

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

Thursday, March 21, 2024 @ 6:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

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 Agenda and declaration of a Conflict of Interest
2. Minutes – February 15, 2024
3. Correspondence
 - a. Letter from Haggard’s Plumbing & Heating dated March 11, 2024
4. Public Hearing:
 - a. A request made by VT Construction on behalf of Alan D Strange for a 16 ft variance from the front setback requirements. The specific request is asking for a variance from 30 ft to 14 ft to allow construction of an addition to an existing dwelling. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 5091 Case Court with a property number of 05-285-005-00
5. Unfinished Business
6. Other Business
7. Items for next agenda
8. Public Comment
9. 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 MINUTES
February 15, 2024**

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

Pledge of Allegiance: Recited by everyone in attendance.

Roll Call of Board Members:

Members Present: Fudge, Rozycki, Duell, Swan and Fricke

Also in Attendance: Zoning Administrator Mike Green

1. Review and Approval of the Agenda – Conflicts of Interest (6:01)

Fudge noted that Item 3 should be item 4, Unfinished Business.

Swan moved and Duell seconded to approve the amended agenda.

Yeas: Swan, Duell, Rozycki, Fudge, Fricke

Nays: None

2. Review and Approval of Meeting Minutes – January 18, 2024 (6:02)

Rozycki moved and Swan seconded to approve the minutes of January 18, 2024 as presented.

Yeas: Rozycki, Swan, Fricke, Duell, Fudge

Nays: None

3. Public Hearings

None

4. Unfinished Business (6:02)

- 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. 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 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 request was tabled from last month to give the applicant an opportunity to attend. Building plans have been supplied as well as a proposed layout and elevations. Board members briefly discussed the proposed variance.

Practical Difficulty:

- 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);

Board members decided unanimously that this condition was **met** because 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;
Board members agreed that this condition was **met** because 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. Board members decided that this condition was **met** because 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.
- 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.

Board members determined that this condition was **met** because 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.

Board members determined that this condition was **met** because the applicant was not claiming a financial hardship.

General Criteria:

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

All board members determined that this condition was **met** because 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. Board members stated that the applicant was not asking for a variance based on any other non-conformities in adjacent properties or within the R-1 district.

All board members determined that this condition was **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.

Board members decided unanimously that this condition was **met** because 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;

All board members determined that this condition was **met** because 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.

Board members determined that the condition was **met** because the applicant would have to demolish the existing in its entirety or a portion thereof that is nonconforming to make the requested improvements.

Special Conditions of 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.

The Board finds that this condition has been **met** since 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.

The Board finds that this condition has been **met** because 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).

The Board finds that this condition is **met** because 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. The Board finds that this condition has been **met** because 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. The Board finds that this condition has been **met** because this standard does not apply.

Swan moved and Fricke seconded 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.

Yeas: Swan, Fricke, Duell, Fudge

Nays: None
Abstain: Rozycki

5. **Other Business (6:09)**
None
6. **Items for Next Agenda (6:09)**
None currently
7. **Public Comment (6:09)**
None
8. **Adjournment:** *Duell moved and Swan seconded to adjourn the meeting at 6:10pm.*

Lynn Fricke, Secretary

3a.

MARCH 11, 2024

CHARTER TOWNSHIP OF GARFIELD

3848 VETERANS DR

TRAVERSE CITY MICH 49784



Ref: VT Construction

The Garfield Township Zoning Board of Appeals will conduct a public hearing for VT Construction on behalf of Alan D Strange for a 16 ft variance from the front setback requirements. The specific request is asking for a variance from 30 ft to 14 ft to allow construction of an addition to an existing dwelling. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 5091 Case Court with a property number of 05-285-005-00

To Whom it May Concern,

Upon reviewing the above notice, I would like to express my view on the above request. Haggards Plumbing and Heating is not opposed to the changes of the property and or the request. If a property owner is fortunate enough to have the ability and the resources in this time to either build and or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote in any way possible.

Sincerely,

Frank Cesaro

Haggard's Plumbing & Heating



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, March 21, 2024
Case #: **2024-01** Section 313.E front yard setback variance request
Owner: Alan D Strange
Applicant: VT Construction
Property ID #: 05-285-005-00
Property Location: 5091 Case Court
Zoning District: R-1 One Family Residential

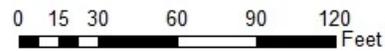
Parcel Overview and History

The parcel is located within the Silver Knoll Acres subdivision and is described as Lot 5 of the Silver Knoll Acres including an interest in Park A. The property is zoned R-1 One Family Residential, and is located at 5091 Case Court, with a property number of 05-285-005-00. Adjacent properties within the subdivision and surrounding areas are also zoned R-1 One Family Residential. According to Township records and information supplied by the application, the property contains a dwelling with an attached garage along with a detached accessory building. According to information attached to this report, a front yard variance was granted by the Zoning Board of Appeals in 1980 to allow for construction of the attached garage that is located within the front yard.

Request

A request has been made by the applicant/property owner for a sixteen (16) foot variance from the thirty (30) foot front yard setback, resulting in a fourteen (14) foot setback for the proposed addition. The applicant did not include a site plan showing proposed improvements nor did the application include any statements as to what would be built if the variance is approved. Staff review has been provided in the following pages of this report.

**Aerial view of subject parcel and adjacent properties
(subject property is highlighted 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.

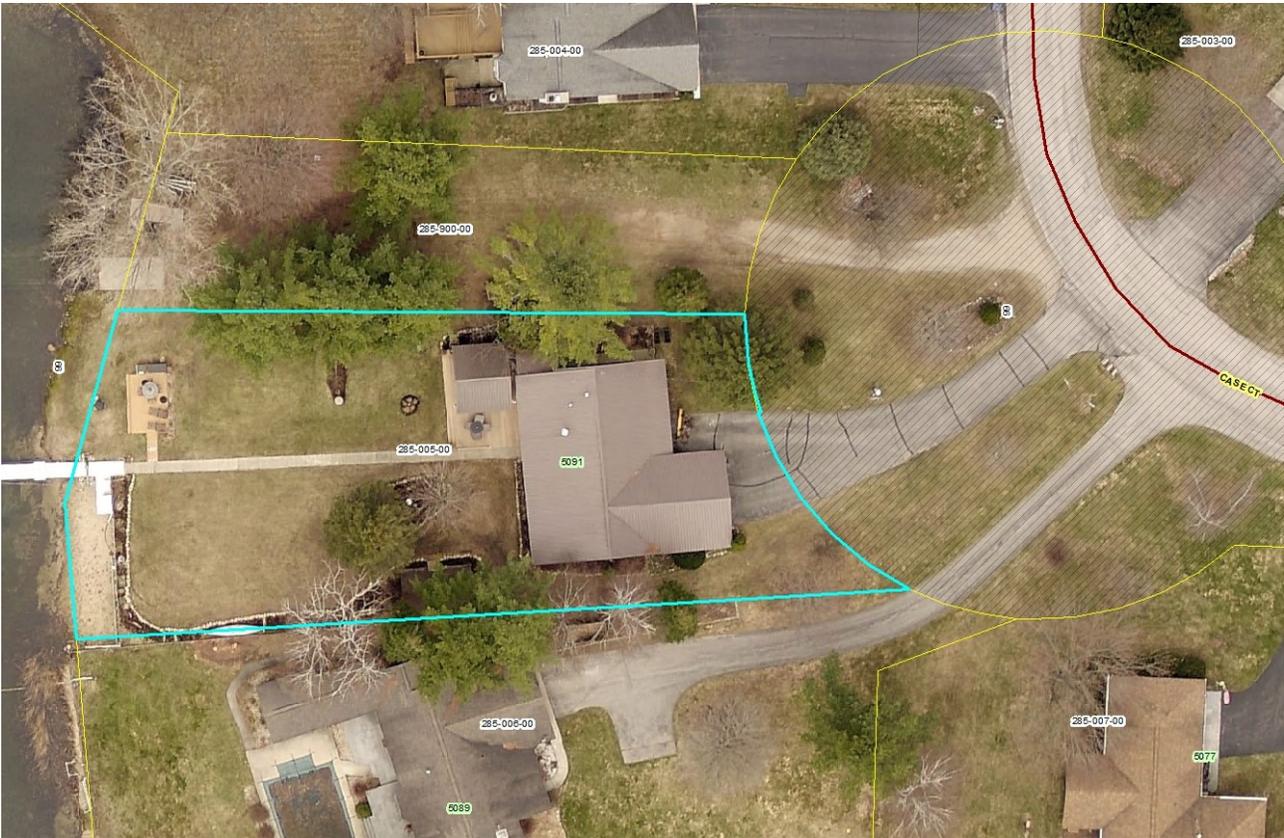
Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com



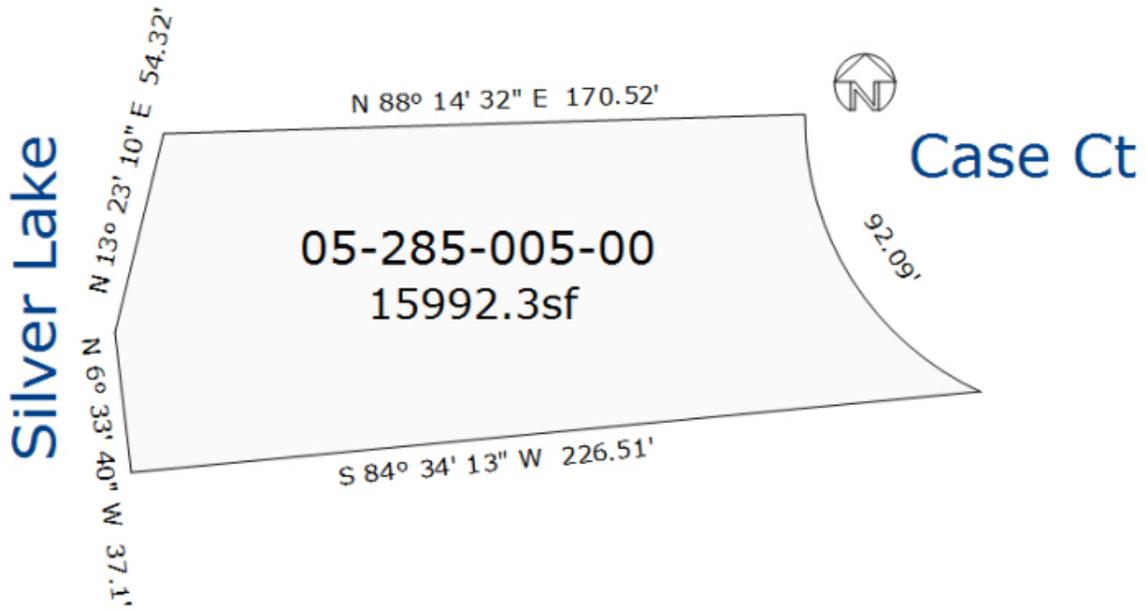
NOT A LEGAL SURVEY

Garfield Township Zoning Dept. - Printed on: 3/12/2024

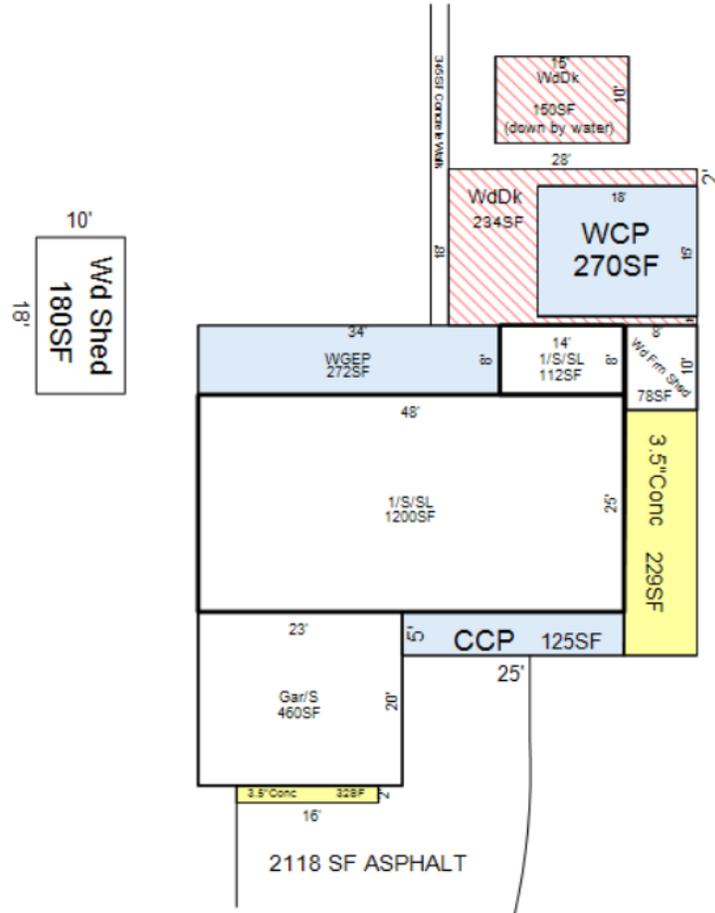
Aerial View of the subject property



Land Sketch of the subject property from the Assessor's Office



Building Sketch of the subject property from the Assessor’s Office



05-285-005-00 STRANGE ALAN D 5091 CASE CT 3/12/2024

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 Dusty Christiansen of Mansfield and Associates 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 opposition:** Although the lot meets Special Condition (c) due to the nonconforming lot width and size, staff was unable to determine any Special Conditions that prevent the applicant from

complying with the R-1 District Setback requirements. In addition, the aforementioned nonconformities are somewhat common throughout the R-1 Zoning District and particularly present around Silver Lake.

- 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 opposition:** While the subject property does not meet the minimum width (100 ft. required – 92 ft property width) or the minimum lot size (20,000 square foot required – 15,992 square foot property size), nonconforming lots of this type are very common in areas around Silver Lake and other areas zoned R-1.
- 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 opposition:** The strict application of the setback requirements of this Ordinance does not preclude the applicant from constructing an addition to the existing dwelling outside of the required front setback area that otherwise meets the requirements of this Ordinance. The dwelling appears to be located at least 100 feet from the Silver Lake ordinary high-water mark; the required lakefront setback is only 50 feet.
- 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 opposition:** The applicant has failed to adequately demonstrate that a denial of their request would deprive them of rights enjoyed by other properties in the same zoning district. As stated above, there appears to be ample buildable area toward the lake to expand the current dwelling that would not require any variances.
- 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 – N/A:** 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 – N/A:** 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 opposition:** The requested variance for the addition to the existing dwelling would not be detrimental to the public health, safety and welfare but could create unnecessary precedent and weaken the Zoning Ordinance as it pertains to setback requirements in the R-1 District.
- (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 opposition:** *The applicant has not adequately demonstrated that there is no reasonable alternative location on the parcel for the proposed improvements that wouldn't require a variance.*

(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:** *Although located on a platted but unbuilt cul-de-sac, the cul-de-sac does not create any unusual lot conditions such as narrowness, shallowness, shape or topography that would require relief from the front setback requirement.*

(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:** *The subject property does not contain any streams or wetlands that would limit the available buildable area.*

(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 considered a non-conforming lot due to size and width.*

(d) Historic Resources

The proposed project site contains historical significance.

- **Staff response in opposition:** *There is 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:** *An aerial view of the area shows that every other home on Jefferson Avenue within the Township is located further back from the road and appear to meet the 30 ft. front yard setback requirements.*

Staff Comments

As you see in my staff findings for the Practical Difficulty standards and General Criteria, I was unable to make findings in favor of each standards based on information provided by the applicants. My analysis, however, 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 not met	
(b)	Standard not met	
(c)	Standard not met	
(d)	Standard not met	
(e)	Standard met – N/A	
Gen. Criteria (a)	Standard met – N/A	
(b)	Standard met – N/A	
(c)	Standard not met	
(d)	Standard met – N/A	
(e)	Standard 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 Sections 313.E of the Garfield Township Zoning Ordinance to sixteen (16) foot variance based on findings for each Practical Difficulty standard and General Criteria for granting such request being met.

Motion to **DENY** the request for variance from Sections 313.E of the Garfield Township Zoning Ordinance to allow a sixteen (16) foot variance 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
2. Section 313.E of the Zoning Ordinance (R-1 District Dimensional Standards) and Section 535 Supplemental Shoreline Regulations.
3. ZBA-1980-26 Staff Report, Site Plan, and October 21, 1980 ZBA Minutes detailing a previously granted front yard variance for the attached garage facing Case Court.
4. Email from Wayne Schoonover from the Grand Traverse County Road Commission dated February 16, 2024 regarding the unbuilt cul-de-sac.



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PHONE: 231-941-1620 * FAX: 231-941-1588

Case # ZBA 2024-01

ZONING BOARD OF APPEALS APPLICATION

Applications and fees shall be submitted 30 days prior to the regular scheduled ZBA hearing date.

1. Owner Name:

ALAN D STRANGE

Address:

5091 CASE CT

City, State, Zip Code:

TRAVERSE CITY, MI 49685

Owner Phone Number:

231.313.4973

Applicant Name:

VT CONSTRUCTION LLC

Address:

9320 E CHERRY BEND RD

City, State, Zip Code:

TRAVERSE CITY, MI 49685

Applicant Phone Number:

231.883.1422

2. Property Information:

a. Property Address: 5091 CASE CT

b. Property Location: _____

c. Lot # 5

Subdivision Name: CASE COURT

d. Parcel ID# 28-05- 285 - 005 - 00

e. Current Zoning: R-1

f. Current Use: RESIDENTIAL

3. Purpose For Request:

Variance Appeal _____ Interpretation _____ Review _____

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

Requesting a 16' front yard variance.

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/are authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding the request.


Owner Signature

2-14-2024
Date


Applicant Signature

2-14-2024
Date

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

SECTION 454 VARIANCES

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

E. Approval Criteria

(1) Practical Difficulty

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

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

Incorrect county plat map creates a false property line.

(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;

TRUE- House was established prior to ordinance

(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;

TRUE-

(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

TRUE- Current plat map incorrectly sets set back lines

(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.

TRUE

Page 3 of 4 Applications and fees shall be submitted 30 days prior to the regular scheduled ZBA hearing date. 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. A. Applicability – Dimensional Variances

(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;

TRUE

(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;

TRUE

(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;

TRUE

(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

TRUE

(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.

TRUE

(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.

TRUE- Lot is narrow- driveway is running through county

(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.

N/A

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

N/A

(d) Historic Resources: The proposed project site contains historical significance.

N/A

(e) Neighborhood Character: The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and

N/A

____ Page 4 of 4 Applications and fees shall be submitted 30 days prior to the regular scheduled ZBA hearing date.



Aleya Slagal <aleya@versatiletc.com>

Fwd: Case ct. Cal-de-sac

1 message

Justin Slagal <justin@versatiletc.com>
To: Aleya Slagal <Aleya@versatiletc.com>

Fri, Feb 16, 2024 at 1:01 PM

Justin Slagal
Owner, VT Construction LLC
Phone: 231-883-1422
Email: Justin@versatiletc.com
Listen. Plan. Build.

Begin forwarded message:

From: Wayne Schoonover <wschoonover@gtcrc.org>
Date: February 16, 2024 at 11:04:08 AM EST
To: JUSTIN@versatiletc.com
Cc: Alan Strange <strangeae@aol.com>, Mike Green <Mgreen@garfield-twp.com>
Subject: RE: Case ct. Cal-de-sac

Good morning Justin,

As discussed this morning during our phone call, the platted cul-de-sac of Case Court within the platted subdivision of Silver Knoll Acres, established in 1970, does not serve as a turn-around any longer as Case Court was joined to Roman Drive.

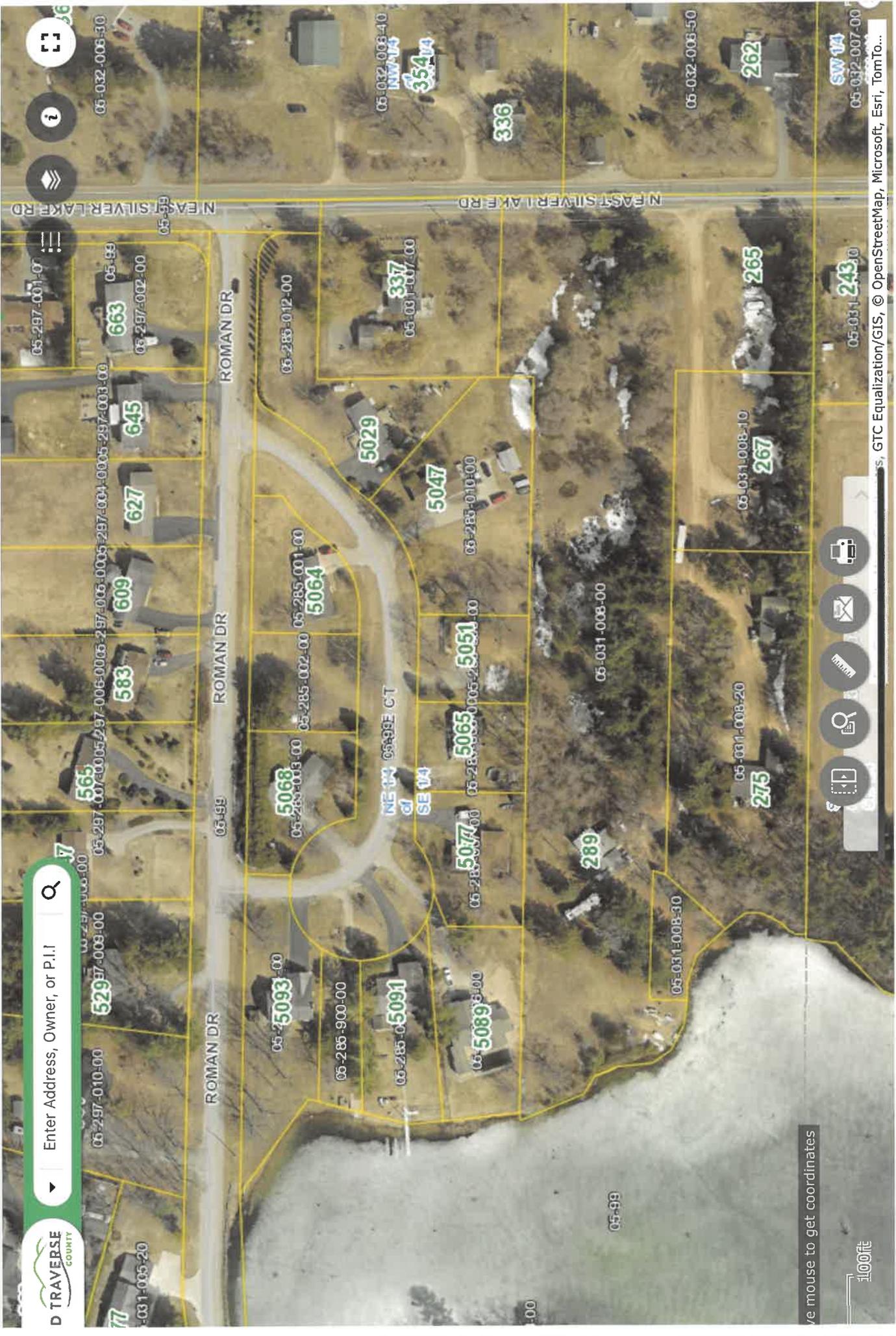
As far as the Road Commission would be concerned with this Right-Of-Way (ROW), no permanent structures or trees/large bushes are permitted to be constructed/planted in the ROW. The Grand Traverse County Road Commission has no jurisdiction outside of the ROW and would have no opinion of proposed construction at 5091 Court Case provided the existing driveway is unaffected.

Please feel free to share this information as needed.

Wayne A. Schoonover, PE

Wayne A. Schoonover, PE

Grand Traverse County Road Commission



SECTION 313 R-1 (ONE FAMILY RESIDENTIAL)

PURPOSE – The R-1 (One Family Residential) districts provide areas for low to medium density one family residential dwelling units. The districts include areas of existing one family developments as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township with less intensive development moving outward towards the more rural and remote areas of the township. The R-1 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and parks that will promote a sense of community and urban vitality.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Essential Service Facility, Minor – § 737.A
- (5) Home Occupation
- (6) Park, Mini
- (7) Park, Neighborhood
- (8) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Medical Marihuana Residential Cultivation – § 758
- (6) Open Space Preservation – § 428
- (7) Outdoor Storage, Accessory Use – § 613.A (4)
- (8) Recreational Field Complex – § 766
- (9) Swimming Pool, Private – § 776
- (10) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Essential Service Facility, Major – § 737.B
- (3) Institutional Uses and Structures – § 752
- (4) Solar Energy System, Primary – § 773.B
- (5) Wind Energy Conversion System, Personal – § 781

D. ADDITIONAL STANDARDS:

- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area (A):

- With Public Sewer: 15,000 sq. ft.
- Without Public Sewer: 20,000 sq. ft.

Notes to Dimensional Standards:

- (A) Lots in subdivisions having stubbed sewers shall be considered as having public sewer.
- (B) Setbacks shall be measured from the furthest protruding point of structure.

Minimum Lot Width:

100 feet

Maximum Building Height:

- In Stories: 2 ½ stories
- In Feet: 35 feet

Minimum Yard Setbacks (B):

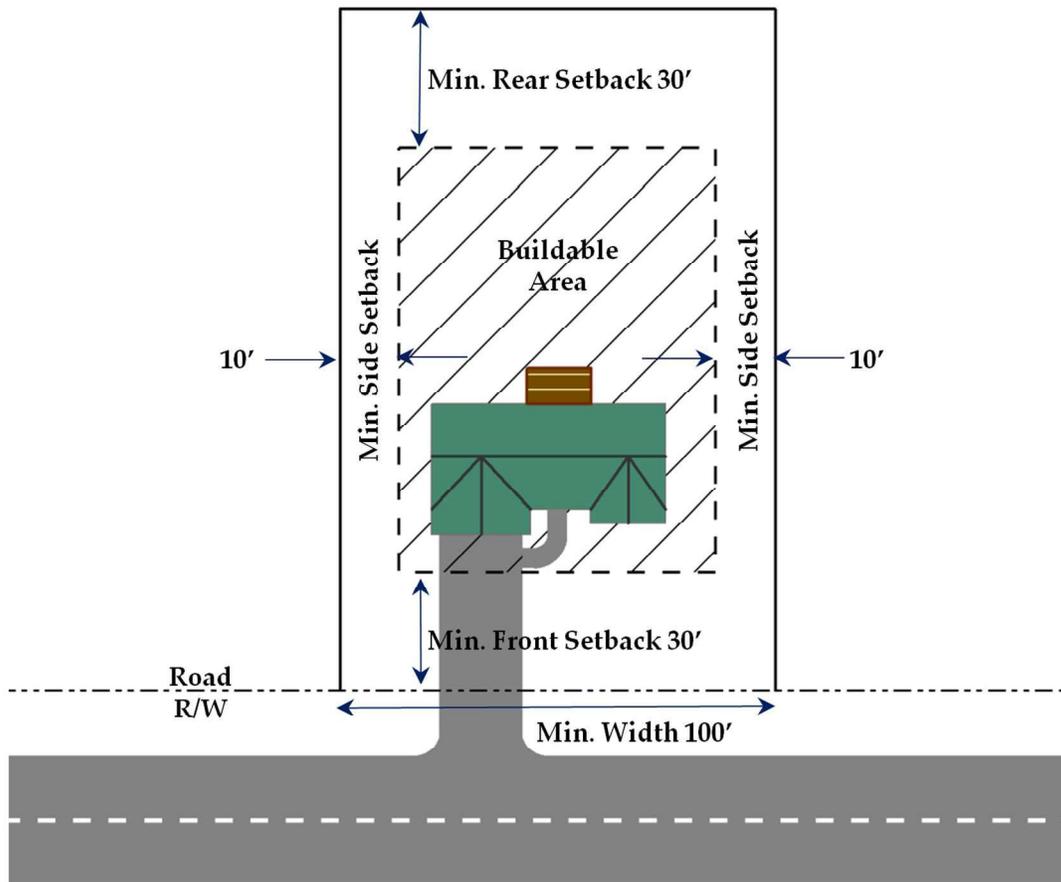
- Front: 30 feet
- Each Side: 10 feet
- Rear: 30 feet

Maximum Lot Coverage:

30 percent

Minimum Bldg. Cross Section:

24 feet



Not to scale. To be used for illustrative purposes only

SECTION 535 SUPPLEMENTAL SHORELINE REGULATIONS

Purpose. The intent of this Section is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. Methods to accomplish this purpose include, but are not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material along the shoreline.

A. Setbacks from Lakes, Rivers, and Streams

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Streets and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

B. Minimum Construction Elevations - Silver Lake

Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. (NOTE- SILVER LAKE WATER MARK - 862.32 feet above sea level USGSD).

C. Riparian Vegetative Buffers

- (1) Required. A vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:
 - (a) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.
 - (b) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
 - (c) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
 - (i) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.

- (ii) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (2) Reduction. In the event that the application of the vegetated buffer strip standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Planning Commission may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

D. Filling and Grading within 200 Feet of the Water Mark or Stream Bank

The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water mark or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

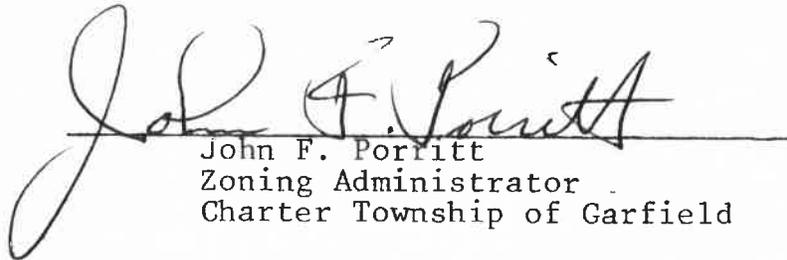
- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

S T A F F R E V I E W

Re: Gail Broderick
Zoning Board of Appeals
File No. 80-26

October 15, 1980

Ms. Broderick requests variance in the front yard setback, the required setback being 30 foot. Because the lot is located on a cul-de-sac, the south line of the proposed addition would be approximately 30 feet back from the arc of the cul-de-sac. The north building line would be approximately 17 feet back from the arc of the cul-de-sac. The required variance would range from 13 feet down to 1 foot. As an alternative, the garage portion of the addition could possibly be moved further south and thus reduce the amount of variance needed on the north corner of the addition.


John F. Porritt
Zoning Administrator
Charter Township of Garfield

mej
cc: Zoning Board of Appeals

CHARTER TOWNSHIP OF GARFIELD - ZONING BOARD OF APPEALS

The regular meeting of the Zoning Board of Appeals of the Charter Township of Garfield was held October 21, 1980, at 7:30 p.m. at the Garfield Township Hall, 3848 Townhall Road, Traverse City, Michigan.

Board members present: Frank Tezak, Richard Smith, Tony Wilhelm, Bob Featherstone

Board members absent: None

Guest: Frank McManus

Minutes of September 16, 1980

Motion by Wilhelm, supported by Smith to accept the Minutes of September 16, 1980 as read, carried.

The Chairman turned the meeting over to John Porritt, Zoning Administrator.

Traverse City Area Public Schools - File 80-24

Traverse City Area Public Schools requests a special use permit and variance from the requirement for asphaltting all drives and parking areas for the construction of a maintenance facility in the A-1, Agricultural District on 9.40 acres located on Cass Road.

No requests were received for a public hearing on the matter, and there was no input from the public. The public hearing was closed. The meeting was turned back over to the Chairman.

The site plan and staff review were submitted for discussion. The variance requested is for a gravel parking lot. Porritt informed the Board Petitioner meets the requirements for a special use permit.

Comments by the Board: The Ordinance does not allow the granting of variances for economic reasons; does not meet the basic conditions; governmental units should not be exempt from the rules; other property owners have been required to upgrade their parking lots when buildings were added.

Motion by Featherstone, supported by Wilhelm to approve the request of Traverse City Area Public Schools for a special use permit for the construction of a maintenance facility, and deny the request for a variance from the requirement for asphaltting all drives and parking areas. Roll call vote on the motion: Wilhelm - yes, Featherstone - yes, Smith - yes, Tezak - yes. No - None, motion carried.

Dean's Auto & Camper - File 80-23

Petitioner requests a variance in the allowable square footage of free standing signage in the C-2 district of property located on U.S. 31 South. Property has 330 feet of frontage, and the freestanding signs would be 330 feet a part. Proposed Winnebago sign would be placed on the other side of property, with lettering on both sides of sign attached to a pole. Marv Scott stated has no intention of installing signs on the building. No discussion by the public.

Motion by Smith, supported by Featherstone to approve the request of Dean's Auto and Camper, Inc. for a variance in the allowable square footage of free standing signage with the stipulation that they do not put any other signage on the building, that he does meet the intent of the Ordinance with the amount of frontage on U.S. 31. Roll call vote for the motion: Wilhelm - yes, I feel the additional frontage warrants these two signs. Featherstone - yes; Smith - yes; Tezak - yes. No: None, motion carried.

Production Credit Association - File 80-25

Petitioner requests site plan review in the C-3 District for construction of office building on property located at the southeast corner of M-37 and Hartman Road.

John Dyksterhouse, Architect represented Petitioner, and submitted the site plan. Site is 900 x 270, proposing 6,000 square foot office building with approach off Hartman Road, provision made for possible extension of Hartman Road, will employ 13 to 15 persons, submitted soil borings of the site, sewer is 1/4 mile from property, water will be handled by tubing and will cross Hartman Road to natural drainage area to the east. Drain Commissioner recommends drainage be handled as shown on the site plan.

Discussion by the Board. The Board has denied Petitions for direct drainage into a watercourse, as condition of approval, water should be retained on the site. Concern expressed about school buses driving in the area, corner is dangerous area to drop traffic into.

Motion by Featherstone, supported by Wilhelm to approve the site plan review of Production Credit Association with the condition that provisions be made for holding building runoff water and parking lot runoff water on the property and filter it into a small settling pond. Roll call vote for the motion: Wilhelm - yes, I too, feel it is a real asset to the area. Featherstone - yes, because it meets the requirements of the C-3 district. Smith - yes, Tezak - yes, I think it is a very good plan. No: None, motion carried.

Gail Broderick - File No. 80-26

Petitioner requests front lot setback variance to allow construction of garage on lot 5, Silver Knoll Acres in the R-1B District. Plan of property was submitted, 13 foot variance requested on the north side, and south side almost meets the requirements of the Ordinance. The plan was signed by property owners to the south who have signed and approved the plan and the variance. On the north side of subject property is access road to the lake. No discussion by the public.

Motion by Smith, supported by Wilhelm to approve the request of Gail Broderick for front lot setback variance, and note that adjacent property owners have no objection to the variance. Roll call vote for the motion: Wilhelm - yes; Featherstone - yes; Smith - yes; Tezak - yes. No - None, motion carried.

Dixon Distributing Co. - File No. 80-28

Petitioner requests site plan review and rear yard setback variance in the M-1 District of property located at 1502 Barlow for the construction of a warehouse storage building.

The site plan was reviewed. Proposed building would be 6 feet closer to front property line, in order to construct building on south end of property would need 11 foot variance on the side lot line and a 6 foot front yard variance. The normal setback would be 46 feet on the rear. No new employees added, proposed parking would have to be paved if proposed parking area is to be used. Petitioner stated would only clear the required property for the new building, and would park some trucks between the buildings, does not have specific plans for the area between the buildings because of the trees on the property.

Porritt advised parking requirements meet the Zoning Ordinance for the number of employees, have room for future parking if building use changes.

Motion by Smith, supported by Featherstone to approve the request of Dixon Distributing for site plan review and rear yard setback variance, that there be adequate parking available to the buildings at all times. Discussion on the motion: There is no problem with site drainage, enough distance to retain runoff from the building. Roll call vote for the motion: Wilhelm - yes, and it seems to be a practical solution. Featherstone - yes, Smith - yes, Tezak - yes. No: None, motion carried.

Tri-Gas Distributing Co. - File 80-29

Petitioner requests site plan review in the M-1 District for construction of offices at 3575 Barlow Street. William Fifarek represented Petitioner and submitted the site plan of the property.

Harsch advised that by definition in the Zoning Ordinance, a lot cannot be created which does not have frontage on a road or right-of-way, the parcel if split off would become landlocked and it would be an illegal act under the Zoning Ordinance.

Fifarek stated the property is owned by one owner, that the property line could be changed so it would not be landlocked, would take 8 foot easement back and then have 150 feet.

Porritt stated there needs to be a 10 foot area for open space unless there is a joint drive on the property.

Motion by Wilhelm, supported by Featherstone to table the request of Tri-Gas Distributing Co. Roll call vote for the motion:
Wilhelm - yes; Featherstone - yes; Smith - yes; Tezak - yes.
No: None, motion carried.

John Webb - File No. 80-27

Petitioner requests a variance for the installation of a wind generator on lot 31, Hearthside Subdivision in the R-1B District. Section 7.3.2 of the Ordinance was reviewed. The Zoning Board of Appeals cannot grant a variance for this type of operation, no exception allowed. It was suggested that Petitioner discuss the possibility of amending the Zoning Ordinance with the Planning Commission. No action was taken on this matter.

Other Business:

Property in Section 18, Zoned R-1B

Owner of 7 acres in Section 18 proposes to develop the property into a planned unit development. There are severe changes in topo and staff recommended PUD which would preserve the land. Board was asked to view the property.

Appointment to Zoning Board of Appeals

Motion by Featherstone, supported by Tezak that Frank McManus be recommended to be appointed to the Zoning Board of Appeals, and that a letter be sent to the Township Board to that effect, carried.

Zoning Board of Appeals
Minutes of October 21, 1980
Page Five

Schostak Bros (Cherryland Mall - Sears Expansion)

The proposed site plan was submitted and informally discussed. The Board made the following suggestions, that a landscape plan be submitted, there be a deceleration lane on Garfield Road, fencing between the residential area and the mall, and that the road be moved back from the adjacent residential area.

Motion by Smith, supported by Wilhelm to adjourn, carried, meeting adjourned at 9:30 p.m.

Richard W. Smith, Secretary

Approved

Frank Tezak, Chairman

Mike Green

From: Wayne Schoonover <wschoonover@gtcrc.org>
Sent: Friday, February 16, 2024 11:04 AM
To: justin@versatiletc.com
Cc: Alan Strange; Mike Green
Subject: RE: Case ct. Cal-de-sac

Good morning Justin,

As discussed this morning during our phone call, the platted cul-de-sac of Case Court within the platted subdivision of Silver Knoll Acres, established in 1970, does not serve as a turn-around any longer as Case Court was joined to Roman Drive.

As far as the Road Commission would be concerned with this Right-Of-Way (ROW), no permanent structures or trees/large bushes are permitted to be constructed/planted in the ROW. The Grand Traverse County Road Commission has no jurisdiction outside of the ROW and would have no opinion of proposed construction at 5091 Court Case provided the existing driveway is unaffected.

Please feel free to share this information as needed.

Wayne A. Schoonover, PE

Wayne A. Schoonover, PE
Grand Traverse County Road Commission



From: Alan Strange <strangeae@aol.com>
Sent: Friday, February 16, 2024 8:50 AM
To: Wayne Schoonover <wschoonover@gtcrc.org>
Subject: Re: Case ct. Cal-de-sac

Good morning Wayne

What's the chances of you calling me today about this issue.

Just got an email from the builder and he was told to talk to you folks about it....

Thank you for your time.....

Alan Strange.
Sent from my iPhone

On Feb 7, 2024, at 8:40 AM, Alan Strange <strangeae@aol.com> wrote:

Good morning Wayne,

It would be more like 21,000' from there to here, and that's ok, you are closer to the information than I am at this point.

At best, all that would be gained here would be the removal of the 30' set back rule and that's all that's needed.

again thank you for your time.....

2313134973.....

Alan Strange.
Sent from my iPhone

On Feb 7, 2024, at 7:36 AM, Wayne Schoonover <wschoonover@gtcrc.org> wrote:

Good morning Alan,

I am not opposed to speaking to you about this on a very general basis, like t aa 10,000 foot view, but I am not a lawyer and don't want to lead you in a wrong direction.

Wayne A. Schoonover, PE

Wayne A. Schoonover, PE
Grand Traverse County Road Commission
<image001.png>

From: Alan Strange <strangeae@aol.com>
Sent: Tuesday, February 6, 2024 4:14 PM
To: Wayne Schoonover <wschoonover@gtcrc.org>
Subject: Re: Case ct. Cal-de-sac

Thank you for your quick response

Would we be able to talk about these
Land division acts, as you know more about them than I, and what they mean..

Again, Thank you for your time.....

2313134973

Alan Strange.
Sent from my iPhone

On Feb 6, 2024, at 2:25 PM, Wayne Schoonover
<wschoonover@gtcrc.org> wrote:

Good afternoon Alan,

As Case Ct within the Silver Knoll Acres platted subdivision, was established as a plat in 1970. It is my understanding that in order to revise the plat, one would have to follow [Public Act 288 of 1967](#), known as the Land Division Act, more specifically [MCL 560.222](#).

This would be accomplished by retaining the services of a Professional Surveyor licensed in Michigan and an attorney familiar with this part of the law.

Wayne A. Schoonover, PE

Wayne A. Schoonover, PE
Manager of Engineering/County Highway Engineer
Grand Traverse County Road Commission
1881 LaFranier Road
Traverse City MI 49696
231-922-4848, ext 216
231-929-1836 FAX
www.gtcrc.org
Find us on Facebook
<image001.png>

From: Alan Strange <strangeae@aol.com>
Sent: Tuesday, February 6, 2024 12:39 PM
To: Wayne Schoonover <wschoonover@gtcrc.org>
Subject: Case ct. Cal-de-sac

Good day Wayne,

Question,

Location-
Grand Traverse County-
Garfield Township-
East Silver Lake Rd-
Roman Dr-o
Case Ct.

Long Long time ago, (1980s) anyway,
Case ct entered off East Silver Lake Road directly,
About 50' (ish) south of Roman,
and there was a cal-de-sac at the end of Case ct.

At some point, the entrance to Case ct got closed and moved to

Roman Dr, the cal-de-sac was taken out, and a second out let to Roman dr way put in.

The entrance to Case ct off Silver Lake rd somehow got dedeed back to the land owner, which shows up on the county plat.

The cal-de-sac still shows up on the county plat, even tho the likely hood of it ever coming back is near "0%" the township still goes by the county plat of the cal-de-sac in regards to to set backs.

What is the best course of action be needed for the land owners around the former cal-de-sac, take to get the property back, minus the current road going through the former cal-de-sac, utility that are in place now, along with the county plat showing the removal of the cal-de-sac freeing the land owner of old set backs from the Township and the GTCRC.

<https://grand-traverse.maps.arcgis.com/apps/webappviewer/index.html?id=1f27e1d5c8bc4d8ea91e000305a8b6eb>

Thank you for your time in this matter.....

Alan

Sent from my iPad