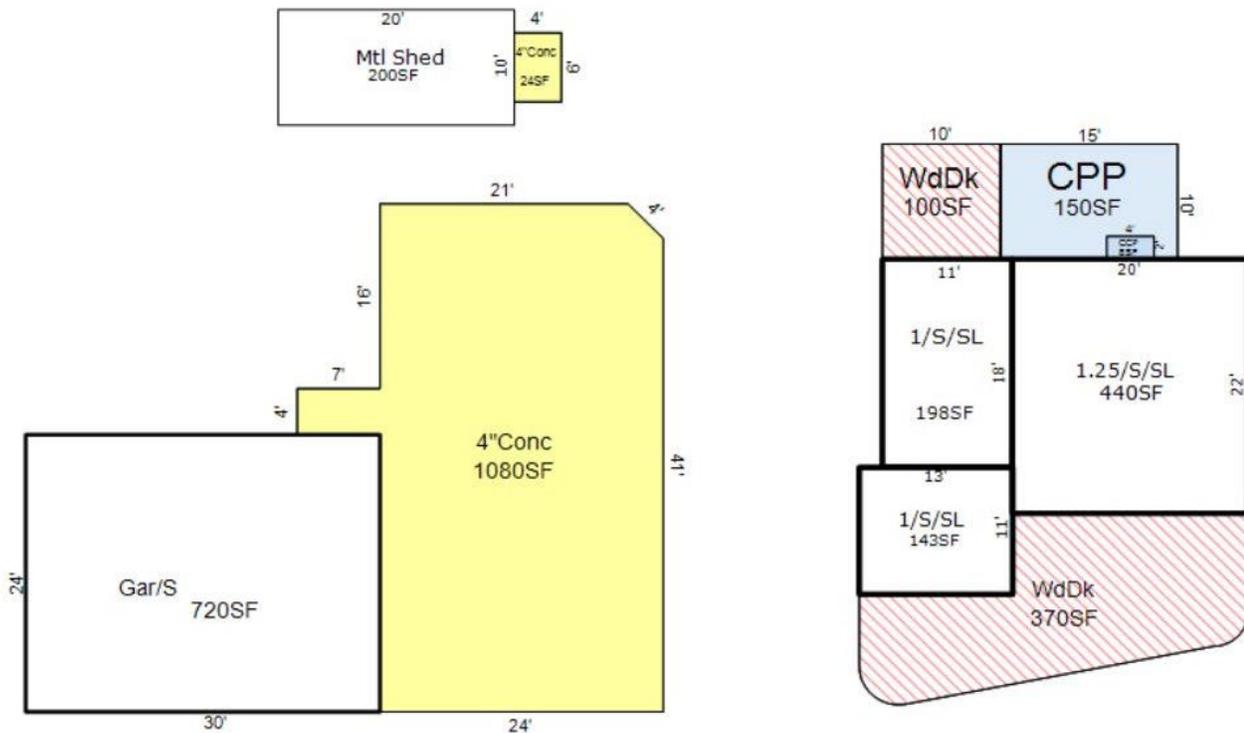
NOT A LEGAL SURVEY

Garfield Township Zoning Dept. - Printed on: 1/10/2024

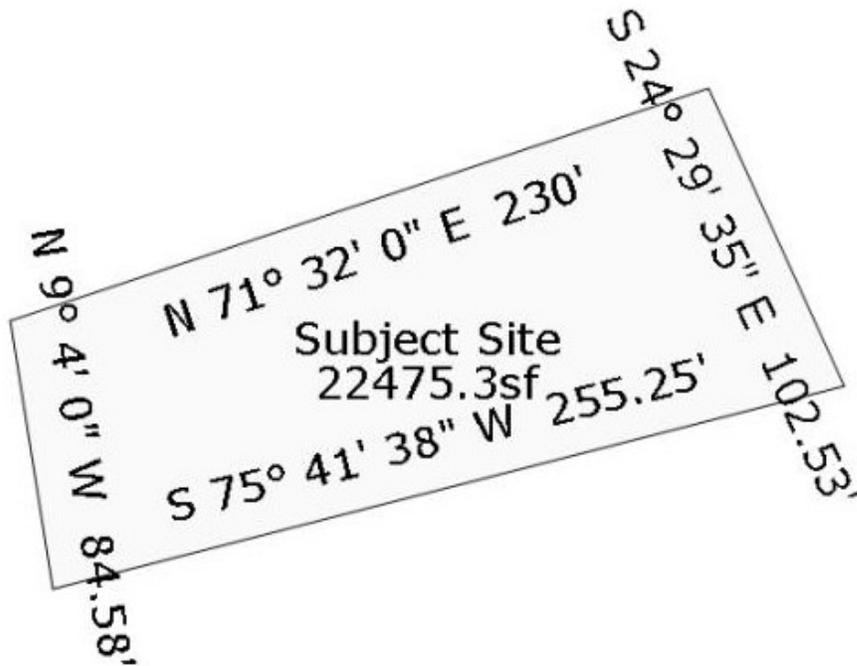
Aerial View of the subject property



Assessing Department Apex Sketch of the existing dwelling, detached garage, and shed.



Assessing Department Apex Sketch showing the lot dimensions.



Approval Criteria (Section 454.E)

A variance may only be granted if the Zoning Board of Appeals finds that each of the Practical Difficulty standards under Section 454.E.1 are met, each of the General Criteria under Section 454.E.2 are met, and at least one of the Special Conditions or Circumstances are met. The applicant has provided a letter written by Mark Humitz Cornwell Architects with responses to each of the approval criteria below. In addition, I have provided you with recommended findings for each Practical Difficulty standard and General Criteria below. As stated in Section 454.E, a variance can be granted only if the Zoning Board of Appeals makes **at least one finding in favor of each of these standards.**

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all 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);
 - **Staff Response in favor:** *The settlement to resolve lot line discrepancies in 1975 is a unique situation not common to other areas of the Township.*
- 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;
 - **Staff Response in favor:** *The subject property was the subject of a legal settlement around 1975 resulting in the shifting of the south lot line placing the dwelling much closer than prior to the settlement. The owner at the time appeared to enter a settlement agreement to avoid an adverse possession lawsuit.*

- 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;
- **Staff response in favor:** *The strict application of the setback requirements of this Ordinance would require the applicant to remove a nonconforming dwelling in its entirety or would require removal of any nonconforming portions thereof that appear to have been conforming prior to the 1975 settlement.*
 - **Staff response in opposition:** *The strict application of the nonconforming expansion requirements would not preclude the applicant from removing the nonconforming section of the dwelling to allow for the requested expansion or demolish the current dwelling and replace with a new dwelling within the buildable area. There appears to be ample buildable area toward the road and the northerly property line.*
- 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;
- **Staff response in favor:** *The applicant has demonstrated that a denial of their request would deprive them of rights enjoyed by other properties in the same zoning district.*
- 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.
- **Staff Response in favor:** *The applicant is not claiming a financial hardship.*

(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;
- **Staff response in favor:** *The variance only relates to property under 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;
- **Staff response in favor:** *The applicant is not asking for a variance based on any other nonconformities in adjacent properties or within the R-1 District.*
- (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;
- **Staff response in favor:** *The special conditions highlighted by the applicant and as communicated in this report would likely not set precedent for similar requests. The ZBA may want to stipulate that a new dwelling would not be permitted in the same location should the existing dwelling be demolished.*
- (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;
- **Staff response in favor:** *The requested variance would not cause a noticeable effect on neighboring properties beyond what is permitted by right.*
- (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.

- **Staff response in favor:** As stated earlier in this report, the applicant would have to demolish the existing in its entirety or a portion thereof that is nonconforming to make the requested improvements.
- **Staff response in opposition:** Despite the hardships listed above, there appears to be reasonable alternatives to retaining the dwelling its current location.

(3) Special Conditions or Circumstances

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

- **Staff response in opposition:** There are no known physical conditions that are unique to the subject property.

(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.

- **Staff response in opposition:** There are no known natural features listed above within the buildable area of the property.

(c) Substandard Lots(s)

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

- **Staff response in favor:** The subject property is a legal nonconforming lot based on the lot width. The 1975 settlement may have effectively increased the lot width nonconformity.

(d) Historic Resources

The proposed project site contains historical significance.

- **Staff response in opposition:** There are no known historic designations for the subject property.

(e) Neighborhood Character

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

- **Staff response in opposition:** This standard does not apply.

Staff Comments

As you see in my staff findings for the Practical Difficulty standards and General Criteria, I was able to make findings in favor of each standard based on information provided by the applicants but also introduced an alternative finding in opposition for Practical Difficulty Standard (c) and General Criteria (e). My analysis is not meant to steer the Zoning Board of Appeals to deny the request or preclude the Zoning Board of Appeals from considering additional information provided by the applicant in support for each standard. I am including a chart below to assist you in reviewing the applicable standards prior to making a motion to grant or deny the request.

Review Standard	Staff Response	ZBA Determination/Comments
Practical Diff. (a)	Standard met	
(b)	Standard met	
(c)	Standard met/not met	
(d)	Standard met	
(e)	Standard met – N/A	
Gen. Criteria (a)	Standard met – N/A	
(b)	Standard met – N/A	
(c)	Standard met	
(d)	Standard met – N/A	
(e)	Standard met/not met	

Possible Motion

Upon review of each finding, the Zoning Board of Appeals may consider a motion to take one of the following actions:

Motion to **GRANT** the request for variance from Section 813 of the Garfield Township Zoning Ordinance **AS PRESENTED** to allow for an addition to the existing dwelling based on findings for each Practical Difficulty standard and General Criteria for granting such request being met.

Motion to **GRANT** the request for variance from Section 813 of the Garfield Township Zoning Ordinance **AS AMENDED** to allow for an addition to the existing dwelling based on findings for each Practical Difficulty standard and General Criteria for granting such request being met, subject to the following condition(s):

1. This approval is limited to construction using the existing foundation and walls of the dwelling and does not grant the right to replace the dwelling in its current configuration upon its demolition.
2. --

Motion to **DENY** the request for variance from Section 813 of the Garfield Township Zoning Ordinance to allow for an addition to the existing dwelling based on findings for each Practical Difficulty standard and General Criteria for granting such request NOT being met.

Please feel free to contact me if you have any questions before the meeting.

Sincerely,

Michael Green, Zoning Administrator
Charter Township of Garfield

Attachments:

1. ZBA Application and site plan (includes documentation regarding a court settlement to avoid an adverse possession lawsuit.
2. Article 8, Section 813 – Nonconforming Structures (with highlighted text)



Charter Township of Garfield

Grand Traverse County

Case # 2023-04

Attachment 1

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

ZONING BOARD OF APPEALS

APPLICATION FOR A **NON-USE VARIANCE**

1. Owner / Applicant information

Craig + Jayne Gilmer
Owner:
612 N. West Silver Lake Rd
Address:
Traverse City, MI 49685
City, State, Zip Code
616-914-0984 - Craig
Phone Numbers
616-490-0627 - Jayne

Craig + Jayne Gilmer
Applicant
914 Jackson St. SW
Address:
Grandville, MI 49418
City, State, Zip Code
Same
Phone Numbers

2. Property Information:

- a. Property Address: 612 N. West Silver Lk. Rd, Traverse City, MI 49685
- b. Property Location: _____
- c. Lot # _____ Subdivision Name: _____
- d. Parcel ID# 28-05- 031-052-00
- e. Current Zoning: Residential
- f. Current Use: Residential

3. Purpose For Request:

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

We would like to expand our cottage so we could live there fulltime. Without the variance we cannot build on and there are no closets, no heat upstairs and not enough space for a fulltime residence. The cottage is a piece of our family history since 1965.

Basis for Determination:

Indicate, on a separate sheet of paper, why you feel you meet the standards listed below. The ZBA must determine that all of these standards are met in order to grant a **Variance**.

Approval Criteria Section 454 Variances

(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.

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.

Craig Colner
Jayne Colner
Owner signature
Craig Colner
Jayne Colner
Applicants signature

12/13/23
Date

12/13/23
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.

a) The structure is 8' from the lot line, but when purchased by our family in 1965, it was 13' from the line. This house is a piece of family history and should not be torn down. Paperwork is attached that shows the lot exchanges.

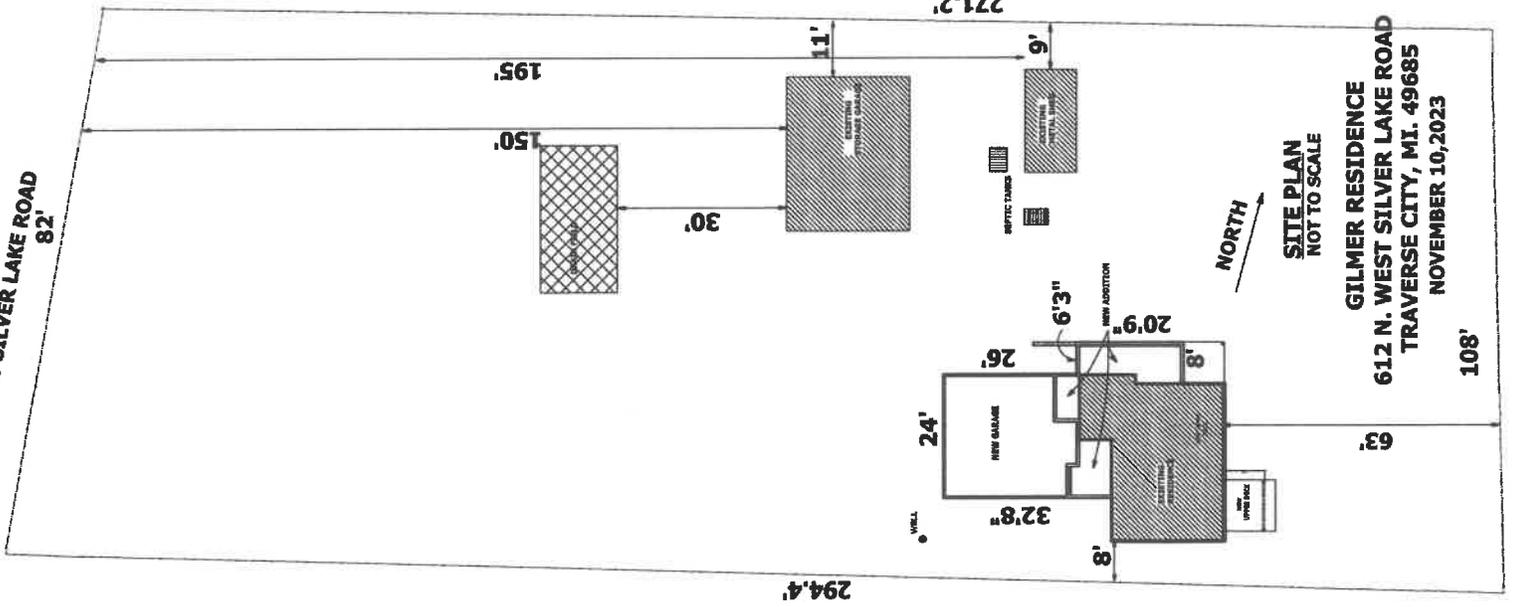
b) As already pointed out, the lot line changes were not a choice. They were changed through lawyers. Attached is the documentation

c) The wall on the Southside of the house cannot be moved in because the house would be tiny. Not a viable year round home. We are not encroaching on that South lot line in anyway.

d) Building on to a cottage to make it a year round home is essential. There is no heat upstairs and no closets. There is a good basis to add-on, not tear down. This is a piece of our family history.

e) The structure will not be torn down because of the family history. If we cannot move forward with the addition, we cannot fulfill our dream of living in Siber Lake year around.

N. WEST SILVER LAKE ROAD
82'



SITE PLAN
NOT TO SCALE

NORTH

GILMER RESIDENCE
612 N. WEST SILVER LAKE ROAD
TRAVERSE CITY, MI. 49685
NOVEMBER 10, 2023

108'

HUBBELL, BLAKESLEE & McCORMICK

ATTORNEYS AND COUNSELLORS
EIGHTH AT BOARDMAN AVENUE
TRAVERSE CITY, MICHIGAN 49684

AREA CODE 616
867-6000

STUART D. HUBBELL
JOHN W. BLAKESLEE
JAMES D. McCORMICK
MICHAEL J. HOULIHAN

August 17, 1970

Bernatte Casier
Joseph McFarland
Lyle & Margaret Tester
Jack & Dorothy Brautigan
Robert & Maryanne Modjeska
Axel & Elizabeth Nielsen
Robert & Mary Lamb
Erland & Shirley Buckner
Gerald Gilmer
Elton W. Miller
Frances Tindall
John & Mildred Runyon
Eugene & Julie Kadrovach
Byron Feiger
LeRay Greilick

Re: Kadrovach vs Feiger and Imbrunone
Circuit Court File No. 2147

Dear Ladies and Gentlemen:

This letter is being addressed to the owners of record of the several lots which lie adjacent to one another on the west side of Silver Lake and which were subdivided out of the single larger piece of land a number of years ago. The purpose of this letter is to solicit the cooperation of all of the owners of these adjacent lots in order to avoid costly and time consuming litigation concerning the property lines along this tract of land.

Last spring Anthony Imbrunone, our client, entered into a Land Contract to buy the two lots owned by Mr. & Mrs. Byron Feiger. Shortly after entering into the Land Contract, Mr. Imbrunone had a survey of his two lots made by the engineering and surveying firm of Perla and Stout of Traverse City. The survey indicated a discrepancy of approximately fifteen (15) feet between the line of

occupancy of use and the legal boundary line between the Feiger properties and the Kadrovach lot. An informal check indicates that the lot lines may well be off all the way down the line by as much as 12 or 15 feet.

As a result of the serious difference between the occupancy line and the legal boundary line between the Feiger and Kadrovach properties, a law suit has been filed in the Grand Traverse County Circuit Court by the Kadrovachs, represented by the Elk Rapids law firm of Zerafa and Zerafa, in an effort to get a court ruling as to the correct line between their respective properties. Investigation reveals that the boundary line and the occupancy line between the Feigers and the Greilicks also vary considerably. Since this is probably the case from lot to lot right down the line, attorney Richard Zerafa and I, after a conference in chambers with the Circuit Judge assigned to the case, determined that it would well be worth the effort if property line adjustments could be agreed to among all of the adjoining property owners to whom this letter is addressed, as an alternative to an ever widening law suit which probably would end up involving every property owner down the line. Such law suit would be very costly to all of the property owners and would probably tie up the land titles for a minimum of two years.

We, therefore obtained the names and addresses and legal descriptions of the lots in an effort to solicit your cooperation in amicably resolving the problem. We propose to have a survey made of all of these adjoining lots, which survey would reveal both the technical boundary lines and the lines where driveways, fences, hedge rows or other markers reveal actual occupancy over the years. We would then be hopeful that quit-claim deeds could be exchanged down the line in such a way that the property lines would be moved to correspond to the actual lines of occupancy and use. In this way the status quo would be protected and no one would have to move fences, driveways, septic tanks or otherwise disrupt their present use of the property.

We would appreciate it if each of you would reply, indicating your willingness to pay a portion of the cost of obtaining such a survey. If you choose, feel free to indicate at the bottom of this letter your agreement to pay for a portion of the cost of the survey and return this letter in the self-addressed enclosed stamped envelope to this office.

We invite you to contact any attorney of your selection to discuss this proposal in order that you may be assured that it is in the best interests of everyone involved.

Looking forward to hearing from you by return mail or shortly thereafter, I am

Very truly yours,

James R. McCormick

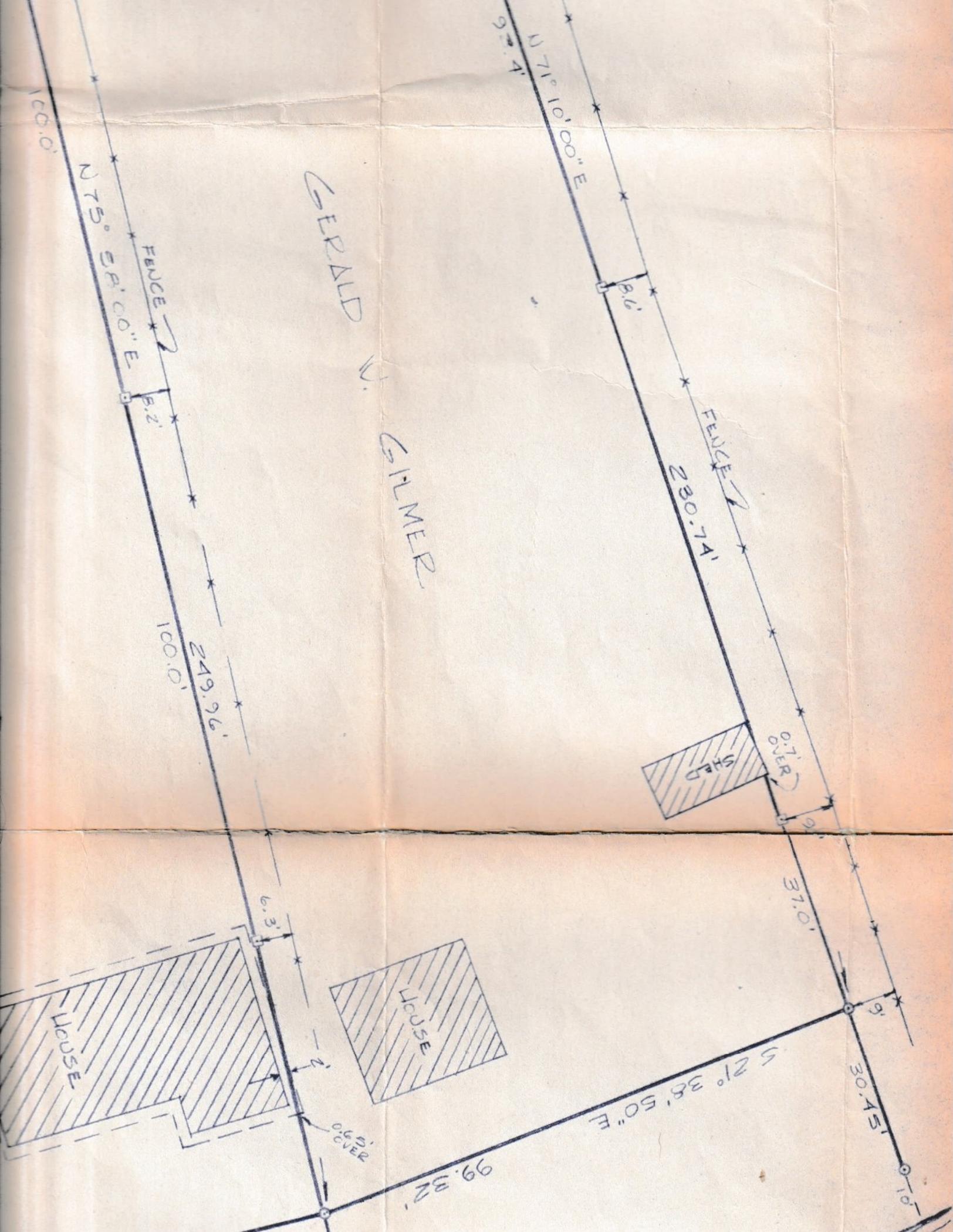
James R. McCormick

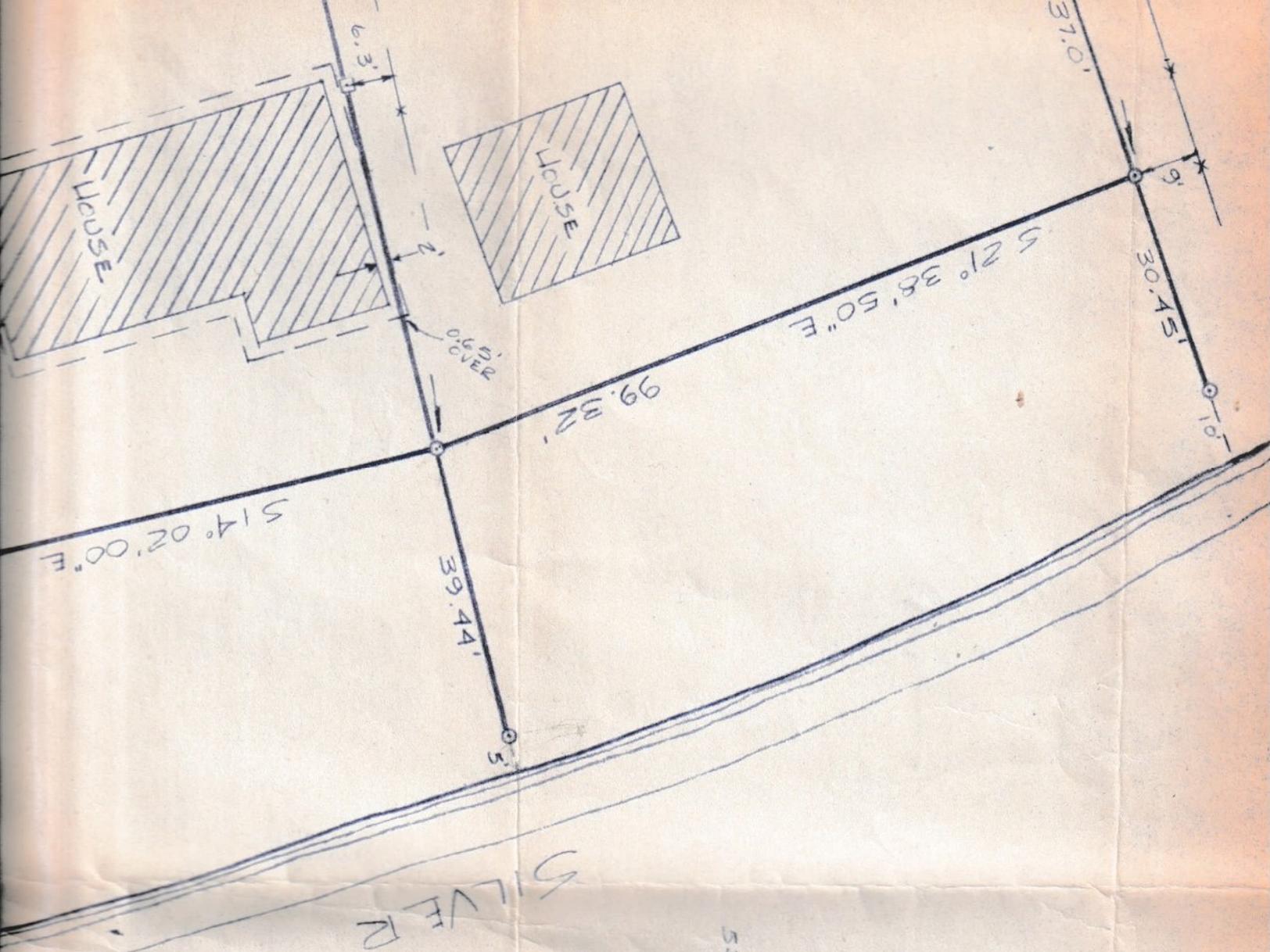
JRM

JRM:gm

cc: Zerafa and Zerafa
Mr. & Mrs. Byron Feiger
Mr. & Mrs. Anthony Imbrunone

GERALD W. GILMER





SILVER LAKE

PROPERTY SKETCH
FOR
EARL BUCHNER

PART OF GOV'T LOT 7, SEC. 31,
T27N, R11W, GARFIELD TOWNSHIP,
GRAND TRAVERSE COUNTY, MICH.

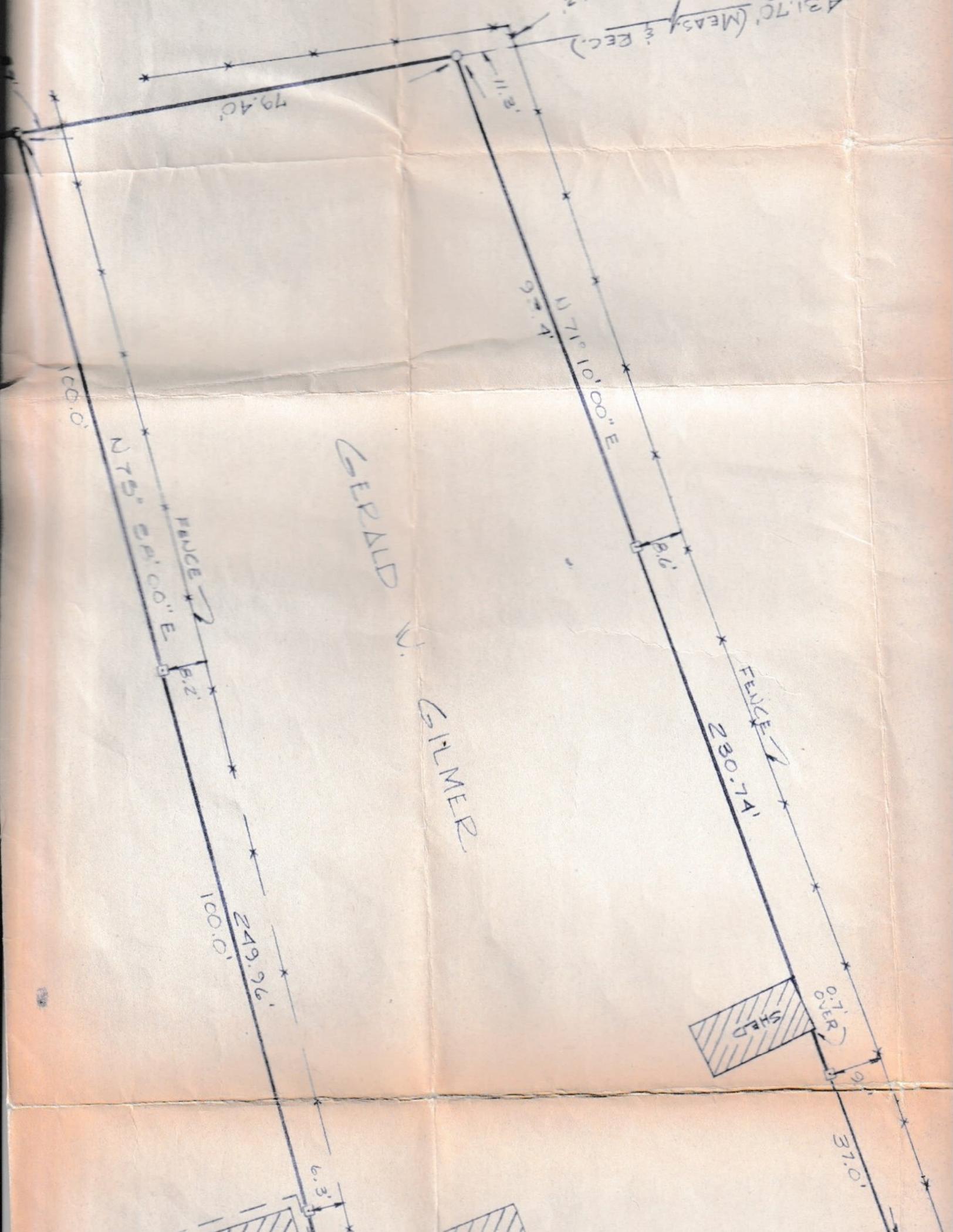
SCALE: 1" = 20'
DATE: 2-12-75

PERLA & STOUT, P.C.
ENGINEERS & SURVEYORS & PLANNERS
525 W 14TH ST., TRAVERSE CITY, MICHIGAN
PHONE: 616-946-9191

LEGEND

- IRON FOUND
- IRON SET
- STAKE SET

N



431.70' (MEAS. & REC.)

79.40'

2.11'

N 71° 10' 00" E
64.7'

100.0'

N 75° 00' 00" E
FENCE

FENCE

8.2'

GERALD W. GILMER

FENCE
230.74'

8.6'



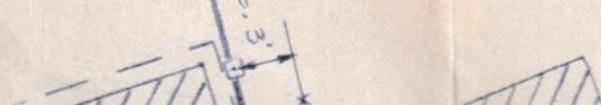
SHED
0.71'

9.1'

37.0'

100.0'
249.96'

6.3'



April 9, 1975

Mr. and Mrs. Gerald W. Gilmer
2494 Four Mile Road, N.W.
Grand Rapids, Michigan 49504

Dear Mr. and Mrs. Gilmer:

I am writing to you in behalf of Earl and Sherley Buchner of this city.

As you know, there has been a problem with the property lines on the Silver Lake property which you own adjoining Mr. Buchner. In fact, a survey has revealed that most of the lot lines in this area are not where the people thought they were. As you can see from the enclosed map, Mr. Buchner's eave is slightly over the surveyed property line on your property and Mr. Elton Miller's house is considerably over the survey line on Mr. Buchner's property.

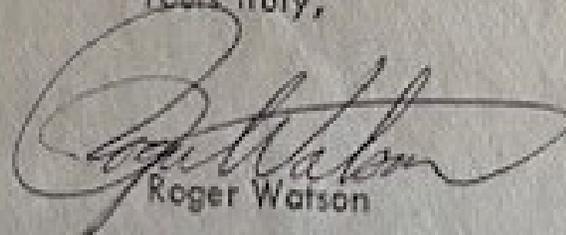
In an attempt to resolve the matter, Mr. Buchner is deeding property to Mr. Miller to cover his home and I have enclosed a deed conveying the South 6 feet of your property as presently surveyed to Mr. Buchner to realign the property line to the fence line where everybody thought the property line was in the first place.

The map enclosed should show you how the adjustment has been made and where the present fence lines and surveyed property lines are.

If you are in agreement with this proposed settlement, please execute the deed by signing above your typed names in the presence of two witnesses who should sign in the spaces provided at the left, and then your signatures should be notarized as shown at the bottom of the deed. The Notary may also act as one of the witnesses.

If you should have any questions concerning the deed or the description, please contact me at your convenience. I would appreciate your returning the deed to me so that I may record it for Mr. Buchner. Thank you.

Yours truly,



Roger Watson

Prepared in The Law Office
of
ROGER WATSON
325 South Union Street
Traverse City, Michigan

Grand Traverse-Leland
Antrim Bar Association
Form
QUIT CLAIM DEED

Recorded
at o'clock
Liber of Deeds, page
Register of Deeds

THIS INDENTURE, Made this *12th* day of *April* 1975,
WITNESSETH, That **GERALD W. GILMER** and **LILLIAN F. GILMER**, husband and wife, of
2494 Four Mile Road, N.W., Grand Rapids, Michigan 49504,

for the sum of **ONE DOLLAR AND NO OTHER VALUABLE CONSIDERATIONS**, CONVEY
AND QUIT CLAIM to **EARLAND BUCHNER** and **SHARLEY BUCHNER**, husband and wife,
as tenants by the entireties, of Route #1, Box 369A, Townhall Road, Grawn, Michigan

the following described lands and premises situated in Township of **Gorfield**,
County of **Grand Traverse**, and State of Michigan, viz:

A part of Government Lot 7, Section 31, Town 27 North, Range 11 West,
described as: Commencing at a point on the East line of the Highway 1326.4
feet East of the Southwest corner of Lot 7, thence North 9° 4' West on the
East line of the Highway 842.9 feet to the point of beginning of the parcel
herein conveyed; thence South 9° 4' East 6 feet; thence North 75° 58' East
to the shore of Silver Lake; thence North along the shore of Silver Lake to
a point which is North 75° 58' East of the point of beginning; thence South
75° 58' West to the point of beginning, including riparian rights East of the
parcel herein conveyed.

Signed in presence of

Robert Schick
John Blanchard

Signed on the date first above written

Gerald W. Gilmer
GERALD W. GILMER

Lillian F. Gilmer
LILLIAN F. GILMER

Lillian F. Gilmer

OFFICIAL TREASURER'S RECEIPT OF FUNDS

CHARTER TOWNSHIP OF GARFIELD
 Chloe Macomber, Treasurer
 3848 Veterans Dr.
 Traverse City, MI 49684

Contact us at:
 Ph: (231) 941-1620
 online: www.garfield-twp.com

Checks are accepted as conditional payment. If the check does not clear, this receipt is considered VOID. A \$25 NSF fee will be added to the balance due.

Received From:	Date: 12/19/2023	Receipt #: 97628
GILMER CRAIG & JAYNE		Cashier: asimon
914 JACKSON STREET SW		Total Received: \$400.00
GRANDVILLE MI 49418		Batch #:
<u>Notes:</u>		

RECEIPT ITEM	DESCRIPTION	AMOUNT
PZE INVC	00016632	\$400.00
Total Amount Due:		\$400.00
PAYMENTS RECEIVED		
Tendered:	CHECKS	801
		\$400.00
CHANGE:		\$0.00

PAID

DEC 19 2023

Chloe Macomber
Treasurer

SECTION 813 NONCONFORMING STRUCTURES**A. Applicability**

This section applies to the continuation, repair, replacement, enlargement, or expansion of a nonconforming structure.

B. Continuance of Nonconforming Structures

Subject to all limitations in this section, and the provisions of § 810.D. Exception for Repairs Pursuant to Public Order of this article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with § 813.E. Enlargement or Expansion provided that such maintenance does not exceed an aggregate cost of thirty (30) percent of the assessed value of the structure.

C. Repair and Maintenance of Nonconforming Structures

Nothing in this ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals provided that no approval under this subsection shall permit the replacement of a structure.

D. Replacement of Damaged Nonconforming Structures

Nothing in this ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint and does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twelve (12) months of the damage or destruction.

E. Enlargement or Expansion

A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable township ordinances.

