

Charter Township of Garfield  
Zoning Board of Appeals Meeting

Wednesday, June 19, 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:** Lynne Fricke, Kent Rozycki, Scott Swan, and Rick Smith  
**Absent and Excused:** Steve Duell  
**Staff Present:** Zoning Administrator Michael Green

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

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

2. **Minutes – March 20, 2018**  
*Fricke moved and Swan seconded to approve the minutes of March 20, 2019 as presented.*

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

3. **Public Hearings**
  - a.

**A request was 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.**

The parcel is located in a non-platted area adjacent to the Hearthside Acres No. 3 subdivision. The subject parcel and all surrounding parcels are zoned R-1 Family Residential. The creation of the "leftover" parcel predates the adoption of the first Zoning Ordinance adopted in 1974. Staff said that this is a legal non-conforming parcel.

The applicant does not need the variance on Sunrise any longer, but is still asking for a 15' front yard setback variance on Wyatt Road. Mr. Fekete spoke and asked to build an approximately 30'x40' rectangular home. Zoning Administrator Mike Green said that challenges are created by the shape of the lot and the zoning board of appeals needs to be fair to the applicant by looking at other similar homes in the area. Board members commented on the proposed variance and asked the applicant if he could possibly build a home without a variance or as small of a variance as was possible.

Chair Rick Smith opened the Public Hearing at 6:13pm.

*Mike McGrath* of Sunrise Lane shared concerns with the proposed variance, commented on property values and said that the applicant should have been aware of the challenges on the lot at the time of purchase.

*John Habenills* shared his concerns with the variance in terms of erosion issues.

*Chris Woods* of Sunrise Lane said that the further the project sits off of Sunrise Lane, it is better.

*Gordon Gottfried* of Sunrise Lane commented on minimum size requirements for a home.

*Laura Gottfried* of Sunrise Lane does not agree with variances at all and thinks this case should be no exception.

*Robert Reese*, adjacent property owner to the north and west, stated that he is against a variance at this time because he has not seen any plans.

Chair Smith closed the Public Hearing at 6:45pm.

Commissioners discussed the proposed variance at length and talked with the applicant about building options for the lot. The applicant decided to maintain his request for the 15' variance on Wyatt Road in order to have a 2 car attached garage, rather than a lesser variance with a carport to try to maintain a similar type home for the neighborhood.

The Board then reviewed the Practical Difficulty Standards under Section 454.E.1.

- a. Board members found that this standard has been met because the subject parcel is smaller than other R-1 parcels in the area and is situated on a corner lot, which limits the available building envelope. The parcel is 9529 square feet in area while other parcels in the neighborhood are much larger in size.
- b. Three out of four board members agreed that this standard was met since the parcel was created before and zoning regulations went into effect.
- c. Board members agreed that this standard was met because strict application of the provisions of the Zoning Ordinance would render the property unbuildable.

- d. Board members found themselves in a tie since literal interpretations of the ordinance may or may not result in the deprivation of the applicant's rights compared to everyone else in the neighborhood.
- e. Board members agrees that a practical difficulty would not exist since the applicant would incur extra costs in achieving full compliance with the ordinance.

The Board reviewed the General Criteria Standards under Section 454.E.2 of the Zoning Ordinance.

- a. Board members agreed with this finding because the applicant owns the property.
- b. Board members agreed with this finding because the request is not based on any nonconformity related to other properties.
- c. Board members agreed with this finding because the variance will not be detrimental to the public health, safety and welfare.
- d. Board members found that this standard was met because the requested variance would not alter the essential character of the area since the home would only have a small footprint and would affect a small land area.
- e. Board members were tied on the finding since the applicant may be able to build a small home within the setbacks, however, that home may be oddly shaped and out of character with other homes in the area.

The Board reviewed the special conditions.

- a. Board members agreed that this condition was met because of the irregular shape and size of the parcel compared to neighboring parcels.
- b. Board members agreed that this condition was not applicable.
- c. Board members agreed that this condition was met based on the nonconformity of the lot.
- d. Board members agreed that this condition was not applicable.
- e. Board members agreed that this condition was met because the proposed project would fit in with other homes in the area.

*Fricke moved and Swan seconded to approve the ZBA case No. 2019-02 for an R-1 front yard setback variance of 15 feet on Wyatt Road as requested.*

*Yeas: Fricke, Swan, Smith*

*Nays: Rozycki*

**4. Other Business**

None

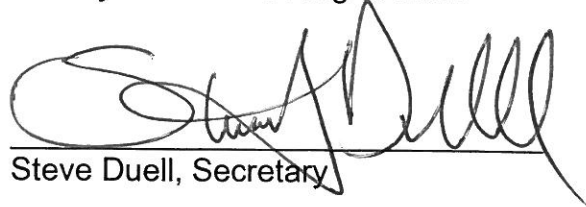
**5. Items for next agenda**

There will be a meeting in July.

6. **Public Comment**  
None

7. **Adjournment**

*Swan moved and Fricke seconded to adjourn the meeting at 7:27.*



Steve Duell, Secretary