

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, October 16, 2019 @ 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

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

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

Excused: Steve Duell

Staff Present: Zoning Administrator Michael Green

1. **Review and approval of the agenda and declaration of a Conflict of Interest**
Fricke moved and Swan seconded to approve the agenda as presented.

Yeas: Fricke, Swan, Rozycki, Smith

Nays: None

2. **Minutes – August 21, 2019**
Swan moved and Fricke seconded to approve the minutes of August 21, 2019 as presented.

Yeas: Swan, Fricke, Rozycki, Smith

Nays: None

3. **Public Hearings**

- a. **A request was made by Karen and Steven Duell for a variance from the setback requirements in Section 325.D of the Garfield Township Zoning Ordinance. The applicant is requesting two variances from the 20 foot side setback requirement to allow the division of property between existing dwellings located at 922 and 978 N. East Silver Lake Road. The request, if granted, would reduce the side setback from 20 feet to 19 feet for the dwelling located at 922 N. East Silver Lake Road and would reduce the side setback from 20 feet to 10 feet for the dwelling located at 978 N. East Silver Lake Road. The property is zoned A- Agricultural and is located at 922 N. East Silver Lake Road with a property number of 05-032-003-00.**

Steve Duell spoke as a representative of the Trust. The house dates back to 1993 and the current ordinance uses the term

“dwelling” in the singular instead of “dwellings” in the plural which is why there may be more than one residences on the land. The land is in a trust and in order to settle the trust, a split needs to be made which would place each home on its own non-conforming lot. The subject parcel is currently used for agricultural and residential purposes. Smith opened the public hearing at 6:21pm and seeing no one wishing to speak, closed the public hearing. Zoning Administrator Michael Green said that the Practical Difficulty standards under Section 454.E.1 and the General Criteria under Section 454.E.2 must be met. Board members reviewed the findings of fact as written in Staff Report 2019-04.

Based on the unanimous vote for each of the standards in Section 454.E.1 and Section 454.E.2, Rozycki moved and Swan seconded to approve case number 2019-04 Section 325 Agricultural District Side Setback Requests on property number 05-032-003-00.

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

- b. A request made by Pro Builders on behalf of Regan Development LLC for a variance from the setback requirements in Section 319.D of the Garfield Township Zoning Ordinance. The applicant is requesting a variance from the 20 foot side setback requirement to allow an addition to an existing office building located at 1745 Barlow Street. The request, if granted, would reduce the side setback from 20 feet to 10 feet for the proposed addition. The property is zoned C-O Office Commercial and is located at 1745 Barlow Street with a property number of 05-014-054-00.**

Shaun O'Connor from Regan developments would like to add a 40x50 addition to an existing building. Other similar buildings in the mixed-use area have been built pursuant to a similar sideyard setback variance.

Smith opened the public hearing at 6:38pm and seeing no one wishing to speak, closed the public hearing. ZBA members discussed the findings of fact under Section 454.E.1 and 454.E.2.

After determining unanimously that all standards have been met under Sections 454.E.1 and Section 454.E.2 Fricke moved and Rozycki seconded to approve ZBA case number 2019-05 a side yard variance request for a building addition for parcel number 05-014-054-00.

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

4. Other Business

None

5. Items for next agenda

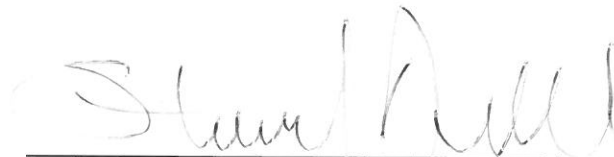
None

6. Public Comment

None

7. Adjournment

Swan moved and Fricke seconded to adjourn the meeting at 6:43.



Steve Duell, Secretary