

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

Wednesday, June 19, 2019 @ 6:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

A G E N D A

Call meeting to order
Roll call of Board Members

1. Review and approval of the Agenda and declaration of a Conflict of Interest
2. Minutes – 3-20-2019
- 3.
4. Public Hearing
 - a. A request made by Nathan Fekete for a variance from the front yard setback(s) of the Garfield Township Zoning Ordinance. The applicant is requesting relief from the Front setback along Sunrise Lane from 30 feet to 11 feet and relief from the front setback on Wyatt Road from 30' to 15 feet. The property is zoned R-1 Single Family Residential and is located at the corner of Wyatt Road and Sunrise Lane and with a property number of 05-017-020-10.
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, or TDD #922-4412.

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, March 20, 2019 @ 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Vice Chair Kent Rozycki called the meeting to order at 6:00pm.

Board Members Present: Steve Duell, Lynne Fricke, Kent Rozycki, and Scott Swan

Absent and Excused: Rick Smith

Staff Present: Zoning Administrator Michael Green

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

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

2. **Minutes – November 21, 2018**
Duell moved and Fricke seconded to approve the minutes of November 21, 2018 as presented.

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

3. **Public Hearings**

- a. **Living Hope Church**

A request made by Peninsula Construction & Design on behalf of Living Hope Church for a variance from the setback requirements. The specific request is asking for a variance from 40 ft to 10 ft for the existing section of asphalt parking located on the south side of the property along Day Drive – approximately 7300 sq ft. The property is zoned R-1 Single Family and the current use is institutional. The property is located at 3050 W. South Airport Road with a property number of 05-105-001-00.

Steven Richardson of Peninsula Construction said that the property has been this way since the parking lot was paved in 1996. Living Hope Church simply wants to keep what they have maintained since 1976. Since construction of the current facility, more stringent setback regulations for churches were adopted with the 2015 Zoning Ordinance. The applicant wants to maintain and

upgrade a portion of the existing parking area that encroaches into the forty foot setback along Day Drive. The new plan for the existing parking area along Day Drive would reconfigure parking slightly to be set back at least ten feet from the road right of way. Zoning Administrator Mike Green gave a short review of the request and the history of the property. In order to move forward with expansion plans, the zoning variance is needed as the first step.

Vice Chair Rozycki opened the Public Hearing at 6:07pm. Mark Martin of E. River Rd asked about the process of the variance and what would happen next if approved by the ZBA. Duell explained the process and answered his question.

The Public Hearing was closed at 6:11pm.

Green said that for the variance to be granted, all Practical Difficulty standards under Section 454 E must be met, along with all of the General Criteria under Section 454.e.2 and at least one of the Special Conditions or Circumstances.

Duell moved and Swan seconded to approve the Findings of Fact in Favor of the applicant in case #2019-01 as attached in Zoning Board of Appeals Staff report dated March 20, 2019.

Yeas: Duell, Swan, Fricke, Rozycki

Nays: None

Duell moved and Fricke seconded to approve zoning variance 2019-01 for a 30 foot variance from a 40 foot parking lot setback in the matter of Living Hope Church, 3050 W. South Airport Road, property ID #05-105-001-00.

Yeas: Duell, Fricke, Swan, Rozycki

Nays: None

7. Other Business

a. Election of Officers

Duell moved that all officers remain in place for the 2019 year resulting in Smith as Chair, Rozycki as Vice Chair & Duell as Secretary. Fricke seconded the motion.

Yeas: Duell, Fricke, Rozycki, Swan

8. Items for next agenda

Green updated board members on the Bay Meadows Golf Course and said that after Planning Department review, the 200 foot setback may be found to be excessive. The matter may be taken up by the Planning Commission.

9. **Public Comment**
None

10. **Adjournment**
Swan moved and Fricke seconded to adjourn the meeting at 6:19pm.



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: June 19, 2019
Case #: 2019-02 Section 313 R-1 front yard setback variance request
Owner: Nathan Fekete
Applicant: (same as owner)
Property ID #: 05-017-020-10
Property Location: Corner of Wyatt Road and Sunrise Lane (undeveloped)
Zoning District: R-1 One Family Residential

Parcel Overview and History

The parcel is located in a non-platted area adjacent to the Hearthside Acres No. 3 Subdivision. The subject parcel and surrounding properties are all zoned R-1 One Family Residential. It appears that the parcel has created in its current configuration as a “leftover parcel” with the platting of the Hearthside Acres No. 3 Subdivision in 1973 and subsequent location of Sunset Lane across the south side of the parcel. The creation of the parcel predates the adoption of the first Zoning Ordinance, adopted on February 14, 1974. The parcel is generally located within a series of connected subdivisions and other residential developments located along Wyatt Road, which runs westerly from it’s intersection with Silver Lake Road near the new Grand Traverse YMCA.

Request

A request has been made by Nathan Fekete for a reduction in the front yard setback from 30 ft. to 11 ft adjacent to Sunset Lane and a reduction in the front yard setback from 30 ft. to 15 ft. adjacent to Wyatt Road. The applicant has submitted a site plan that illustrates the proposed layout of a dwelling and attached garage. The property is zoned R-1 One-Family Residential, and is located at the northwest corner of Wyatt Road and Sunset Lane, with a property number of 05-017-020-10.

Staff Comments

Based on the information provided in this report, I am confident in stating that the parcel qualifies as a legal non-conforming parcel and would allow it to be developed in accordance with Section 814 Nonconforming Lots (see excerpt below) and subject to the Variance approval criteria in 454.E shown in the following pages of this report.

SECTION 814 NONCONFORMING LOTS

A. Applicability

This section applies to the continuation, enlargement, or expansion of a nonconforming lot.

B. Development

Any lawfully established nonconforming lot may be developed and used for any permitted use specified by the zoning district in which the lot is located, whether or not such lot complies with the lot area and lot width requirements of this ordinance, provided that all other requirements of this ordinance are complied with. This section does not require the replatting or combination of lots under the same ownership.

Aerial view of subject parcel and adjacent properties



Location Map

Legend

- █ Pelete/Variance_SubjectParcel_05222019
- Stream

SYSTEM

- █ Wetland

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or implied, that the information on this map is current or otherwise accurate. Any reliance on this map is at the user's own risk. No responsibility is assumed for errors or omissions.

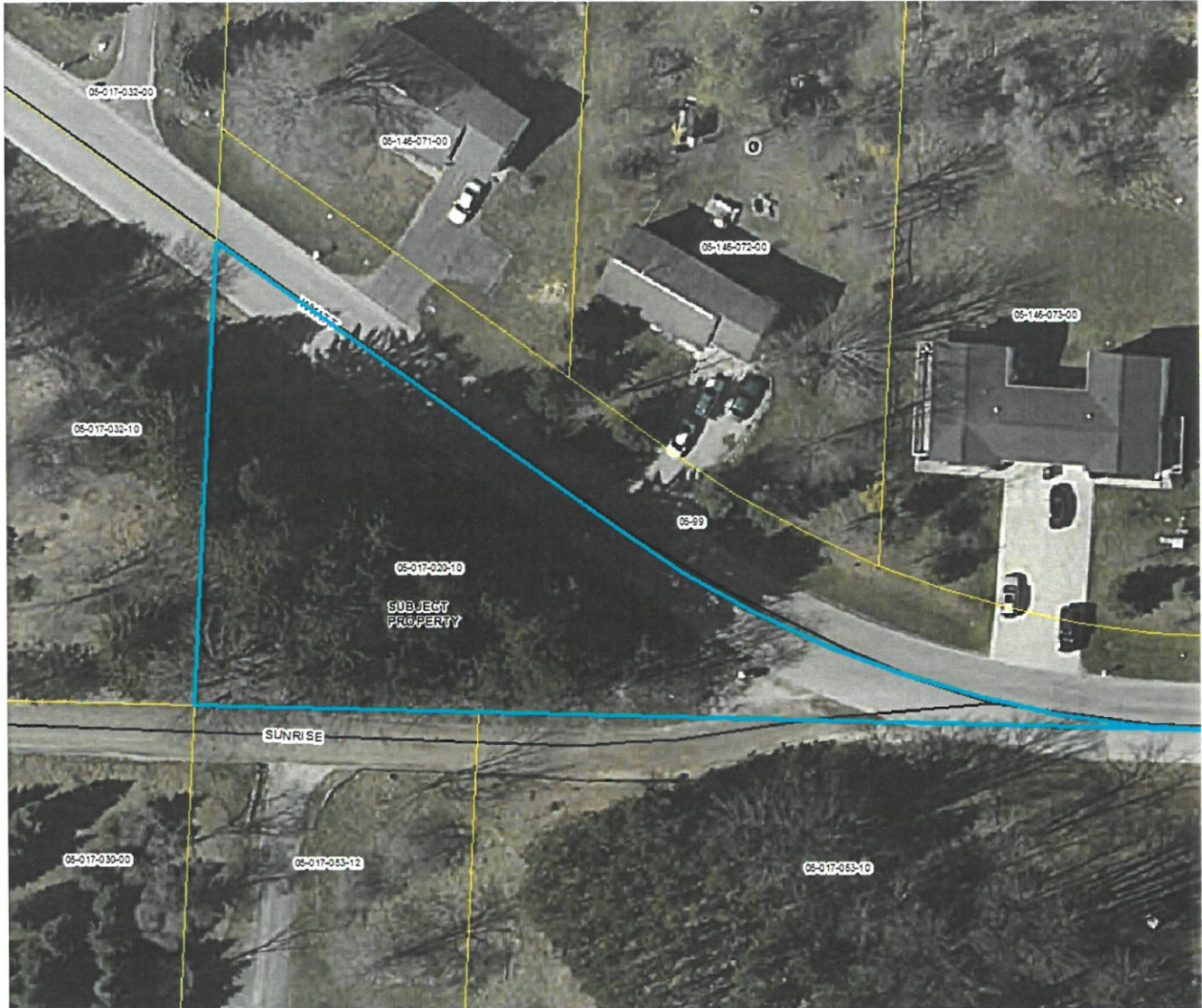
Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Garfield Township Zoning Dept. 6/13/2019

Aerial View of the property



In addition to the maps provided in this report, I am also attaching other thematic maps of the subject parcels to give you additional information.

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.

(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);

Possible finding in favor: The subject parcel is somewhat smaller than other R-1 parcels is situated on a corner lot, which further limits the available building envelope. The subject parcel is 9529 sq. ft. in area; other parcels in the area are much larger in size and appear to meet or exceed the minimum area (20,000 sq. ft) requirement within the R-1 District.

- (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;

Possible finding in favor: The applicant did not create the hardship as the parcel was created before any zoning regulations went into effect.

- (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;

Possible finding in favor: Strict application of the provisions of this Ordinance would render the property unbuildable.

- (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;

Possible finding in favor: This hasn't been brought up by the applicants as a factor in their decision.

- (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.

Possible finding in favor: This hasn't been brought up by the applicants as a factor in their decision.

(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;

Possible finding in favor: The property is under sole 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;

Possible finding in favor: The request is not based on any nonconformity related to other properties.

- (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;

Possible finding in favor: The requested variance will not be detrimental to the public health safety and welfare due to that the request will not create any adverse conditions that would affect neighboring properties.

- (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;

Possible finding in favor: *The requested variance will not alter the essential character of the area due to that the home will not have a large footprint and will only affect a small land area.*

- (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.

Possible finding in favor to the request: *The proposed home is of relatively small size (1200 square feet) in relation to other homes in the area, indicating that the applicant has taken steps to lessen the need for further setback relief.*

Possible finding in opposition to the request: *There may be better configurations that would possibly lessen the amount of setback relief needed, especially considering how close the dwelling would be located to both roadways.*

(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.

Possible finding in favor: *The subject parcel is somewhat smaller than other R-1 parcels containing and is situated on a corner lot, which further limits the available building envelope. The subject parcel is 3.21 acres; the other three churches zoned R-1 in the Township range from 4.3 to 7.8 acres.*

(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).

Possible finding in favor: *As stated earlier in this report, the lot is considered a legal nonconforming lot as it was created prior to adoption of any zoning regulations in the township.*

(d) Historic Resources

The proposed project site contains historical significance.

(e) Neighborhood Character

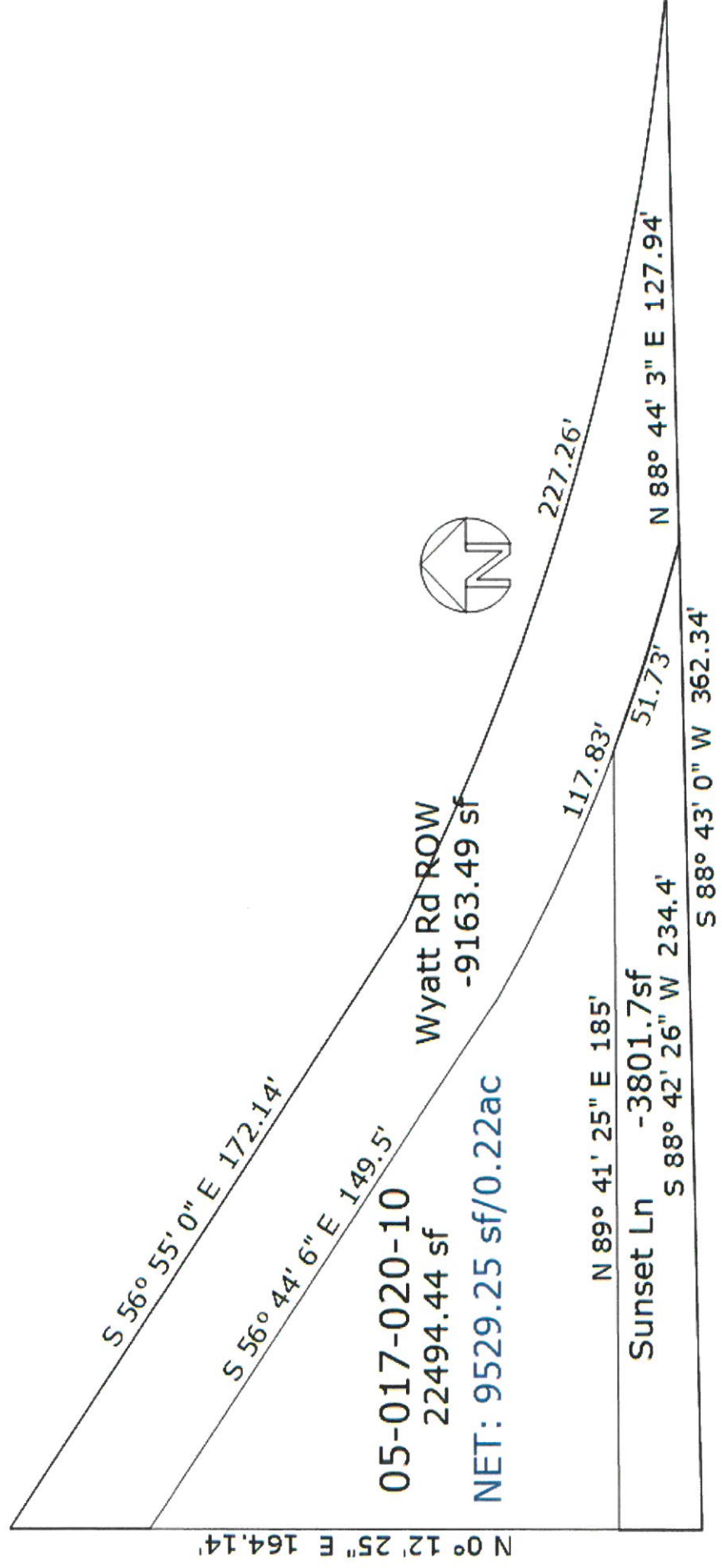
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements.

Recommendation

I have provided you with possible findings in favor of each Practical Difficulty standard and all of the General Criteria. 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. Please feel free to contact me if you have any questions before the meeting.

Sincerely,

Michael Green, Zoning Administrator
Charter Township of Garfield



2711-1723
Garfield

Grand Traverse County, Michigan

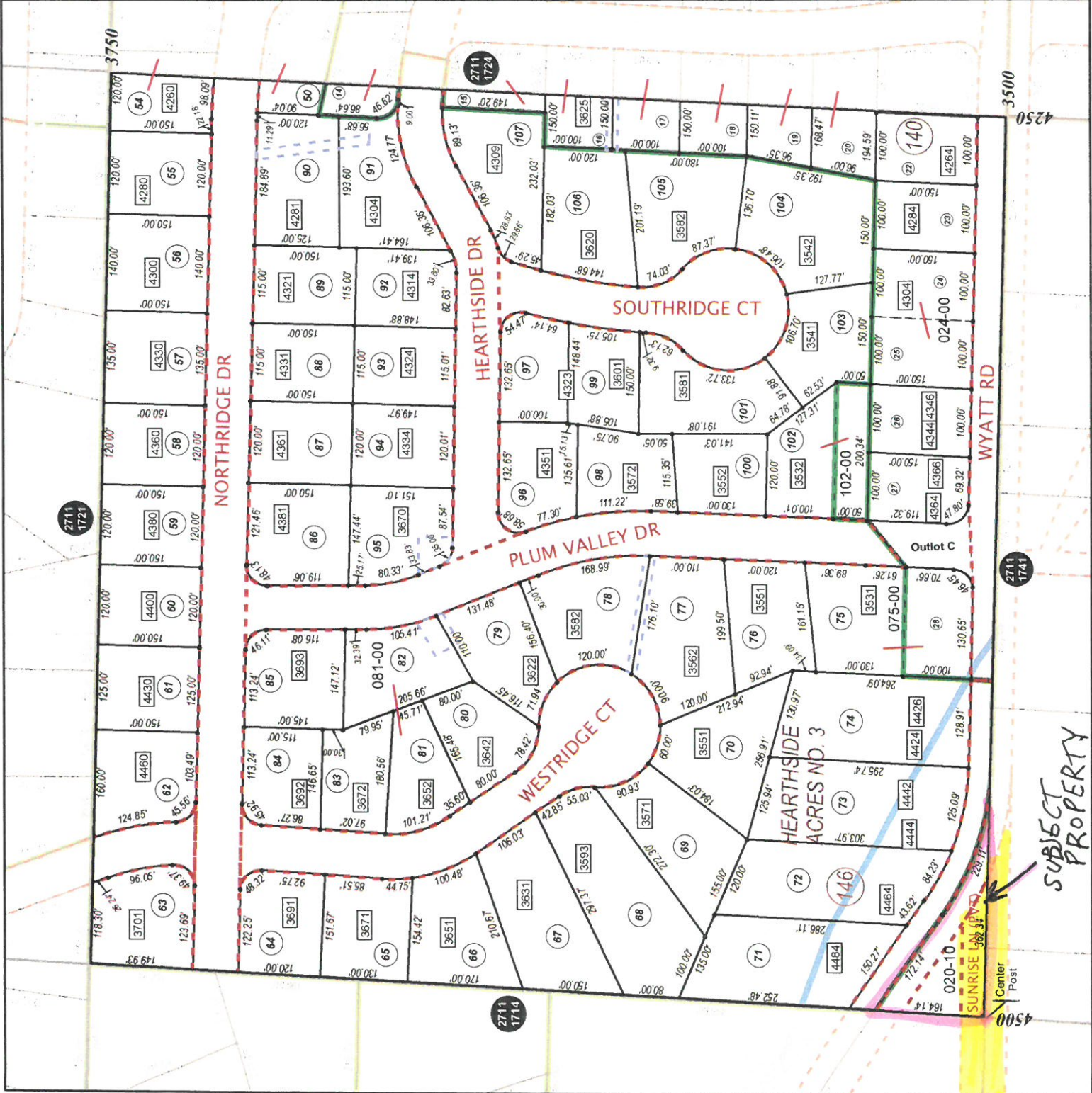
T27N-R11W
Section 17
SW 1/4 of NE 1/4
28-05-017 - ### - ##



LEGEND

	Parcel Lines	016-10
	Parcel Identification Number	4285
	Lot Number	13
	Address	4285
	Platted Lines	
	Parcel Ownership Hook	
	Dimensions	
	Direction	N 1° 23' 30" E
	Acres	29.6 AC.
	Subdivisions and Condominiums	
	Subdivision and Condominium ID	
	Drain Easement	
	Government Lots	
	Electrical Easement	
	Section Posts	
	Road Easement	
	Road Name	Hill Rd
	Railroad	
	Rivers & Streams	
	Lakes and Ponds	
	Page Reference	
	Miscellaneous Lines	
	Address Range	6000 - 7000

This map is based on digital databases prepared by Grand Traverse County. Grand Traverse County does not warrant, expressly or impliedly, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.



SUBJECT PROPERTY

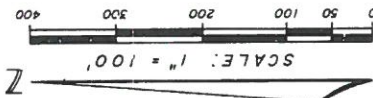
HEARTHSTONE ACRES NO. 3

PART OF THE N.E. 1/4 SEC. 17, T. 27N., R. 11W.,
GARFIELD TWP., GRAND TRAVERSE CO.,
MICHIGAN.



VICINITY MAP (No Scale)

- All dimensions are in feet.
- All curvilinear dimensions are arc lengths.
- Concrete marked "0" have been placed at all corners.
- Lot corners have been marked with 1/2" iron pipe 18" long.
- All lot lines intersecting curvilinear street or boundary lines are nonradial unless otherwise designated.
- (R) indicates radial lot lines.
- Bearings were established from the recorded plat of Hearthstone Acres recorded in Liber 10, page 17-18 of plats.



NO.	RADIUS	DELTA	ARC	BEARING	CHORD	DISTANCE
1	30.00	88°-23'-00"	46.45'	N. 44°-21'-30" E.	41.95'	41.95'
2	30.00	94°-17'-40"	50.31'	S. 42°-08'-17" W.	25.70'	25.70'
3	30.00	34°-22'-00"	209.32'	N. 74°-05'-17" W.	205.20'	205.20'
4	90.00	275°-34'-34"	132.87'	N. 44°-24'-51" E.	120.94'	120.94'
5	80.00	39°-24'-37"	55.03'	S. 17°-30'-10" E.	53.95'	53.95'
6	80.00	56°-09'-57"	78.42'	N. 65°-17'-27" W.	75.37'	75.37'
7	131.70	38°-13'-26"	101.20'	N. 18°-05'-46" E.	99.34'	99.34'
8	217.70	38°-13'-26"	145.23'	S. 18°-05'-46" E.	142.55'	142.55'
9	30.00	92°-17'-08"	48.32'	S. 45°-07'-37" E.	43.26'	43.26'
10	30.00	94°-17'-40"	50.31'	S. 41°-15'-39" E.	45.68'	45.68'
11	30.00	88°-23'-00"	46.45'	S. 41°-15'-39" E.	41.31'	41.31'
12	30.00	87°-01'-03"	45.56'	S. 47°-45'-39" E.	41.31'	41.31'
13	30.00	87°-42'-52"	45.93'	N. 44°-52'-23" E.	41.57'	41.57'
14	30.00	88°-04'-17"	46.11'	N. 47°-14'-02" E.	41.71'	41.71'
15	30.00	91°-55'-43"	48.13'	N. 42°-45'-58" E.	43.13'	43.13'
16	211.41	21°-46'-12"	105.41'	N. 14°-04'-59" W.	104.77'	104.77'
17	394.09	24°-38'-39"	168.51'	N. 14°-04'-59" W.	179.95'	179.95'
18	30.00	12°-03'-52"	58.68'	N. 12°-08'-31" E.	187.70'	187.70'
19	30.00	66°-50'-33"	35.00'	S. 32°-09'-26" W.	49.76'	49.76'
20	30.00	66°-50'-33"	35.00'	S. 58°-23'-22" E.	33.05'	33.05'

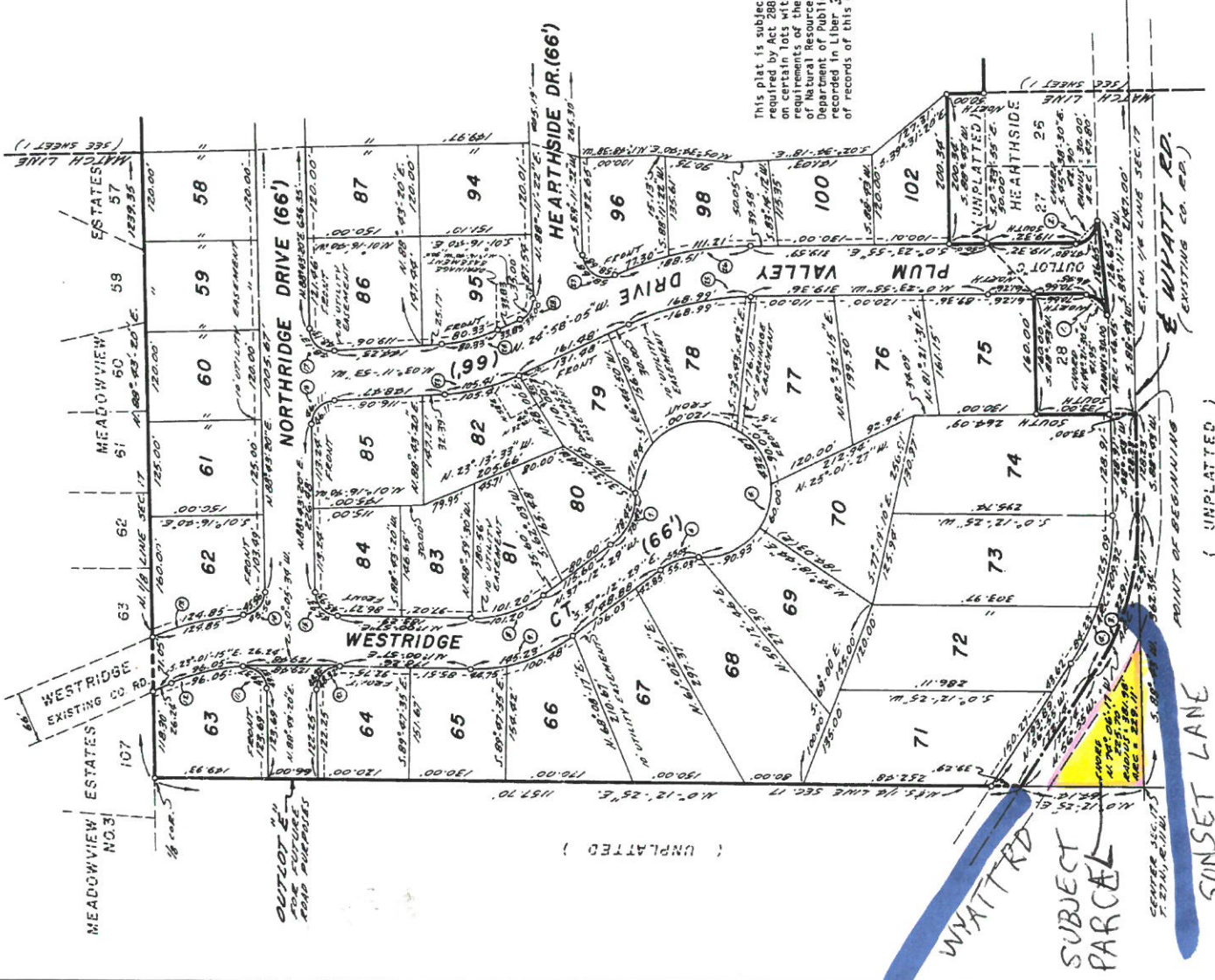


54220

GOURDIE - FRASER AND ASSOCIATES INC.
184 WEST STATE, TRAVERSE CITY, MICHIGAN 49884
108 EAST WASHINGTON, MARQUETTE, MICHIGAN

PROJECT NO. 72221

This plat is subject to restrictions as required by Act 286 of 1967, as amended on certain lots with respect to the requirements of the Michigan Department of Natural Resources and/or the Michigan Department of Public Health, which are recorded in Liber 357, Page 577 of records of this county.



WYATT RD
SUBJECT PARCEL
SUNSET LANE
POINT OF BEGINNING (UNPLATTED)

CHARTER TOWNSHIP OF GARFIELD

ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals will hold a public hearing at their regular meeting on June 19, 2019 at 6:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684. The following request will be heard:

- 1) A request made by Nathan Fekete for a variance from the front yard setback(s) of the Garfield Township Zoning Ordinance. The applicant is requesting relief from the Front setback along Sunrise Lane from 30 feet to 11 feet and relief from the front setback on Wyatt Road from 30' to 15 feet. The property is zoned R-1 Single Family Residential and is located at the corner of Wyatt Road and Sunrise Lane and with a property number of 05-017-020-10.

- 2) ~~A request made by Peninsula Construction on behalf of Active Brace & Limb for a variance from the setback requirements in Section 535.A (1) of the Garfield Township Zoning Ordinance. The applicant is requesting a variance from the seventy-five (75) foot buffer requirement to seventy (70) foot buffer from a watermark or normal stream bank to build a medical office/lab. In addition, the applicant is requesting a variance from the buffer requirements of Section 551(4) for parking and parking spaces and Section 535 (A)(4) buffer requirement for streets and access drives from a watermark or normal stream bank. The request is to reduce the required buffer from 50 feet to 35 feet. The property is zoned C-O Office Commercial and is located at 5136 N Royal Drive with a property number of 05-347-010-00.~~

WITHDRAWN
BY
APPLICANT

A copy of the application, zoning ordinance and zoning map may be inspected at the zoning office of the Charter Township of Garfield located at 3848 Veterans Drive, Traverse City, Michigan between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons will have the right to speak at the Public Hearing. Any written comments with respect to this application may be submitted to the Township zoning department at the address above during regular office hours as described above or during the Public Hearing. The Township's telephone number is 231-941-1620.

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

Michael Green – Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

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* * * * *



Location Map

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: 5/22/2019

- Legend**
- Subject Property - Nathan Fekete
 - 300 ft. Notification Boundary
 - Parcels2018

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 positionally accurate. Always contact a surveyor to be sure of where your property lines are located.