

August 19, 2022

To: Mike Green-Garfield Township Zoning
The Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

To: Steve Hannon-Township Planner
The Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

To: John Racine-Chair
The Charter Township of Garfield-Planning Commission
The Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

Re: Zoning Text Amendment-suggested changes for consideration
R-1-Non-conforming lots/structures

Hi all,

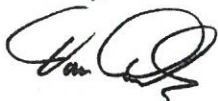
We would like to submit the attached language for your consideration of text amendment changes to the Garfield Township Zoning Ordinance. In our research of existing non-conforming structures and lots, we feel that the attached provides for flexibility short of a ZBA process for owners looking to improve existing structures/properties.

The attached text was borrowed from similar communities with similar demographics, including East Bay Township.

With many non-conforming examples in the Township, the attached may give the Commission and the applicants a more cooperative way to assure that health, safety, welfare, neighbor support, environmental considerations, are maintained while allowing flexibility for the reasonable improvement of existing non-conforming properties.

Thank you all for your consideration of this change.

Sincerely,



Tom Nemitz
616-293-3115
1439 Lake Drive
tnemitz@cornerstone-arch.com

attached: Suggested Text Amendment-Non Conforming Use

1439 Lake Drive
Traverse City, MI 49685

TEXT CHANGE FOR CONSIDERATION
FOR GARFIELD TOWNSHIP

ARTICLE V DIMENSIONAL REQUIREMENTS

SECTION 500 YARD REQUIREMENTS TABLE

The required front, side and rear yards, and maximum structure height for each district shall be as shown on the accompanying Table No. I. In those cases where a site plan has been approved for a clustered subdivision or a grouped housing development by the Township, the site plan front, side and rear yard setbacks will replace the requirements of Table No. 1.

SECTION 501 BUILDING PROJECTIONS (Revised 6/24/06 and 8/21/15)

1. Every part of the required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except as follows:
 - * a. Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear setback areas, and two (2) feet into the required side setback areas.
 - b. An unenclosed porch, deck, or awning may project into the required yard areas in accord with the following: (Revised 8/21/15)
 - 1) Into the required rear setback area for a distance not to exceed fifteen (15) feet in all districts, except for that portion of the LA District which shall be subject to sub-paragraph (4) hereof;
 - 2) Into the required front setback area for a distance not to exceed six (6) feet;
 - 3) Into the required side setback area not to exceed three (3) feet,
 - 4) In that portion of the LA District subject to the Forest Lakes Overlay District pursuant to Section 231, an unenclosed elevated deck or patio built at grade may project into the rear, or waterfront setback area for a distance not to exceed ten (10) feet, provided the requirements of this subparagraph are satisfied.
 - a) Any such deck shall have a surface comprised of wood or composite boards separated by at least one-eighth (1/8) inch for drainage.
 - b) Any such deck shall be mounted on posts or columns with an outside dimension no greater than eight inches square (8" x 8").
 - c) Low-growing, non-invasive native vegetation shall be established over all areas beneath such deck and surrounding such deck or patio where sufficient light and air are available to support it. Under the deck and in other areas where low-growing, non-invasive native vegetation cannot be established, erosion mats or mulch shall be installed to stabilize the soil.
 - d) Porches, awnings or other impervious features shall not be extended into the required waterfront setback area.
 - * 5) In no case shall a balcony, enclosed porch, deck, or awning be placed closer than five (5) feet to any lot line. No such unenclosed porch or deck shall subsequently be enclosed except in conformance with all terms of this Ordinance. Except as provided in subparagraph (4) hereof, no structure,

§ 156.053 VERTICAL ADDITIONS TO NON-CONFORMING STRUCTURES.

(A) Notwithstanding any other provision of this chapter, for single-family dwellings built prior to July 3, 2002, with principal structures that encroach into the minimum required yards of a residential zoning district, additions shall be permitted within the existing building footprint, exclusive of uncovered decks, provided that the completed structure shall not exceed the maximum building height of the zoning district in which it lies, and provided that the side yard shall not be less than 8 feet, and the front and rear yards shall be not less than 15 feet, and that the addition conforms to all other provisions of the zoning district regulations.

(B) Vertical additions to uncovered decks shall be permitted only as additional uncovered decks of the same or less footprint.

(Ord. 04-23, passed 10-6-2004, § 24; Am. Ord. 05-04, passed 4-6-2005; Am. Ord. 06-01, passed 4-5-2006; Am. Ord. 17-02, passed 4-5-2017; Am. Ord. 21-01, passed 6-2-2021)

§ 156.054 SPECIAL USES FOR SPECIFIED IMPROVEMENTS TO SINGLE-FAMILY DWELLINGS IN EXISTENCE ON JULY 1, 2003.

The Township may, by special use permit, modify the minimum yard and building setback and height requirements to allow improvements to existing single-family homes that had approved certificates of occupancy on July 1, 2003, in accordance with the following provisions:

(A) The Zoning Administrator shall review the proposed application and determine if a special use permit is necessary to permit reasonable opportunity to improve the subject property;

(B) Upon determination by the Zoning Administrator that a special use permit is necessary, the town shall process the application and schedule an evidentiary public hearing by the Township in accordance with the procedures set forth in § [156.155](#) as well as the procedures set forth below:

(C) The Township may grant a special use only after determining that the application meets the following criteria:

(1) The site for the proposed use is adequate in size and shape, and the proposed use will not negatively affect adjacent property or the surrounding area;

(2) The special use and/or dimensional adjustment request will not be inconsistent with the objectives specified in the Land Use Plan;

(3) The applicant has demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or **mature vegetation**; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements;

(4) Any height special use authorized under the terms of this section for an addition to an existing structure shall be limited to no greater than 5 feet beyond the maximum height permitted in the zoning district; and

(5) The proposed structural modifications meet sound residential design objectives to:

- (a) Minimize loss of privacy on neighboring properties;
- (b) Maximize image of quality residential development to the street frontage; and
- (c) Avoid reduction of light and air to neighboring properties.

(Ord. 04-23, passed 10-6-2004, § 24; Am. Ord. 05-04, passed 4-6-2005; Am. Ord. 06-01, passed 4-5-2006; Am. Ord. 09-07, passed 8-5-2009; Am. Ord. 21-01, passed 6-2-2021)

§ 156.055 ADMINISTRATIVE REDUCTION IN MINIMUM YARD REQUIREMENTS FOR IMPROVEMENTS TO SINGLE-FAMILY RESIDENTIAL DWELLINGS IN EXISTENCE ON JULY 1, 2003.

The Zoning Administrator may approve a reduction in the minimum yard requirements for existing single-family homes that had approved certificates of occupancy on July 1, 2003, only to accommodate limited improvements to an existing residence and to approve construction of driveways on substandard lots or shared driveways in accordance with the following provisions:

(A) The property owner or contract purchaser shall submit an application to the Zoning Administrator. At the time of application, the applicant shall pay a fee in accordance with the town's fee schedule;

(B) The applicant shall submit all information deemed necessary by the Zoning Administrator to permit adequate review of the application;

(C) The applicant shall provide notice, by certified mail, to the township to which the subject property belongs and to owners of each property abutting or across the street from the subject property informing them that a request for reduction of minimum yard requirements has been submitted and will be considered by the Zoning Administrator. If the property abutting or across the street from the subject property is of condominium ownership, then notification sent to the condominium association shall be sufficient to satisfy this provision;

(D) For applications concerning residential properties located in neighborhoods with homeowners' association architectural review processes, the applicant shall submit evidence of approval of the requested special use by the applicable homeowners' association. For properties without homeowners' association architectural review processes, the applicant shall submit a notarized affidavit stating that an architectural review process does not exist in the subject community;

(E) The Zoning Administrator may approve a reduction upon finding that the proposal meets the following criteria:

(1) The improvement proposed is consistent with the Comprehensive & Land Use Plan;

(2) The improvement proposed does not increase the footprint of the existing single-family dwelling, nor does it convert structural elements that are not currently under roof (such as open decks) to living space;

(3) The proposed expansion will not adversely affect adjacent property or the surrounding area;

(4) The applicant has demonstrated that the proposed improvement cannot reasonably or logically be accommodated elsewhere on the lot (in the case of shared driveways or individual driveways on narrow lot frontages that render the combination of setback and driveway width standards impossible to attain); and

(5) The proposed structural modifications meet sound residential design objectives to:

(a) Minimize loss of privacy on neighboring properties; and

(b) Avoid reduction of light and air to neighboring properties.

(F) The Zoning Administrator may impose conditions upon any reduction as deemed necessary in the public interest to secure compliance with the considerations in this section; and

(G) If the Zoning Administrator does not approve a reduction, the applicant may file a special use for consideration by the Township or a variance for consideration by the Board of Zoning Appeals, in accordance with the provisions of this chapter.

(Ord. 04-23, passed 10-6-2004, § 24; Am. Ord. 05-04, passed 4-6-2005; Am. Ord. 06-01, passed 4-5-2006; Am. Ord. 21-01, passed 6-2-2021)

AUGUST 23, 2022



SEPTEMBER, 2019



AUGUST 23, 2022



DECEMBER, 2019



AUGUST 23, 2022



SEPTEMBER, 2019



CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals Meeting - December 8, 1997 Minutes

A meeting of the Zoning Board of Appeals of the Charter Township of Garfield was held on Monday, December 8, 1997, at 7:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan.

Board members present: Rick Smith, Roger Thompson, Bob Featherstone, Margaret Wilson,

Board members absent
and excused: Donna Shugart

Staff Present: Marge Johnson, Scott McPherson, Kent Gerberding

Review and approval of the Agenda - Conflict of Interest

There were no conflicts of interest. Motion/Featherstone, support/Thompson, PASSED to approve the Agenda as printed.

Minutes of November 10, 1997

Motion/Featherstone, support/Wilson, PASSED to approve the November 10, 1997 Minutes as printed.

Decisions and Orders

Motion/Thompson, support/Featherstone, PASSED to approve the Decisions and Orders for Marshall Music and Alexis LaMothe and Barry DeMatis.

Public hearing - Petition of North Country Bank and Trust

A public hearing was held on the Petition of North Country Bank and Trust who requests site plan review for the construction of the North Country Bank and Trust drive-through bank of property located at 2185 N. U.S. 31/37 adjacent to Sam's Club directly to the south (Parcel 28 05 021 053 00) in the C-3, Highway Service District.

Jeff Cockfield of Gourdie Fraser & Associates represented North Country Bank and Trust. A 3200 square foot drive-through bank is proposed to be constructed with access off of U.S. 31/M-37, and an access behind the bank to Sam's Club. The drainage plan was reviewed. The utilities would be accessed from the north. The landscape plan was reviewed. The current vegetation in the southeast corner near the ponds and wetland area would be maintained. Site lighting would be constructed along the entrance route. There was no public comment. The public hearing was

closed.

Discussion by the Board

Scott McPherson said the site plan meets the ordinance requirements for setbacks, landscaping and lighting. .

Motion/Thompson, support/Wilson, PASSED to approve the site plan as presented for North Country Bank and Trust for the construction of the North Country Bank and Trust drive-through bank of property located at 2185 N. U.S. 31/37 adjacent to Sam's Club, directly to the south (Parcel 28 05 021 053 00) in the C-3, Highway Service District. Roll call vote for the motion: Wilson-yes; Smith-yes; Thompson-yes; Featherstone-yes, because it meets the requirements of the Zoning Ordinance. No: None. Absent and excused: Shugart..

Public hearing - Petition of Duane and Mary Lautner

Duane and Mary Lautner appeared before the Board and requested a 33 foot variance for lot area of property located on Emerson Road in the A-1, Agricultural District, Parcel 28 05 025 019 20. The property contains two acres but lacks the 33 foot for road right of way for the actual building site. The Lautner's did not realize that the right of way is not included in the two acre parcel which they intended to build on. The lot was created in 1988 when the law firm of Running, Wise and Wilson drafted the Deed. Mr. Lautner is reluctant to pursue the request for additional land from his 84 year old father. Years ago the subject property was an acre in size. There was no public input.

Discussion by the Board - Scott McPherson areas for access and egress cannot be counted as the area of the lot as per the Zoning Ordinance. Two acres are required in the A-1 District. The Findings of Fact were reviewed. Kent Gerberding said this matter is not a practical difficulty because the lot was created by the acts of the property owner. Rick Smith said there is no criteria in the Zoning Ordinance to allow a variance. The Board suggested the adjacent neighbor be requested to sell 33 feet by 200 feet wide to the Lautner's so they can build on the subject property. Motion/Featherstone, support/Wilson, PASSED to deny the request of Duane and Mary Lautner for a 33 foot variance for lot area of property located on Emerson Road in the A-1, Agricultural District, Parcel 28 05 025 019 20 because there is no practical reason, and it doesn't meet the general or special conditions for granting a variance. Roll call vote for the motion: Wilson-yes; Smith-yes; Thompson-yes, Featherstone-yes. No: None. Absent and excused: Shugart.

Public hearing - Petition of K-Mart

A public hearing was held on the request of K-Mart who requests review and approval of signage for property located at 1712 S. Garfield Ave., in the C-4, Planned Shopping District. Tom Amor of Amor Signs represented K-Mart. K-Mart proposes to change its retail store sign to the Big K and requests permission to increase the square footage of the logo and remove the words "K

Mart” from the garden shop sign as part of the C-4 approval

Discussion by the Board

Scott McPherson said the signage would increase by approximately 65 square feet with a total increase in signage of 125 feet. The total square footage for K-Mart and big is approximately 260 square feet. The existing K-Mart sign is 120 square feet. Bob Featherstone said he doesn't think the original signage was any larger than what it requested now. Motion/Thompson, support/Featherstone, PASSED to approve the signage for K-Mart of approximately 125 square feet. Roll call vote for the motion: Wilson-yes; Smith-yes; Thompson-yes; Featherstone-yes, but I think it meets the intent of the signage originally approved in the C-4, Planned Shopping District. No: None. Absent and excused: Shugart.

Public Input

There was no public input.

Other Business

There was no other business.

Adjournment

The meeting was adjourned at 7:34 p.m.

Marge Johnson, Administrative Secretary



Charter Township of Garfield

Grand Traverse County

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

LETTER OF INFORMATION

08/24/2022

MBANK
PO BOX 23900
GREEN BAY WI 54305

RE: Activity at 3530 NORTH COUNTRY DR, Parcel Number 05-021-053-00

Dear Owner/Occupant,

This letter is to inform you that our office has found the following violation at the location referenced above:

Removal of landscape buffer required by the Township as a condition of site plan approval. (See attached landscaping plan and meeting minutes). Please contact our Planning Department to determine actions needed to resolve the violations noted here.

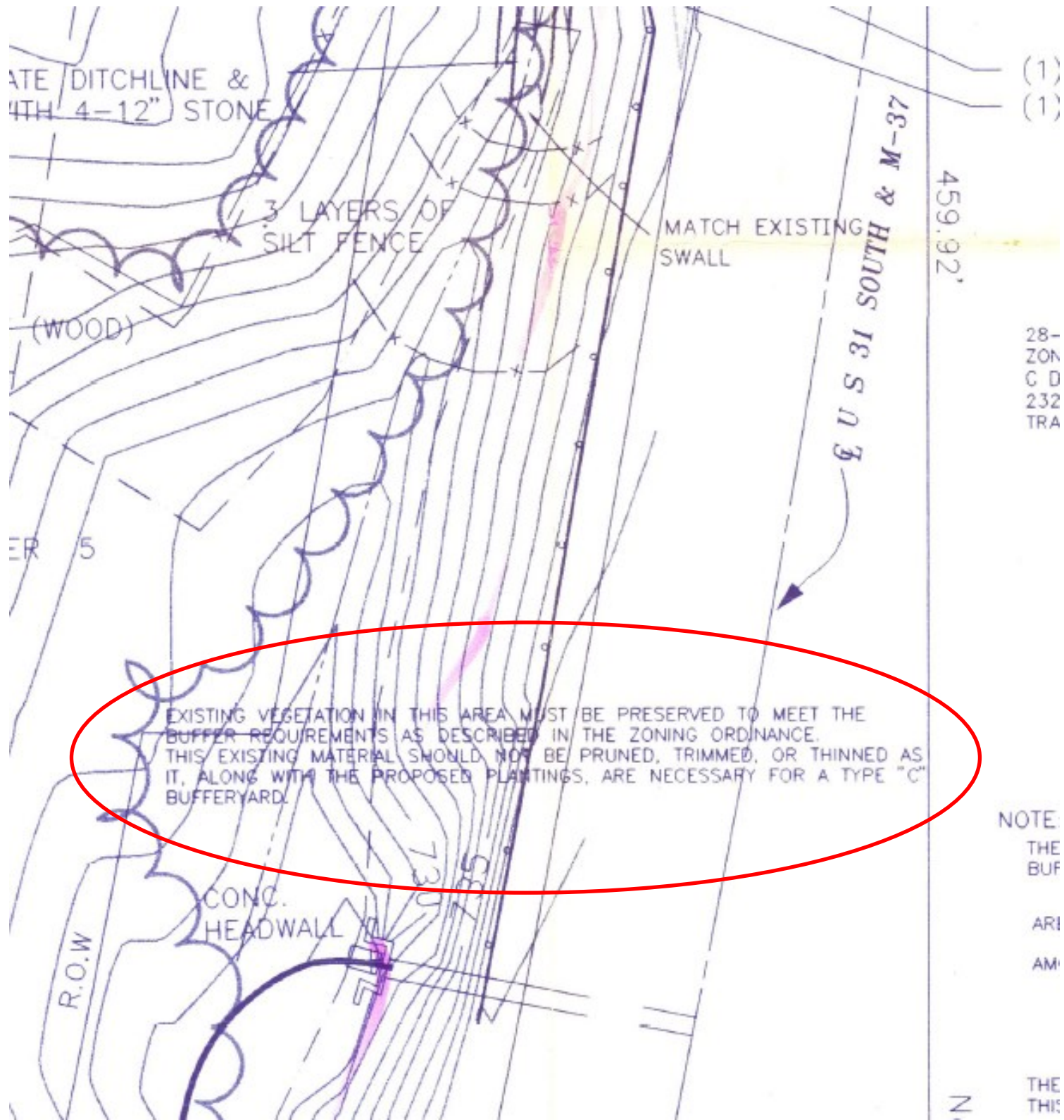
It is our procedure to first inform property owners or occupants of a violation as quite often they are not aware a violation has occurred. **Please contact the Garfield Township Planning Department within 14 days of receipt of this letter to avoid further enforcement.**

Thank you in advance for your cooperation in this matter as it is our desire to attain voluntary compliance and avoid the need for further enforcement. Should you have any questions, comments, or concerns regarding this letter, please do not hesitate to contact the zoning office at by phone, in person by appointment.

Thank you,

Sincerely,

Michael Green,
Zoning Administrator
Charter Township of Garfield
231.941.1620 x 230
Email: mgreen@garfield-twp.com



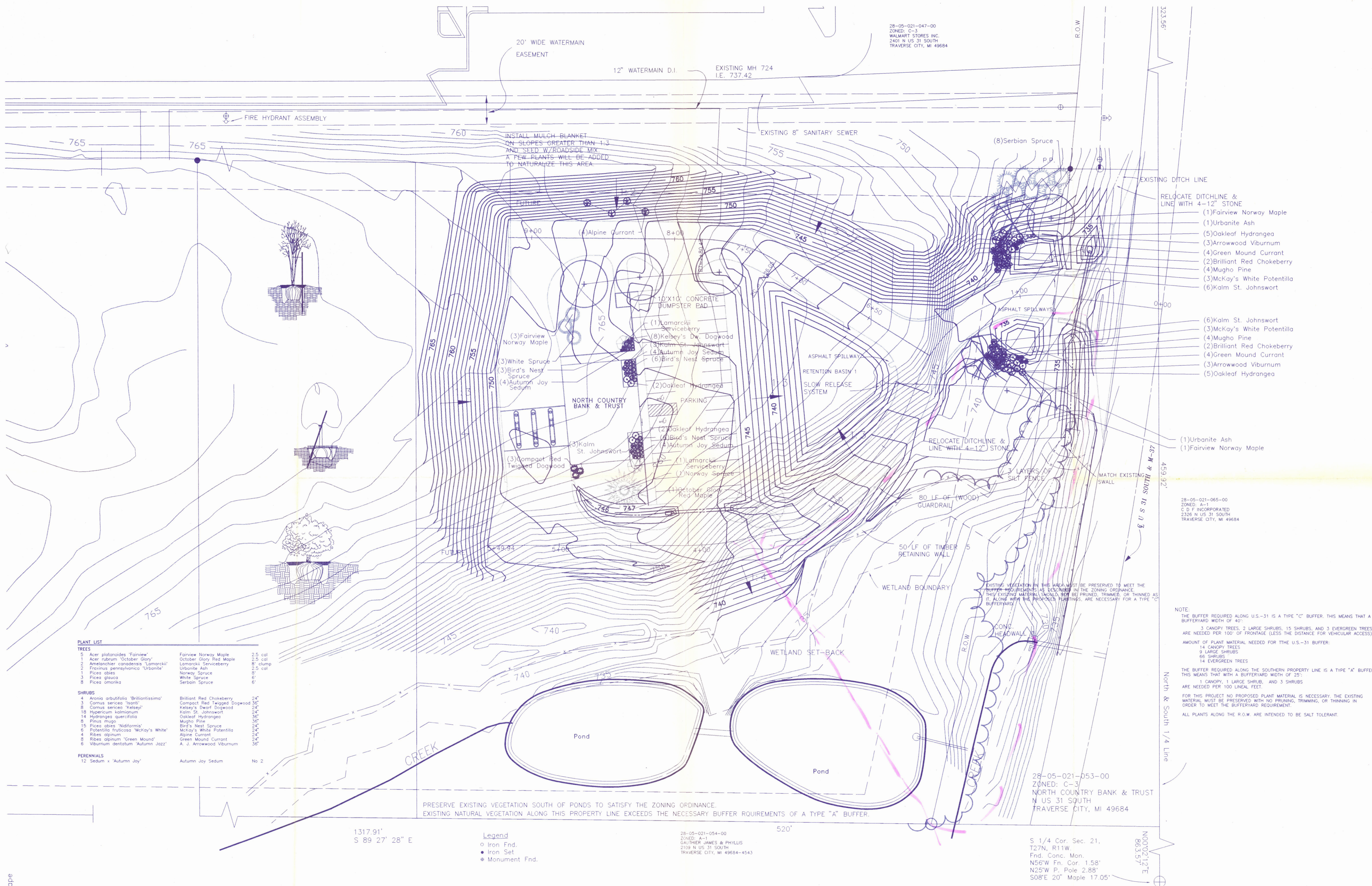
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**Gourdie/Fraser
& Associates, Inc.**

Consulting
Engineers
Surveyors
Planners

124 West State Street
P.O. Box 927
Traverse City, Michigan
49684
Ph: (616) 946-5874
Fax: (616) 946-3703



Sheet Title:

Project

Project No.
97100

Sheet

of 1

Sheet Title:
Project
North Country Bank & Trust
Traverse City, Michigan

Client:

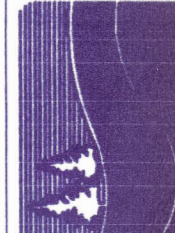
Date: 10-28-97

Scale: 1" = 30'0"

Drawn By: sms

Checked By:

Revision:



R. CLARK ASSOCIATES, INC.
Landscape Architects & Land Planners
2706 Hartman Road, Traverse City, MI 49684
Phone (616) 941-8505 Fax (616) 947-2748