

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

Wednesday, July 19, 2017 @ 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 – November 16, 2016 & January, 18 2017
3. Public Hearings:
4. A request has been made by John C Ogden for a variance from Section 434.(3) B of the Garfield Township Zoning Ordinance to reduce the front yard setback from 30' to 20' as well as reducing the wetland setback from 25' to 17'. The property is zoned R-1 and is located at 818 Incochee Woods and with a property number of 05-184-038-00.
5. A request has been made by Serra Works of Traverse City LLC for the following items: A variance from Section 630.E.3 of the Garfield Township Zoning Ordinance to allow various wall signs on a proposed building in excess of 100 sq. ft per exterior wall face; A variance from Section 630.E.2 of the Garfield Township Zoning Ordinance to allow more than one freestanding sign per parcel; and an interpretation of Section 630.E.3 that would consider each projection on a building a separate wall, which would allow an increase in wall signage by right.
6. A request made by Traverse City Realty Holdings, Villa Healthcare, for a variance from Section 315 of the Garfield Township Zoning ordinance to reduce the front yard setback from 25' to 0'. The property is zoned R-3 and is located at 2828 Concord Street, Traverse City MI with a property ID of 05-100-038-00.
7. Other Business
8. Items for next agenda
9. Public Comment
10. 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, January 18, 2017 @ 7:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Chair Rick Smith called the meeting to order at 7:00pm.

Board Members Present: Kent Rozycki, Steve Duell, Lynne Fricke, Gil Uithol,
Absent and Excused: Rick Smith

Staff Present: Michael Green

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

Yeas: Duell, Fricke, Uithol, Rozycki
Nays: None

2. Election of Officers:
Duell moved and Fricke seconded to nominate Rick Smith as Chair.
Duell moved and Uithol seconded to nominate Kent Rozycki as Vice Chair.
Fricke moved and Uithol seconded to nominate Steve Duell as Secretary.

Motion carried unanimously for approval of nominations and appointments.

3. **Minutes – November 16, 2016**
Uithol moved and Fricke seconded to approve the minutes of November 16, 2016 as corrected.

Yeas: Uithol, Fricke, Duell, Rozycki
Nays: None

4. **2016 Zoning Department Activities Report-As presented.**
5. **Meeting Dates for 2017 Zoning Board of Appeals**

Board members discussed changing the meeting time to 6:00 p.m. rather than 7:00 p.m.

Duell moved and Uithol seconded to approve the meeting dates as presented with the meeting time changed to 6:00 p.m.

Yeas: Duell, Uithol, Fricke, Rozycki

Nays: None

6. Other Business

None

7. Items for next agenda

8. Public Comment

None

9. Adjournment

Uithol moved and Fricke seconded to adjourn the meeting at 7:23pm.

Steve Duell, ZBA Secretary

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, November 16, 2016 @ 7:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Chair Rick Smith called the meeting to order at 7:00pm.

Board Members Present: Steve Duell, Lynne Fricke, Gil Uithol, Rick Smith

Absent and Excused: Kent Rozycki

Staff Present: Michael Green

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

Yeas: Duell, Uithol, Fricke, Smith
Nays: None

2. **Minutes – October 19, 2016**
Uithol moved and Fricke seconded to approve the minutes of October 19, 2016 as presented

Yeas: Uithol, Fricke, Duell, Smith
Nays: None

3. **Public Hearing**

- a. **Case #2016-05 – Brian A. Ameal – Rear Setback Variance**

The application requests a variance from Section 3 for a reduction in the required rear yard setback. The property is zoned R-1 One Family Residential and is located at 3167 Orthwoods Drive. The property consists of about .55 acres of land that is mostly open with some clusters of trees and slopes upward from the front to the back of the lot. The lot is within the Orthwoods Subdivision, which was platted in 1964. The Zoning Board of Appeals postponed a decision on the case so that the applicant could discuss the road setback on Gord Ann Drive with the Grand Traverse County Road Commission. Applicant Brian Ameal said he did discuss his setback issue with the road commission engineer and it is a very extensive legal process for the road commission to vacate the road

right-of-way. Ameel would need to sue all homeowners in the neighborhood for a road vacation and the average cost may be over \$10,000. The Road Commission could not give any written statement on the matter because it is against their policy. Board members commented on the legal aspect and discussed other options for garage placement with Ameel. Options were given for different placement of the garage. Board members agreed that a sideyard setback encroachment would be more favorable than a road vacation lawsuit. Smith opened the Public Hearing at 7:23pm and seeing no one wishing to speak, closed the Public Hearing. The applicant will meet with the contractor to investigate the necessary steps to abandon part of the cul-de-sac.

Duell moved and Fricke seconded to postpone 2016-05 to allow the applicant to discuss other options with his builder.

*Yeas: Duell, Fricke, Uithol, Smith
Nays: None*

4. Other Business
None

5. Items for next agenda

6. Public Comment
None

7. Adjournment
Uithol moved and Fricke seconded to adjourn the meeting at 7:30pm.

Steve Duell, ZBA Secretary



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: July 19, 2017 (continued from June 21, 2017 at owners request)
Case #: 2011-07 Request for a variance from Section 313(E) – R-1 Front Yard Setback (30 ft. min.) and Section 534(B) – Wetland Setbacks (25 ft. min.)
Owner: Incochee Woods Development
Applicant: John C. Ogden
Property ID #: 05-184-038-00
Property Location: 818 Incochee Woods Drive
Zoning District: R-1 One-Family Residential

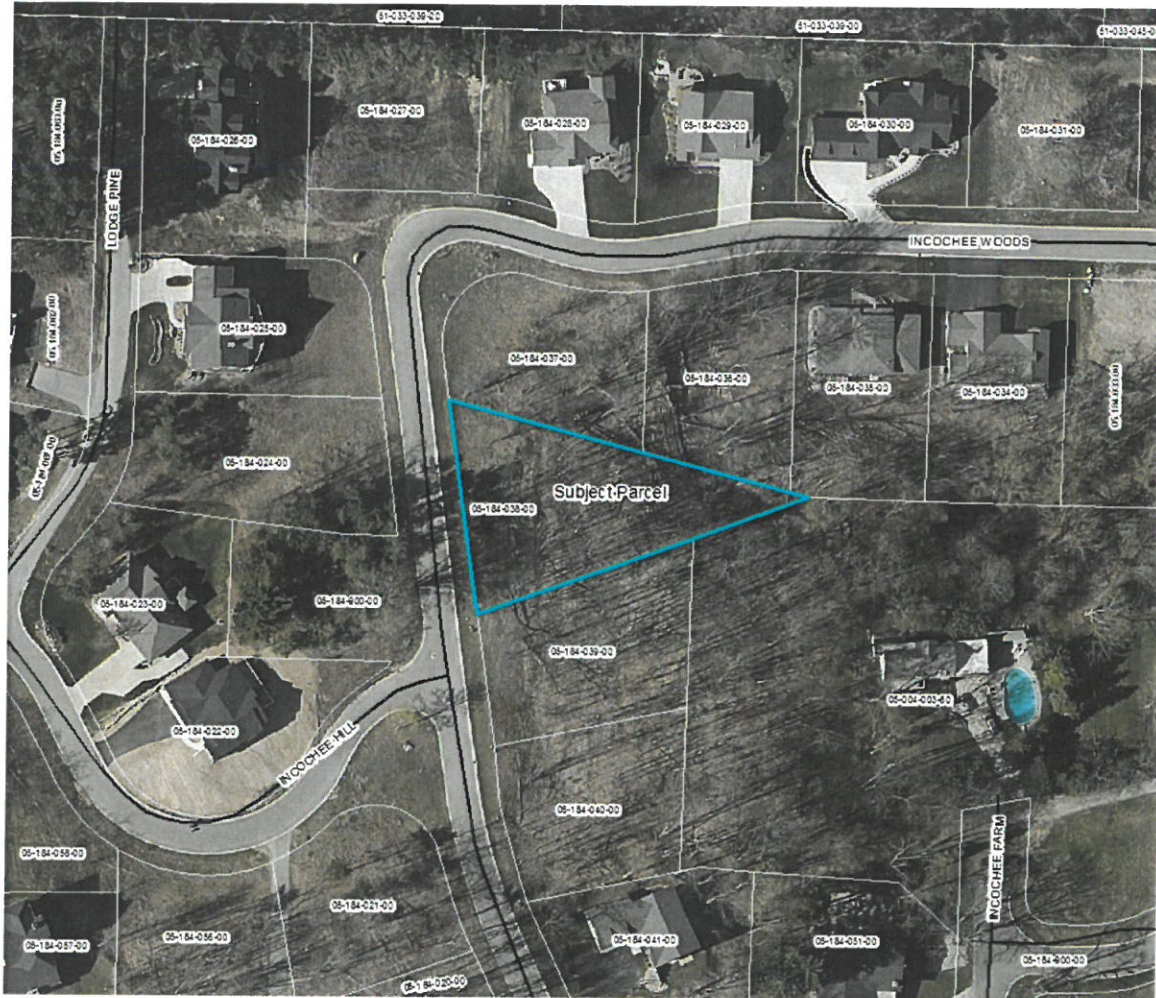
Request

A request has been made John C. Ogden for a variance from Section 313.E and 534.B of the Garfield Township Zoning Ordinance to reduce the front yard setback from 30 to 20 ft. as well as reducing the wetland setback from 25 to 17 ft. The property is zoned R-1 One-Family Residential, and is located at 818 Incochee Woods Drive, with a property number of 05-184-038-00.

Parcel Overview

The property is approximately 0.5 acres in size, sloping downward from the front to the back of the property. The property currently is undeveloped since being platted as part of the Incochee Site Condominium project in 2006. The property is has direct frontage on Incochee Woods Drive. As illustrated in the attached Site Condominium map, a wetland area is delineated and is shown on the map. This wetland area digs into the rear portion of the property. Upon my request, the applicant provided a wetland assessment from the Michigan Department of Environmental Quality (MDEQ) dated August 16, 2005; this was done in preparation of development of the Incochee Site Condominium project.

Aerial Photo of Subject Property and adjacent lots



Overview Map



Parcel Map

Legend
 Traverse City PARCELS
 Parcel_2016

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, accept liability, or provide any other information on this map as current or positional, accurate, timely, correct, or suitable for use for any other purpose. These are stated as they are shown.

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. 6/13/2017

Staff Comments

The applicant (John Ogden) submitted a request for a variance from the front yard and wetland setback requirements. Upon review of the application, I requested documentation showing that the wetlands boundary depicted on the Site Condominium map was determined by the MDEQ. The applicant provided the attached Wetland Assessment report (Exhibit "1"). The maps are difficult to read and are not overlaid with the current Site Condominium documents, making it difficult to determine if the Site Condominium wetland map was approved by the MDEQ. I did express this concern with Ted Lockwood, property owner and Incochee Condominium developer, immediately upon receipt of the MDEQ report. On Wednesday, June 14, Lockwood emailed me a detailed site plan for the subject lot showing the proposed structure and wetland boundaries; this site plan is included in your packet.

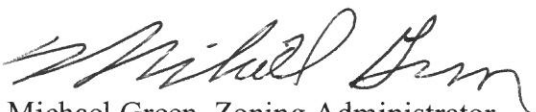
Although the hardship was not created by the applicant, who is the potential purchaser of the subject property, the development was approved in 2006 under the previous Zoning Ordinance, in which the property line and wetland setbacks were identical to what they are under the current Ordinance. In this respect, the developer did indeed create a hardship by platting the subject parcel in such a way to limit the buildable area. As Lockwood was involved with the development of Incochee Condominium and is the current owner, if there is a hardship based on the lot dimensions, Lockwood, being the owner and developer of the subject property, created his own hardship.

Additionally, in looking closely at the site plan, there is quite a bit of buildable area that is not being utilized by the applicant. General Criteria (e) in Section 454.E.2 states that "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.**"

There appears to be no definitive information that would support a reduction in either the front yard or wetland setback requirement; the staff recommendation is to deny the request as presented.

Please feel free to contact me prior to the public hearing if you have any questions.

Sincerely,



Michael Green, Zoning Administrator
Charter Township of Garfield

The ZBA will have to decide if the applicants request is reasonable and if the standards to grant a variance have been satisfied.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant in an effort to determine the outcome of the request.

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);

----- *To be determined by the Board of Appeals*-----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET as the property has a large buildable area, lacks property limitations, unique or physical circumstances that would otherwise differentiate the property from others in the district.**

ADDITIONAL FINDINGS IF ANY:

STANDARDS FOR DETERMINATION

- (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;

----- To be determined by the Board of Appeals-----

Sample Finding

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** due to the applicants request for a front yard setback variance on a vacant parcel that is 34,000 square feet in size and without topographical or dimensional limitations.

ADDITIONAL FINDINGS IF ANY:

(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;

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** due to:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** due to:

ADDITIONAL FINDINGS IF ANY:

(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;

----- To be determined by the Board of Appeals-----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** as:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** as the property (approximately 34,000sf) is of substantial size and without topographical limitations, or dimensional irregularities that would render the buildable area of the parcel unnecessarily burdensome.

ADDITIONAL FINDINGS IF ANY:

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(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.

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS BEEN MET** as:

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **STANDARD HAS NOT BEEN MET** as the request for a front yard setback is not a matter of fairness to the applicant as the parcel can be built on without the need for a variance. This parcel, similar to homes in the neighborhood and adjacent to the property, has water views and large buildable areas.

ADDITIONAL FINDINGS IF ANY:

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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;
- (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;
- (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;
- (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
- (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.

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor
 After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **REQUESTS MEET THE GENERAL CRITERIA**, due to the following:

Sample Finding Against
 After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **REQUEST DOES NOT MEET THE GENERAL CRITERIA**, due to the following:

ADDITIONAL FINDINGS IF ANY:

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:

STANDARDS FOR DETERMINATION

- (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.
- (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).
- (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.

----- *To be determined by the Board of Appeals* -----

Sample Finding In favor

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **SPECIAL CIRCUMSTANCES OR CONDITIONS EXIST:**

Sample Finding Against

After careful consideration of the facts and evidence as presented to the Garfield Township Zoning Board of Appeals, we conclude that the **SPECIAL CIRCUMSTANCES DO NOT EXIST** AS THE request for a rear yard setback is not a matter of fairness to the applicant as the parcel can be built on without the need for a variance. This parcel, similar to homes in the neighborhood and adjacent to the property, has water views and large buildable areas.

ADDITIONAL FINDINGS IF ANY:

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Determination / Possible VARIANCE Motion

Motion to:

GRANT the request for variance from **Section** _____ to allow a 10-foot reduction from the 30-foot front yard setback requirement of the R-1 zoning district and based on the general standards for granting such request being met.

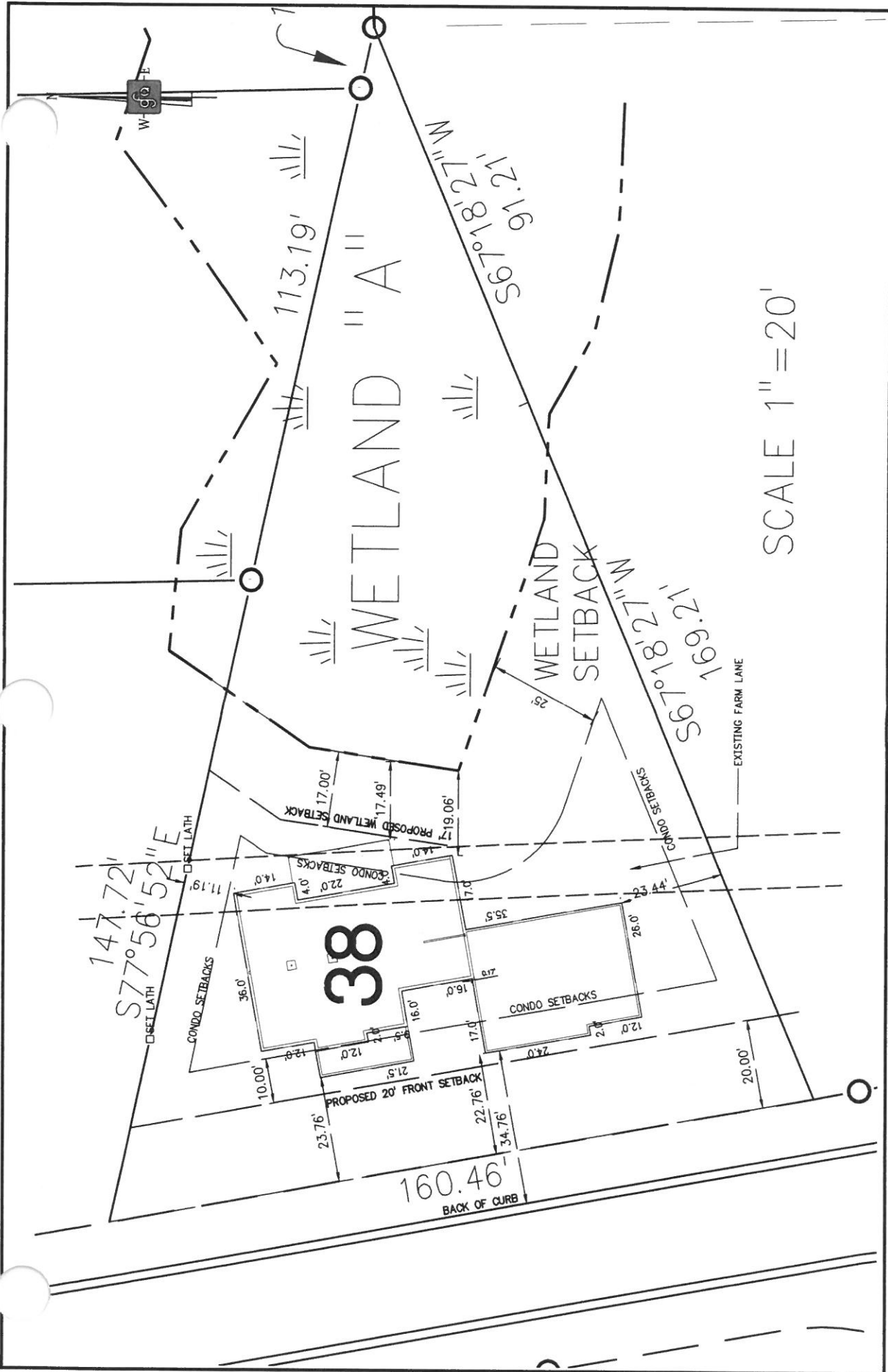
Motion to:

DENY the request for variance from **Section** _____ for a 10-foot reduction from the 30-foot front yard setback requirement of the R-1 zoning district and based on the general standards for granting such request NOT being met.

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

August 16, 2005

Mr. Ted Lockwood
Incochee Woods Development, LLC
12930 S.W. Bayshore Drive
Traverse City, MI 49684

Dear: Mr. Lockwood,

SUBJECT: Wetland Assessment Report - Wetland Assessment
File Number: 05-28-0006-WA

The Department of Environmental Quality (DEQ) conducted a Level 3 Wetland Assessment on property (Property Tax Identification Number 28-05-004-003-00) located in Town 27N, Range 11W, Section 04, Garfield Township, Grand Traverse County on August 8, 2005. The assessment was conducted in accordance with Part 303, Wetland Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Rule 4, Wetland Assessments (R 281.924) of the Administrative Rules for Part 303. This is a report of our findings in response to your wetland assessment application.

The DEQ staff walked all the staked/flagged boundaries as requested in your wetland assessment application. Based on our on-site investigation, which included review of plant communities, hydrologic indicators, and soils of the assessment area, and an in-office review of other pertinent information, the DEQ accepts the boundaries as flagged. However, DEQ staff replaced six flags identified as "DEQ 1" through "DEQ 6" along the boundary of Wetland C that could not be located due to recent disturbance. These flags replaced flags C14 through C8 originally placed by the consultant. Enclosed is a site map of the assessment area that was created by combining information from your consultant and the DEQ. This map identifies both regulated and upland areas within the assessment area.

For those areas identified as regulated wetland on the site map, specifically **Wetlands A, B, and C**, please be advised that any of the following activities require a permit under Part 303:

- a) Deposit or permit the placing of fill material in a regulated wetland.
- b) Dredge, remove, or permit the removal of soil or minerals from regulated wetland.
- c) Construct, operate, or maintain any use or development in a regulated wetland.
- d) Drain surface water from a regulated wetland.

For those areas identified as upland on the site map, the DEQ lacks jurisdiction under Part 303 for activities occurring in those areas.

Mr. Lockwood 05-28-0006-WA
DEQ File Number 05-28-0006-WA
Page 2
August 16, 2005

You may request the DEQ reassess the subject parcel or any portion of the parcel within 60 days of the date of this report should you disagree with its findings. A written request to reassess the parcel must be accompanied by supporting evidence with regard to wetland vegetation, soils or hydrology different from, or in addition to, the information relied upon by DEQ staff in preparing this report and sent to:

Wetland Assessment Program
Submerged Lands and Wetlands Unit
Land and Water Management Division
Department of Environmental Quality
P. O. Box 30458
Lansing, Michigan 48909-7756

Please be aware that this assessment report does not constitute a determination of the presence of wetland that may be regulated under local ordinances or federal law. The U.S. Army Corps of Engineers (USACE) retains regulatory authority over certain wetlands pursuant to Section 404 of the Clean Water Act (CWA), and specifically those wetlands associated with traditionally navigable waters of the state. Traditionally, navigable waters are generally the Great Lakes, their connecting waters, and river systems and lakes connected to these waters. In other areas of Michigan, the DEQ is responsible for determination of wetland boundaries for purposes of compliance with the CWA under an agreement with the U.S. Environmental Protection Agency.

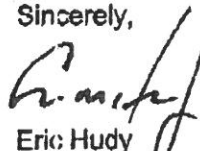
Your assessment area does not appear to be within those areas also regulated by the USACE. However, should you desire more information, please contact the USACE at 313-226-2218.

This assessment report is limited to findings pursuant to Part 303 and does not constitute a determination of jurisdiction under other DEQ administered programs. Any land use activities undertaken on the assessed parcel may be subject to regulation pursuant to the NREPA under the following programs:

Part 91, Soil Erosion and Sedimentation Control
Part 301, Inland Lakes and Streams

The findings contained in this report are binding on the DEQ until August 8, 2008; a period of three years from the date of the assessment unless a reassessment is conducted. Please contact me if you have any questions regarding this assessment report.

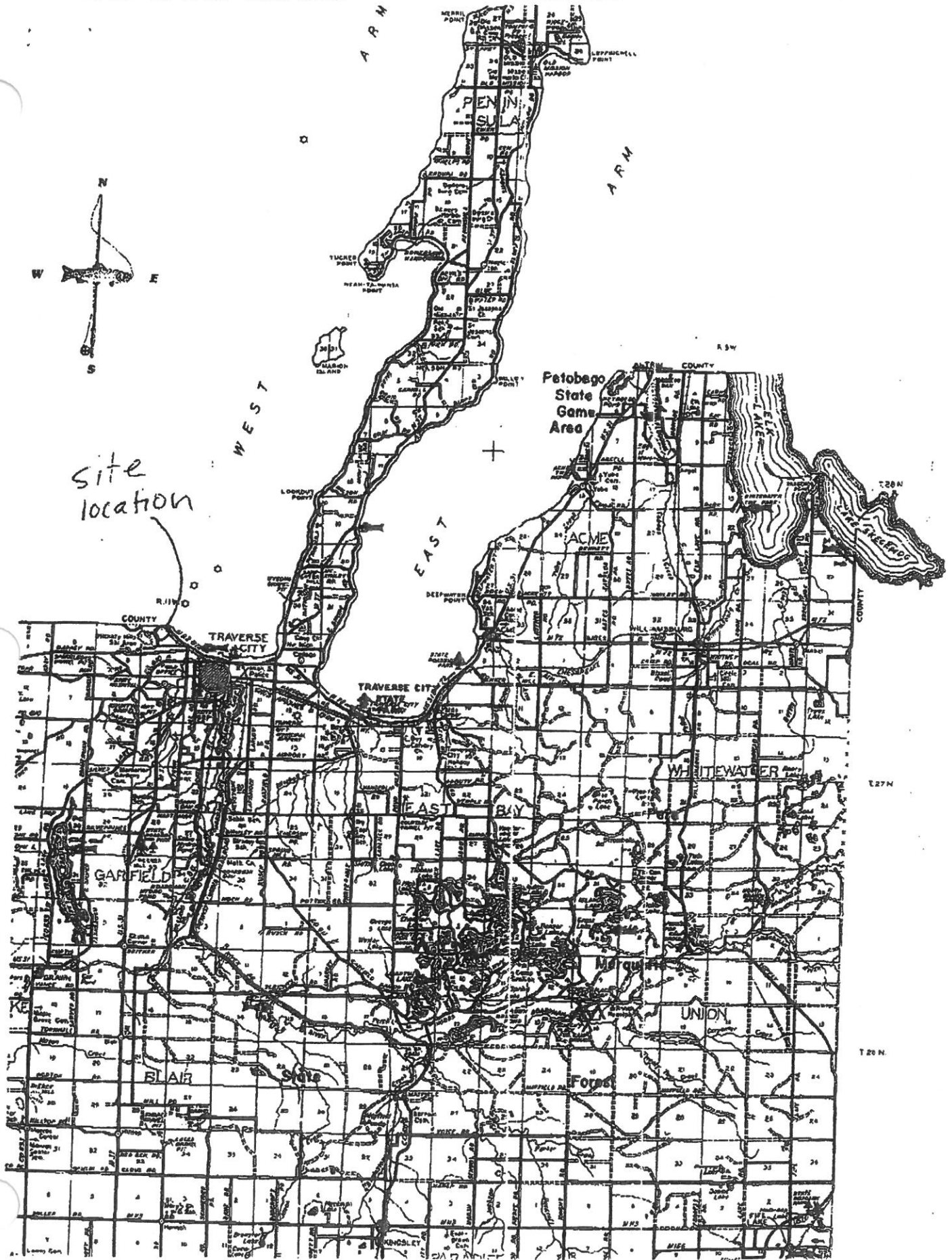
Sincerely,



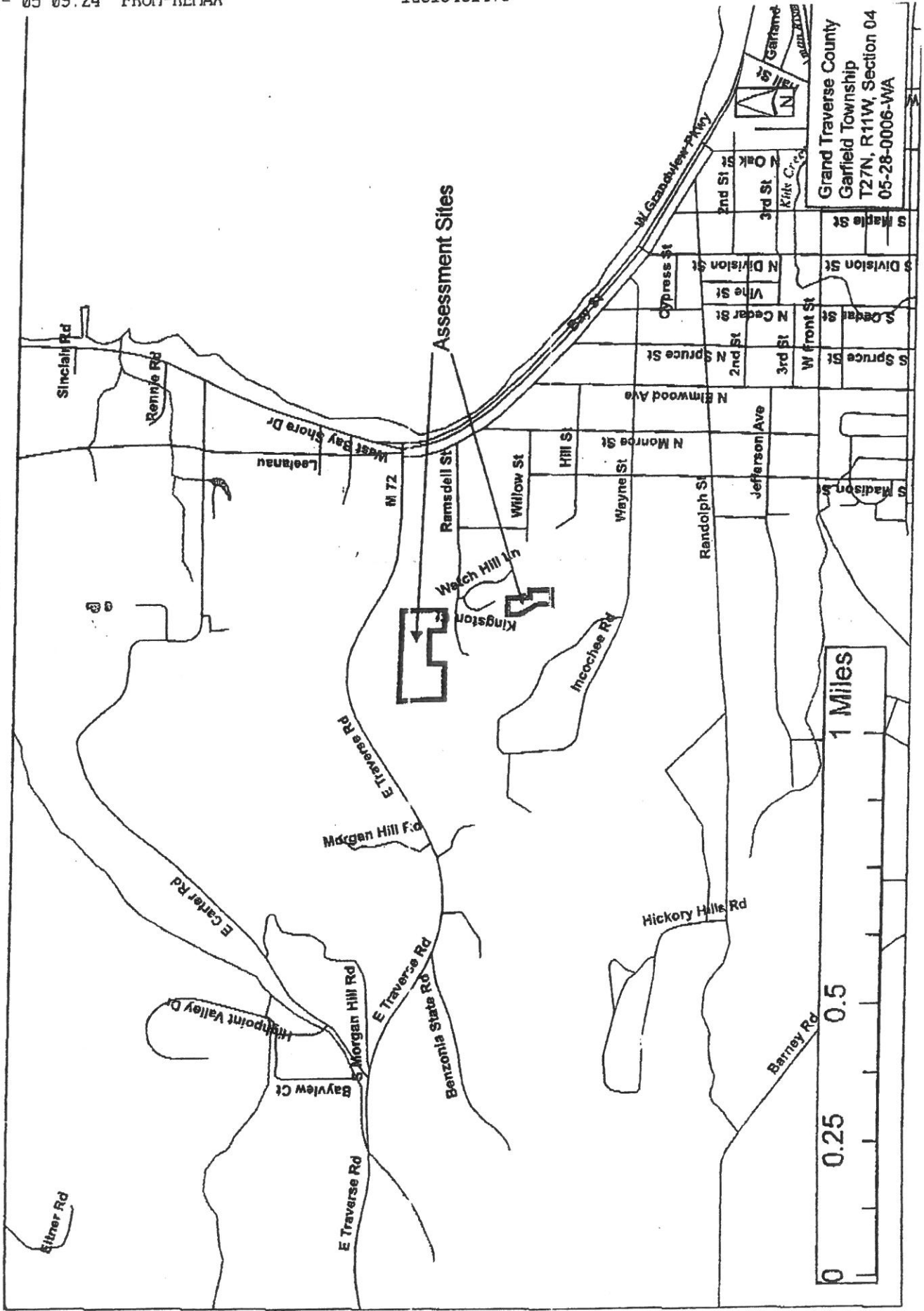
Eric Hudy
Land and Water Management Division
231-775-3960 ext. 6364

EMH:DH:ELM
Enclosure

cc: Mr. Joe Hazewinkel, King and MacGregor Environmental, Inc.
Ms. Wendy Veltman, DEQ
Cadillac District Field Staff

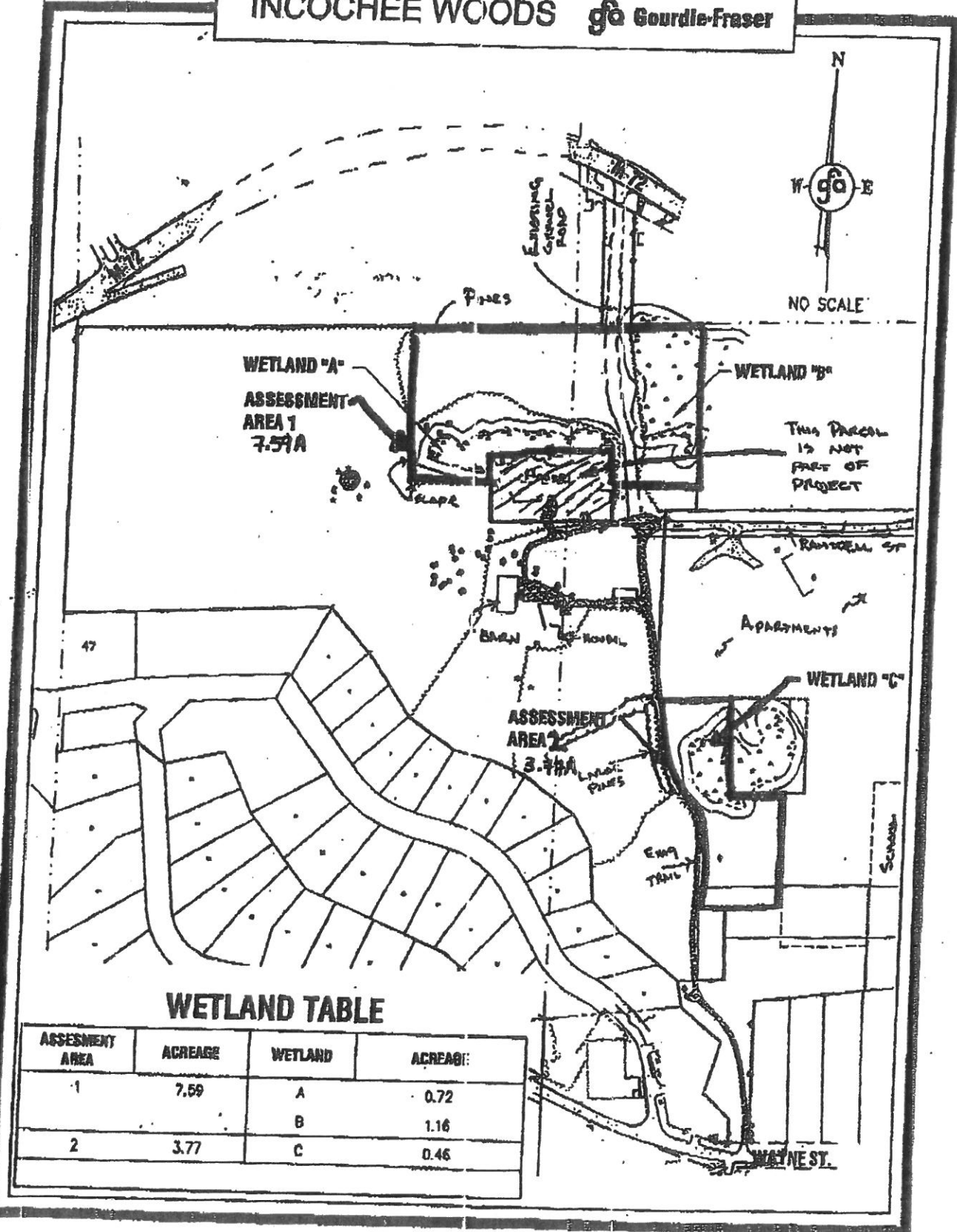


Base Map



Grand Traverse County
 Garfield Township
 T27N, R11W, Section 04
 05-28-0006-WA

INCOCHEE WOODS Gourdie-Fraser



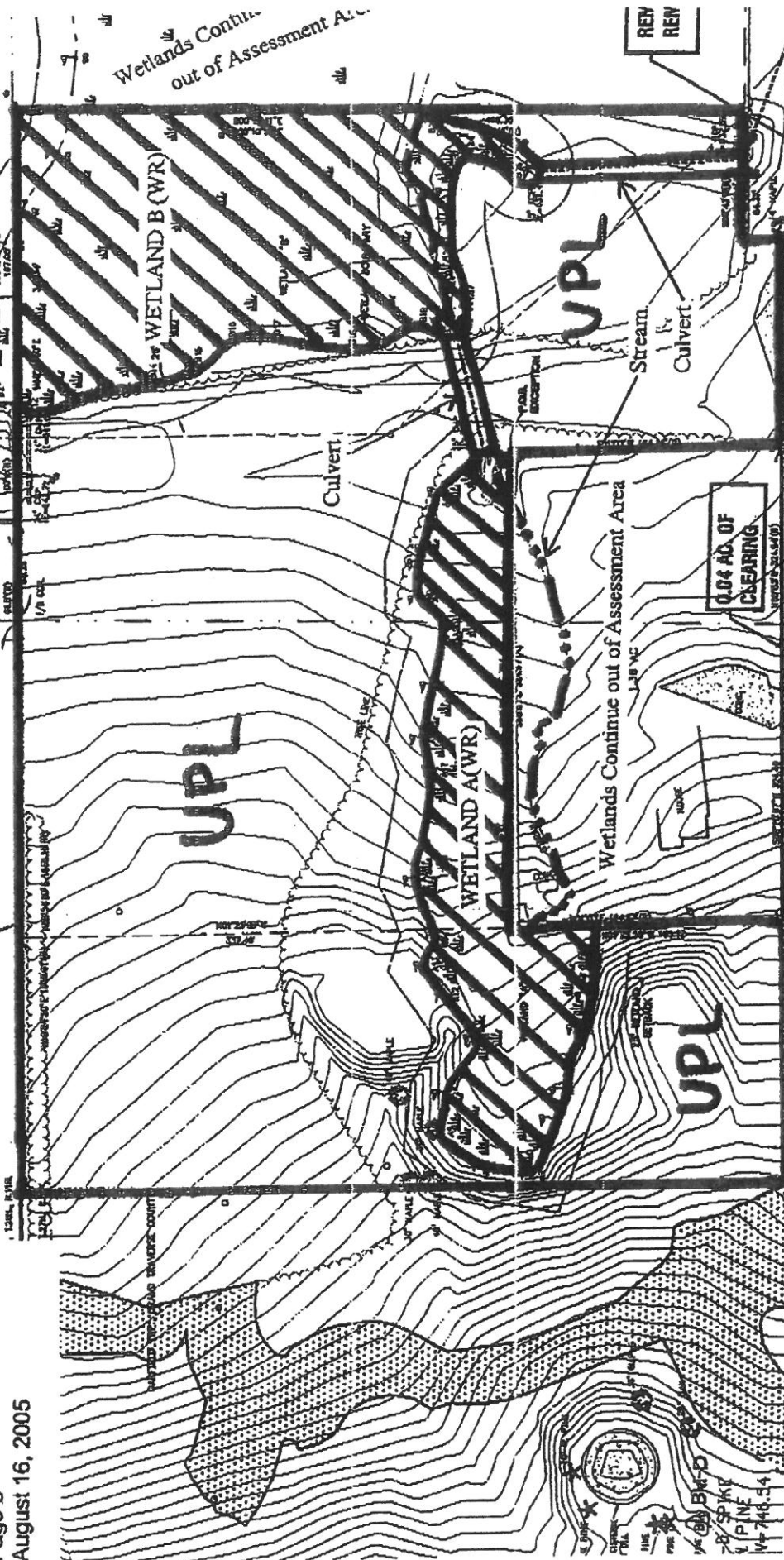
WETLAND TABLE

ASSESSMENT AREA	ACREAGE	WETLAND	ACREAGE
1	7.59	A	0.72
		B	1.16
2	3.77	C	0.46

WETLAND ASSESSMENT REPORT FOR INCOCHEE WOODS

ASSESSMENT AREA

MATCHLINE (SEE LOWER RIGHT)



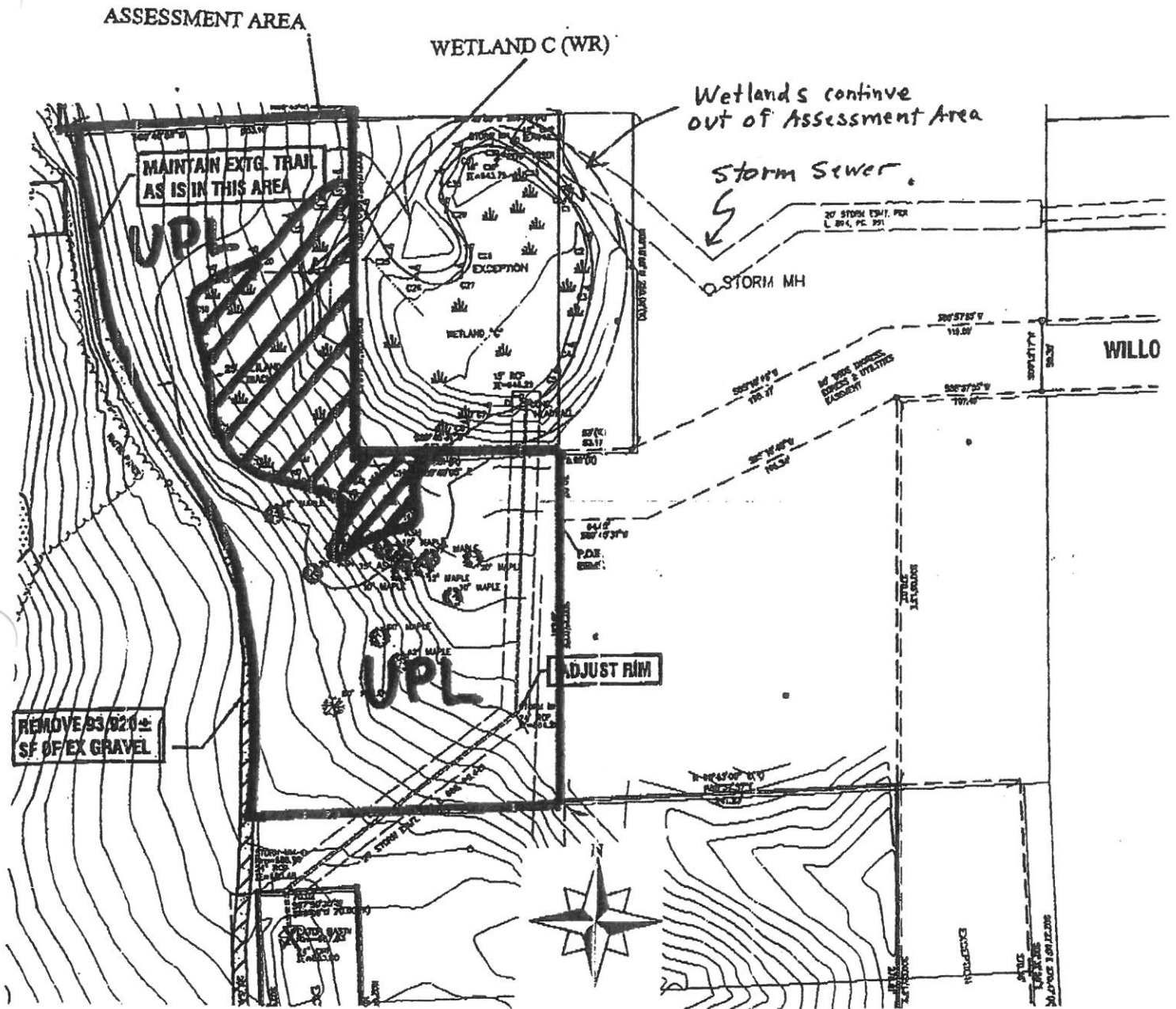
Approximate Scale: 1 inch = 100 feet

WR = Wetland- Regulated
 UPL = Upland (non-wetland)

This drawing showing those areas containing wetland and not containing wetland is an approximation of the boundaries flagged on-site.

This drawing does not authorize or permit activities requiring a permit in accordance with Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Man Prepared By Derek Hamiltorn NR146/06



Legend:

- WR = Wetland- Regulated
- UPL = Upland (non-wetland)

Approximate Scale: 1 inch = 100 feet

This drawing showing those areas containing wetland and not containing wetland is an approximation of the boundaries flagged on-site.

This drawing does not authorize or permit activities requiring a permit in accordance with Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Map Prepared By: Derek Haroldson 08/16/05

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
Geological and Land Management Division

August 15, 2005

Incochee Woods Development, LLC
12930 S.W. Bayshore Drive
Traverse City, MI 49684

Incochee Woods Development, LLC Photo Album

SUBJECT: Wetland Assessment Report - Wetland Assessment File Number 05-28-0006-WA

The Department of Environmental Quality (DEQ) captured images on property (property tax identification number 28-05-004-003-00) located in Town 27N, Range 11W, Section 04, Garfield Township, Grand Traverse County on 8/8/05.

Photo Album

Photo's taken by: D. Haroldson

Date photo's taken: 8/8/05

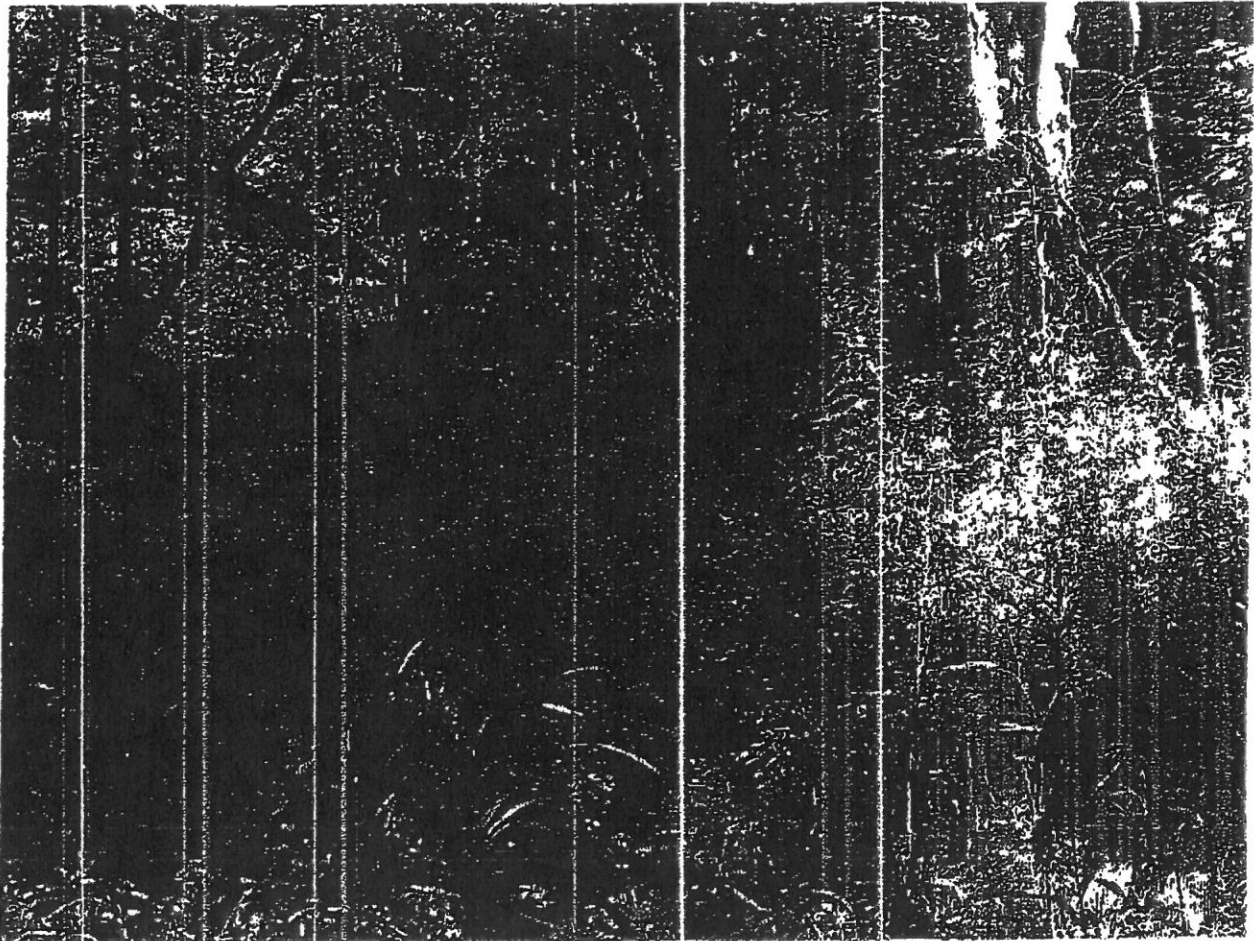
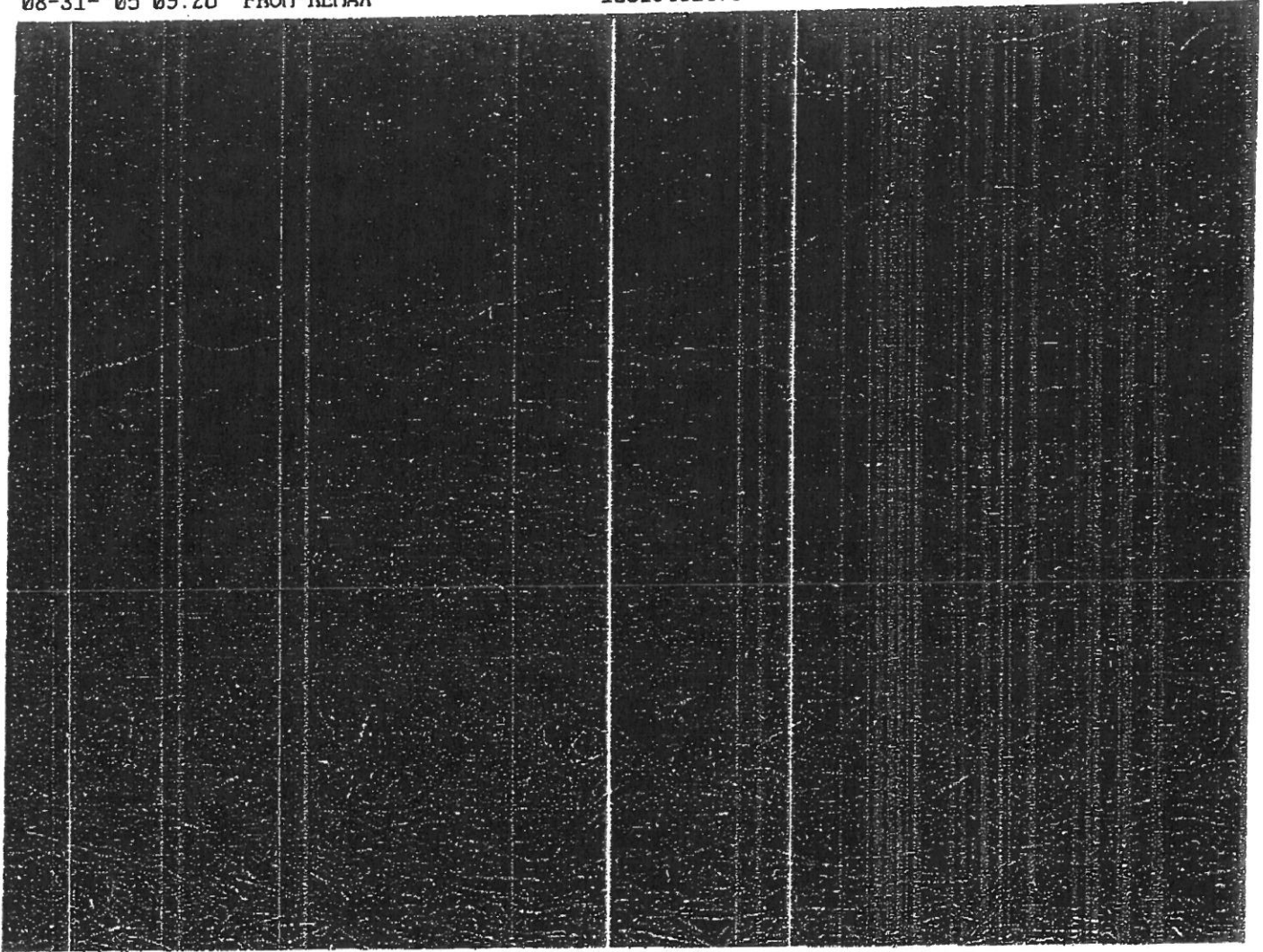
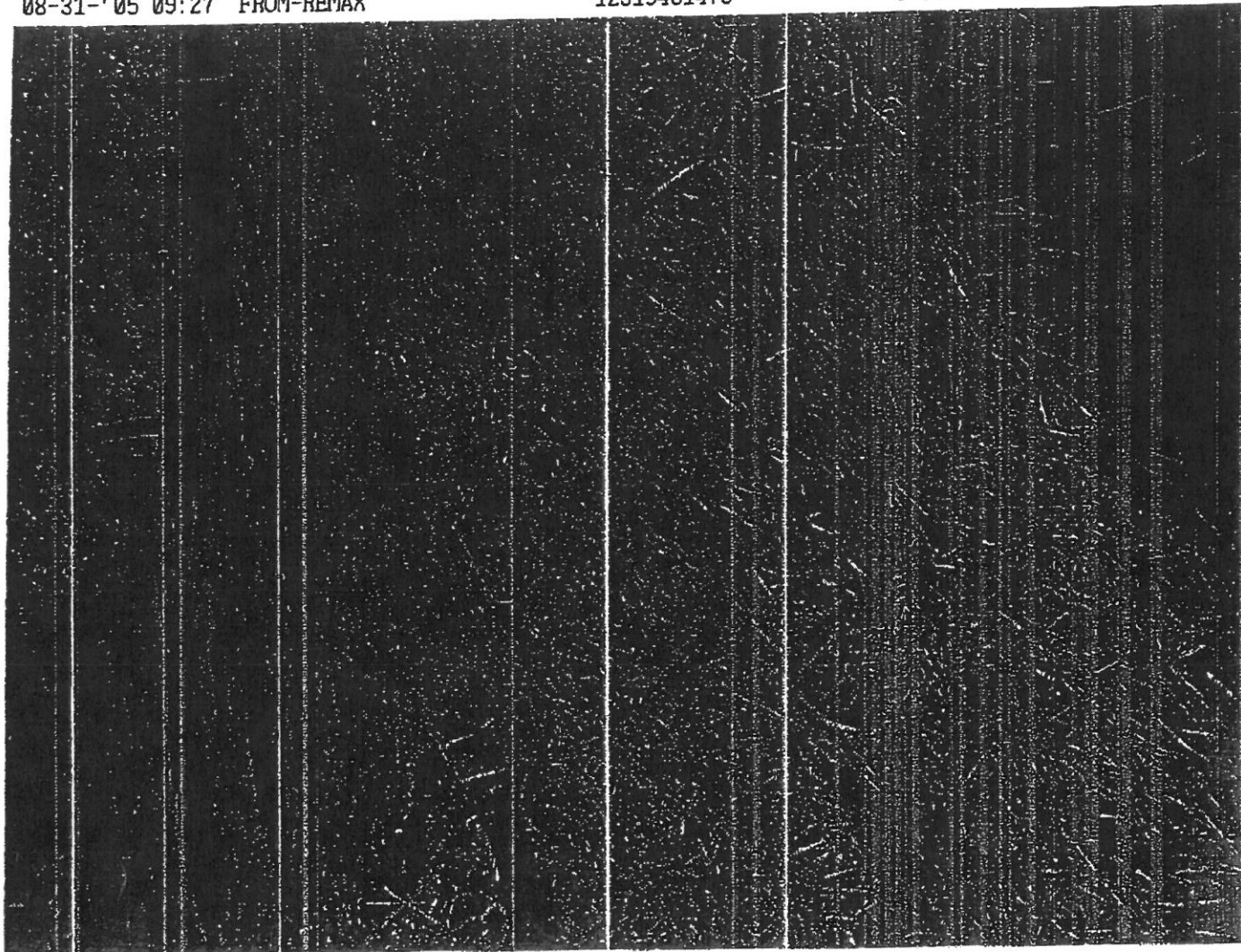


Photo taken from flag A16 looking west towards A15 and wetland. Note small streambed in middle of picture, wetland is on the left. Open, sedge dominated understory apparent from photo.



Taken from flag C12 (DEQ 4) looking northeast into the wetland. This area was delineated as wetland by the consultant, but the flags were destroyed as a result of the clearing that had taken place. I replaced the original points C14 through C6 with DEQ wetland ground flagging and numbered them DEQ1-7. Surface hydrology is visible in the middle of the picture, wetland vegetation evident in background to the left side.



Taken from DEQ 1, which replaced the missing flag C14. In this view, flag DEQ 2 is in the background in the center of photo, and disturbed area is to the left and right. Because of lack of vegetation, hydrology and soils were used to delineate the wetland boundary in this section of Wetland C.

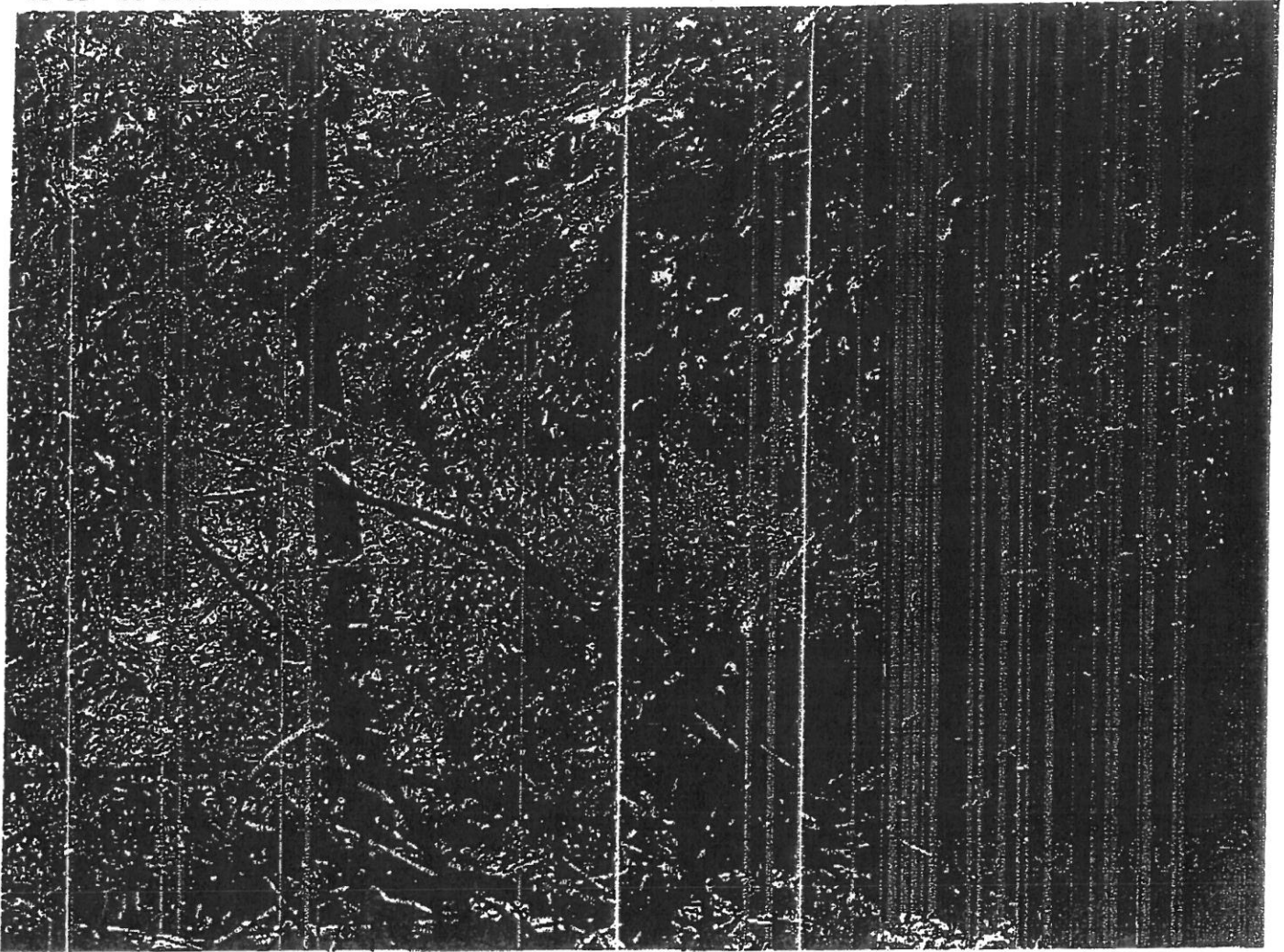


Photo again shows flag C20 in the center of the picture, taken from approximately 10' north of flag C21.

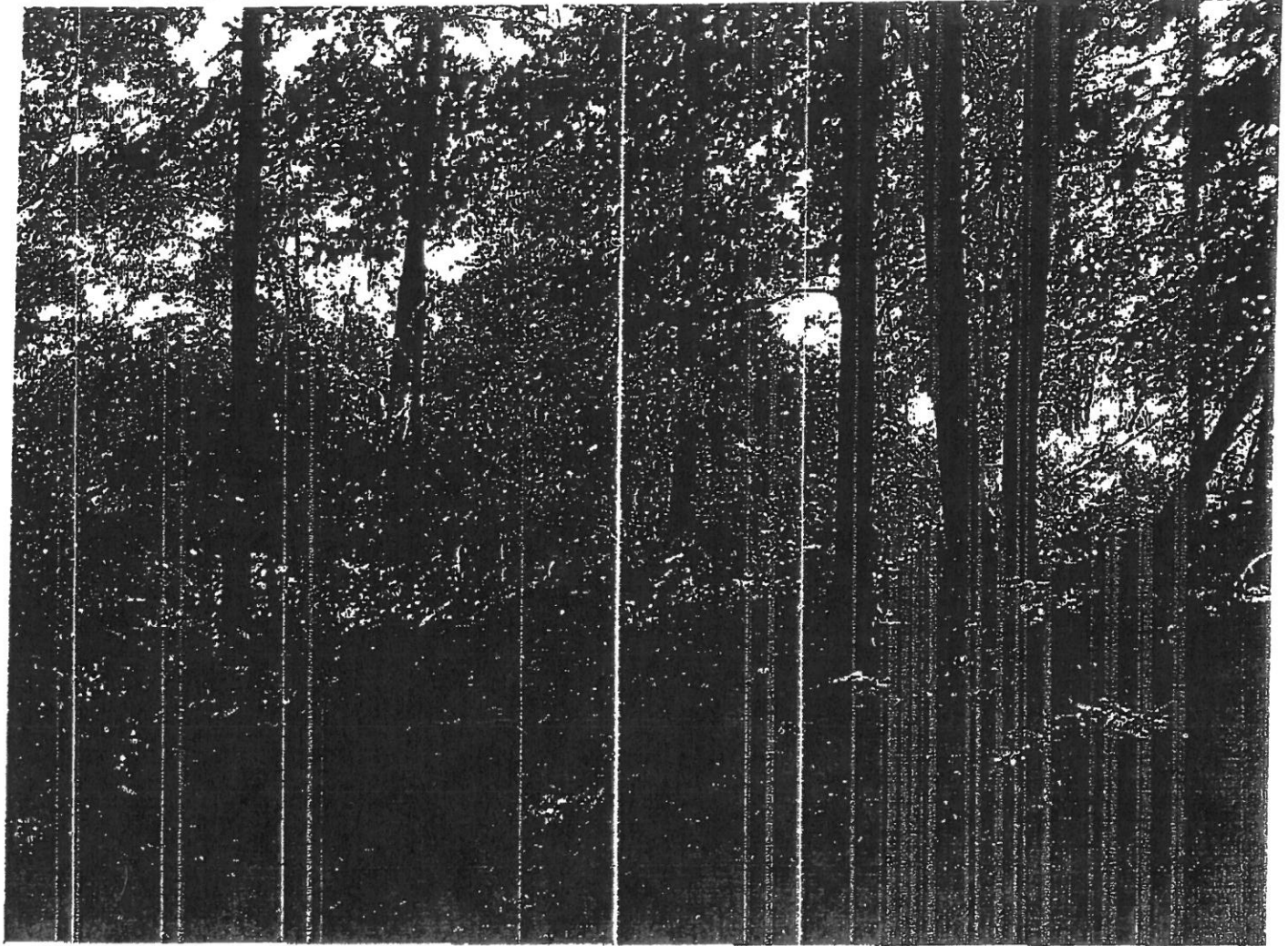


Photo taken from the upland side of Wetland C at flag C21, looking towards flag C20. Wetland is to the left of flag; note that the wetland basically follows the toe of the slope.

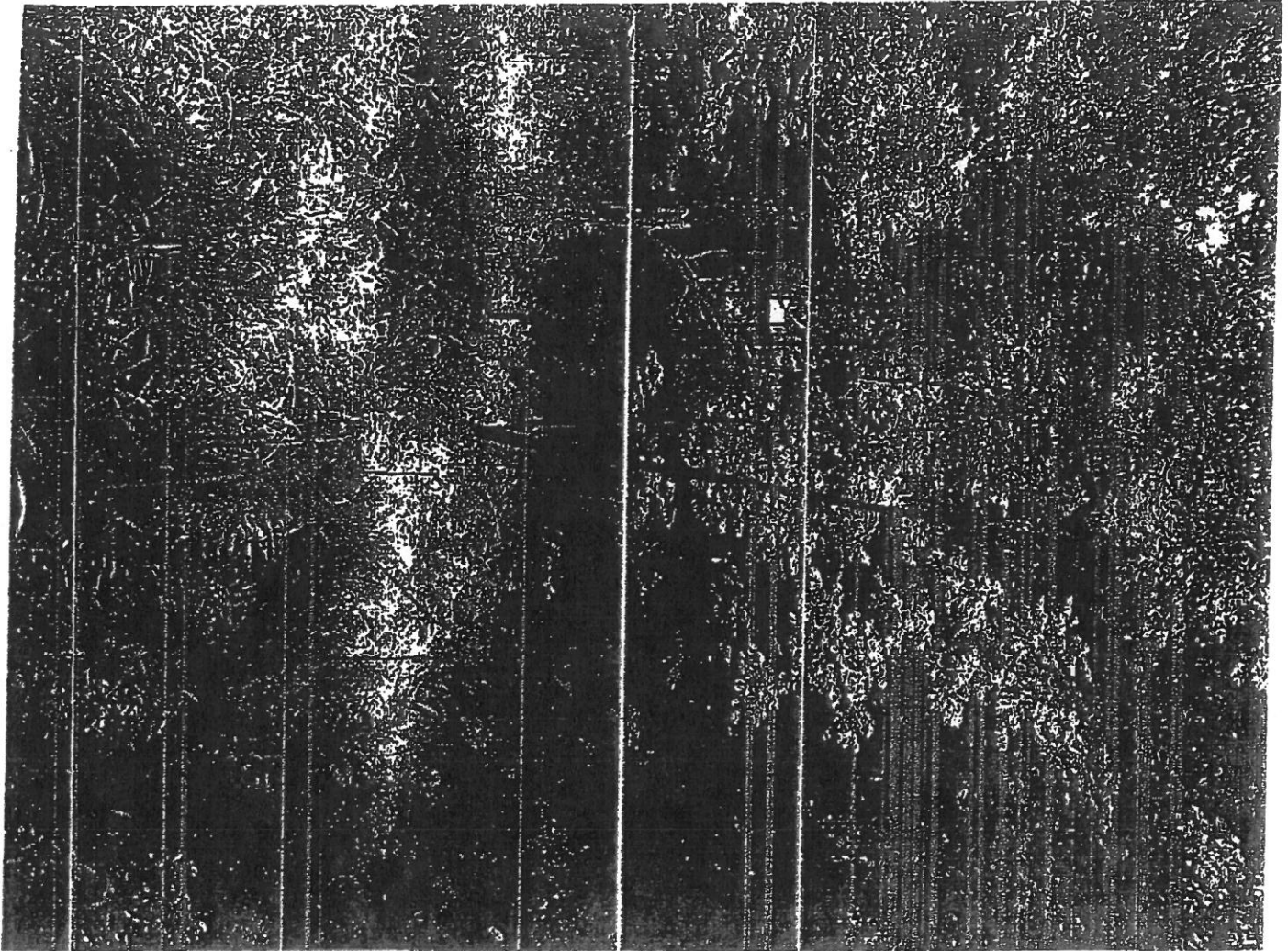


Photo taken from flag A9, at the western edge of Wetland A back towards wetland. Note the downhill topography and dominance of sedges in the understory and lack of overstory trees.

5508

Garfield, Township of

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE
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 May 17, 2017 at 6:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

A request has been made by John C. Ogden for a variance from Section 434.(3) B of the Garfield Township Zoning Ordinance to reduce the front yard setback from 30' to 20' as well as reducing the wetland setback from 25' to 17'. The property is zoned R-1 and is located at 818 Incochee Woods and with a property number of 05-184-038-00.

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.

Lynn Fricke - 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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April 30, 2017-1T

462463

STATE OF MICHIGAN
County of Grand Traverse

Paul Heidbreder being duly sworn deposes and says the annexed printed copy of notice was taken from the Traverse City RECORD EAGLE, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following dates:

04/30/2017

that he or she is the agent of the printers of said newspaper, and knows well the facts stated herein

Paul T. Heidbreder

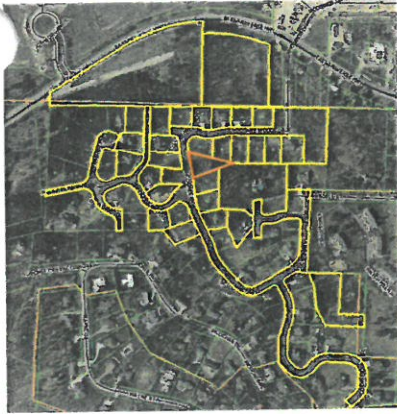
Subscribed and sworn to before
this 1st of May, 2017 .

Dennis G. Thayer

Dennis G. Thayer
Notary Public, State of MI
County of Grand Traverse
10/08/2022
Acting in County of Grand Traverse

2016 AERIAL PHOTO MAP

Showing Parcel Lines and Labels



2016 Digital Orthophotograph



Municipal Name Municipal Border



Roads



Property Lines

RADIAL SEARCH RESULTS:

[\(Right click here to save a comma-delimited version of this results file\)](#)

TARGET OBJECTS(s) - orange on screen:

05-184-038-00

RADIAL SEARCH DISTANCE: 300 FT

OBJECTS FOUND WITHIN 300FT OF TARGET(S) - yellow on screen: (Note - Targets that are part of the database are included in the found objects list below).

~~05-184-033-00
INCOCHEE WOODS DEVELOPMENT LLC
888 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000~~

05-184-034-00
MICHAELS THOMAS L & ROBBYN C
876 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-035-00
BRAVERMAN JULIA M TR
862 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

~~05-184-032-00
INCOCHEE WOODS DEVELOPMENT LLC
896 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000~~

05-184-039-00
CLARK STEPHEN J TRUST
802 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-038-00
INCOCHEE WOODS DEVELOPMENT LLC
818 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

*12930 S West Bay Shore Dr
TC.*

05-184-062-00
SNYDER E & NEWMAN R TRUST

870 WIND DRIFT DR
TRAVERSE CITY
MI
49684-0000

05-184-020-00
YOUNG PETER J & DAWN M
1611 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-063-00
JAMIL DEYAR
891 LODGE PINE LN
TRAVERSE CITY
MI
49684-0000

05-184-061-00
SPIGARELLI KEN & KOLEEN
841 LODGE PINE LN
TRAVERSE CITY
MI
49684-0000

05-184-021-00
INCOCHEE WOODS DEVELOPMENT LLC
INCOCHEE HILL DR
TRAVERSE CITY
MI
49684-0000

05-184-056-00
INCOCHEE WOODS DEVELOPMENT LLC
1625 INCOCHEE HILL DR
TRAVERSE CITY
MI
49684-0000

05-184-041-00
KLEIBER GEORGE E & DABICH DIANE K
770 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-051-00
WILMOTH MATTHEW & MICHELE
1435 INCOCHEE FARM LN
TRAVERSE CITY
MI
49684-0000

05-184-040-00
INCOCHEE WOODS DEVELOPMENT LLC
784 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-030-00
KNOTT TERRY L & SALLY C
863 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-036-00
BRAVERMAN JULIA M TR
848 INCOCHEE WOODS DR
TRAVERSE CITY
MI
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05-184-037-00
EDSON SHARON M TRUST
INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

*6447 Mc 5/10/12 fidg
TC 49684*

05-184-029-00
DEAN DAVID A & GLORIA
845 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-028-00
CONN/BUSH TRUST NO 1
841 INCOCHEE WOODS DR
TRAVERSE CITY
MI
49684-0000

05-184-031-00
INCOCHEE WOODS DEVELOPMENT LLC
879 INCOCHEE WOODS DR
TRAVERSE CITY
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49684-0000

05-184-026-00
SPERRY DAVID A & JAMIL DEYAR M
892 LODGE PINE LN
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49684-0000

05-184-027-00
GIFFELS MARY ELLEN
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49684-0000

05-184-023-00
ROCHFORD THOMAS & SHARON JANIS
1692 INCOCHEE HILL DR
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49684-0000

05-184-024-00
INCOCHEE WOODS DEVELOPMENT LLC
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49684-0000

05-184-022-00
MCGINTY ANTHONY J & NICOLE
1688 INCOCHEE HILL DR
TRAVERSE CITY
MI
49684-0000

05-184-025-00
GROSSNICKLE ERIC M & ALANNA C
868 LODGE PINE LN
TRAVERSE CITY
MI
49684-0000

05-184-900-00
INCOCHEE CONDOMINIUM ASSOCIATION
TRAVERSE CITY
MI
49684

05-004-003-50
CLARK STEPHEN J TRUST
1492 RAMSDELL RD
TRAVERSE CITY
MI
49684-1472

51-033-039-20

51-033-039-00

Printed from <http://maps.grandtraverse.org> on 4/19/2017. This data is to be considered a generalized representation which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. This parcel information is included for general reference purposes only and should only be used to identify the general vicinity of a particular piece of property.

CHARTER TOWNSHIP OF GARFIELD

ZONING BOARD OF APPEALS

NOTICE OF CANCELLED PUBLIC HEARING

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals meeting on May 17, 2017 at 6:00 pm has been **cancelled**. You will be notified when this item is ready to proceed.

A request has been made by John C Ogden for a variance from Section 434.(3) B of the Garfield Township Zoning Ordinance to reduce the front yard setback from 30' to 20' as well as reducing the wetland setback from 25' to 17'. The property is zoned R-1 and is located at 818 Incochee Woods and with a property number of 05-184-038-00.

Lynn Fricke – 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

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 21, 2017 at 6:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

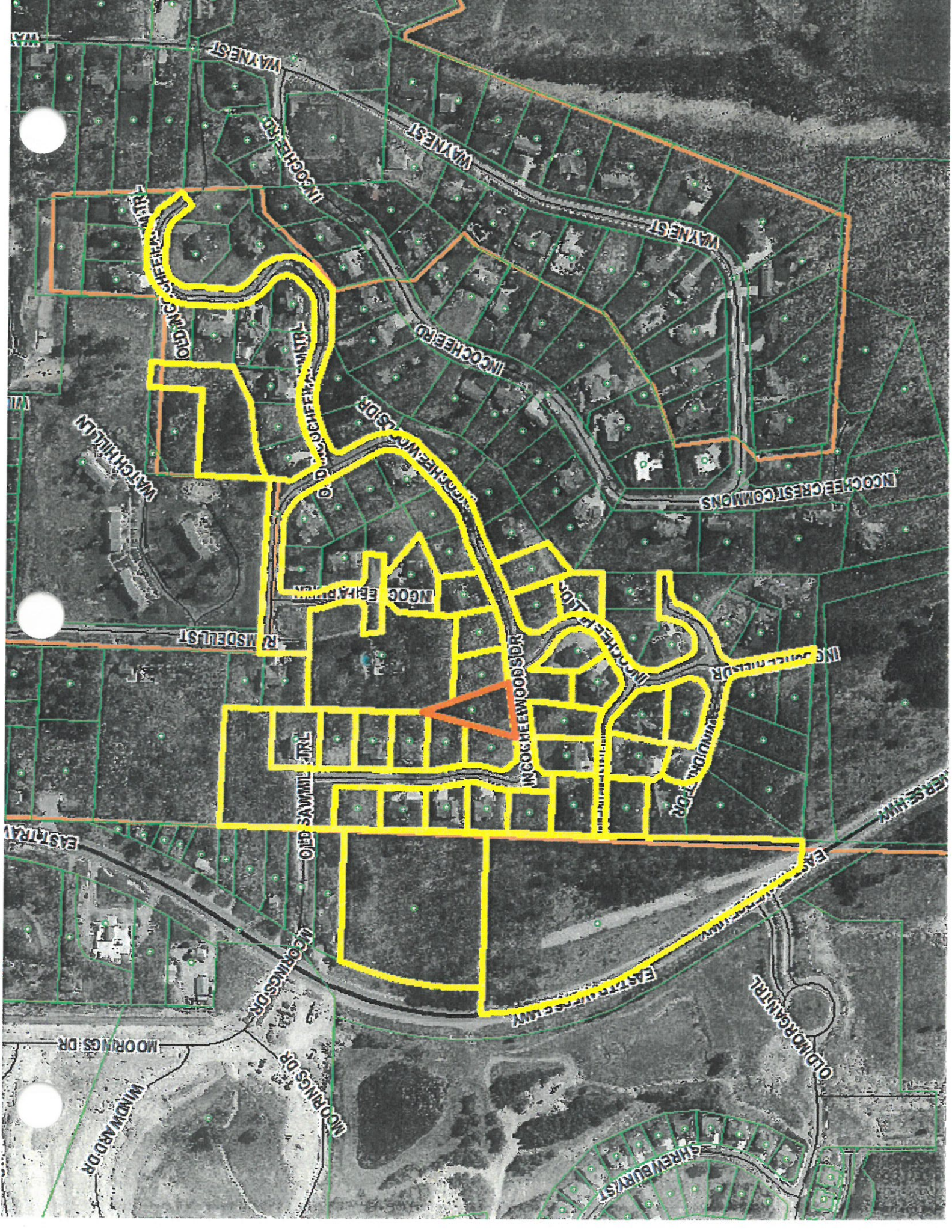
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Lynn Fricke – Secretary
Garfield Township Zoning Board of Appeals
3848 Veterans Drive
Traverse City, MI 49684

Michael Green – Zoning Administrator
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WYNNEST

WYNNEST

WYNNEST

OLD INOCHEERD DR

OLD INOCHEERD DR

INOCHEERD

WOODS DR

INOCHEERD COMMONS

WAGGON LN

INOCHEERD

RMSDELL ST

INOCHEERD

WOODS DR

WOODS DR

OLD SAMMIE DR

WOODS DR

WOODS DR

OLD INOCHEERD

MOORINGS DR

WINDWARD DR

MOORINGS DR

SHREWBURY ST

CHARTER TOWNSHIP OF GARFIELD

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INCOCHEE WOODS DEVELOPMENT LLC
888 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

MICHAELS THOMAS L & ROBBYN C
876 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

BRAVERMAN JULIA M TR
862 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

INCOCHEE WOODS DEVELOPMENT LLC
896 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

CLARK STEPHEN J TRUST
802 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

INCOCHEE WOODS DEVELOPMENT LLC
818 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

SNYDER E & NEWMAN R TRUST
870 WIND DRIFT DR
TRAVERSE CITY, MI 49684-0000

YOUNG PETER J & DAWN M
1611 INCOCHEE WOODS DR
TRAVERSE CITY, MI 49684-0000

JAMIL DEYAR
891 LODGE PINE LN
TRAVERSE CITY, MI 49684-0000

SPIGARELLI KEN & KOLEEN
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INCOCHEE HILL DR
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EDSON SHARON M TRUST
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879 INCOCHEE WOODS DR
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SPERRY DAVID A & JAMIL DEYAR M
892 LODGE PINE LN
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GIFFELS MARY ELLEN
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ROCHFORD THOMAS & SHARON JANIS
1692 INCOCHEE HILL DR
TRAVERSE CITY, MI 49684-0000

~~INCOCHEE WOODS DEVELOPMENT LLC
LODGE PINE LN
TRAVERSE CITY, MI 49684-0000~~

MCGINTY ANTHONY J & NICOLE
1688 INCOCHEE HILL DR
TRAVERSE CITY, MI 49684-0000

GROSSNICKLE ERIC M & ALANNA C
868 LODGE PINE LN
TRAVERSE CITY, MI 49684-0000

~~INCOCHEE CONDOMINIUM
ASSOCIATION
TRAVERSE CITY, MI 49684~~

CLARK STEPHEN J TRUST
1492 RAMSDELL RD
TRAVERSE CITY, MI 49684-1472



Charter Township of Garfield

Grand Traverse County

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

RECEIVED

APR 17 2017

ZONING BOARD OF APPEALS APPLICATION

PLANNING

1. Owner / Applicant information

Incochee Woods Development
Owner:

JOHN C. OGDEN
Applicant:

12930 SW Bayshore Dr
Address:

2573 S. Cherry Tree Ln.
Address:

TC, MI 49684
City, State, Zip Code

SUTTONS BAY, MI. 49682
City, State, Zip Code

231-218-5186
Phone Numbers

231-218-4514
Phone Numbers

2. Property Information:

a. Property Address: 818 Incochee Woods Dr, TC MI. 49684

b. Property Location: Garfield Twp.

c. Lot # 38 Subdivision Name: Incochee Woods

d. Parcel ID# 28-05- 184-038-00

e. Current Zoning: RESIDENTIAL

f. Current Use: VACANT LAND

3. Purpose For Request:

Variance X Appeal _____ Interpretation _____ Review _____

Other _____ Please explain request / List section(s) related to request: 434.(3)B

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 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.

Fred Lockwood
Owner signature

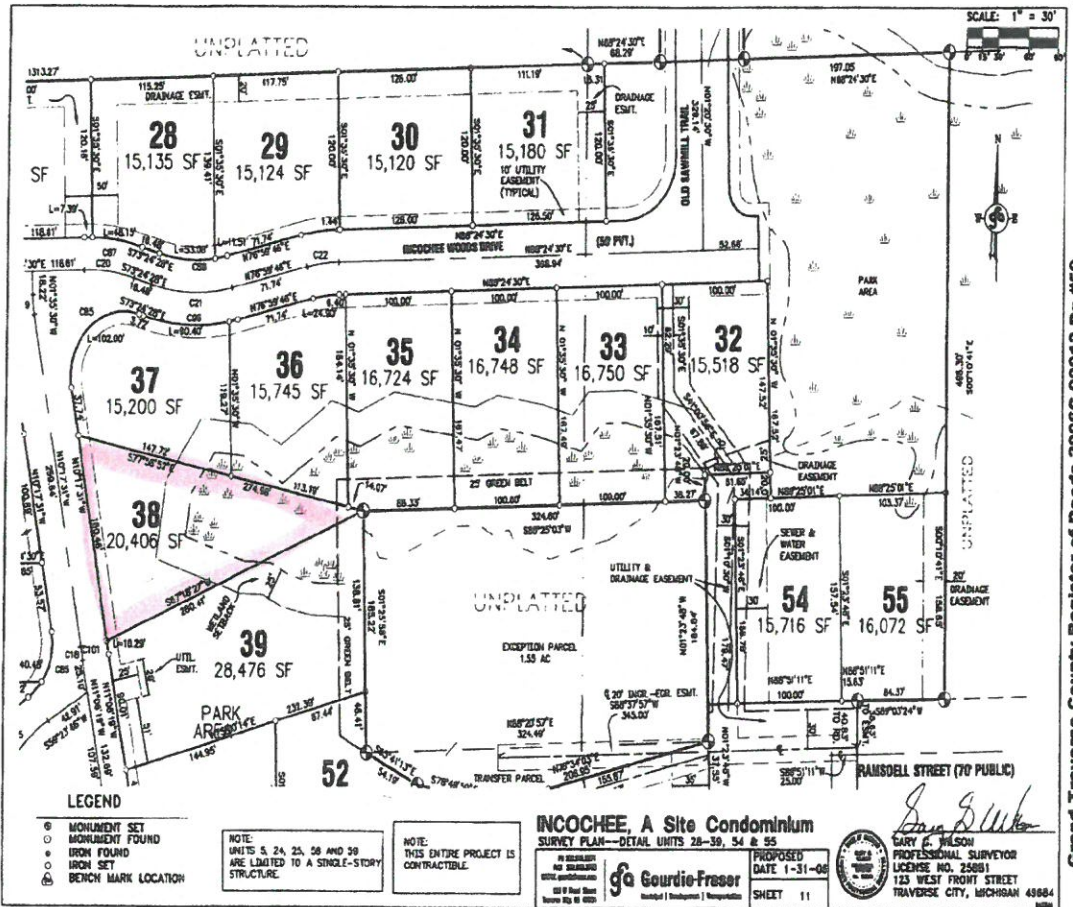
4/12/17
Date

John C. Ogler
Applicants signature

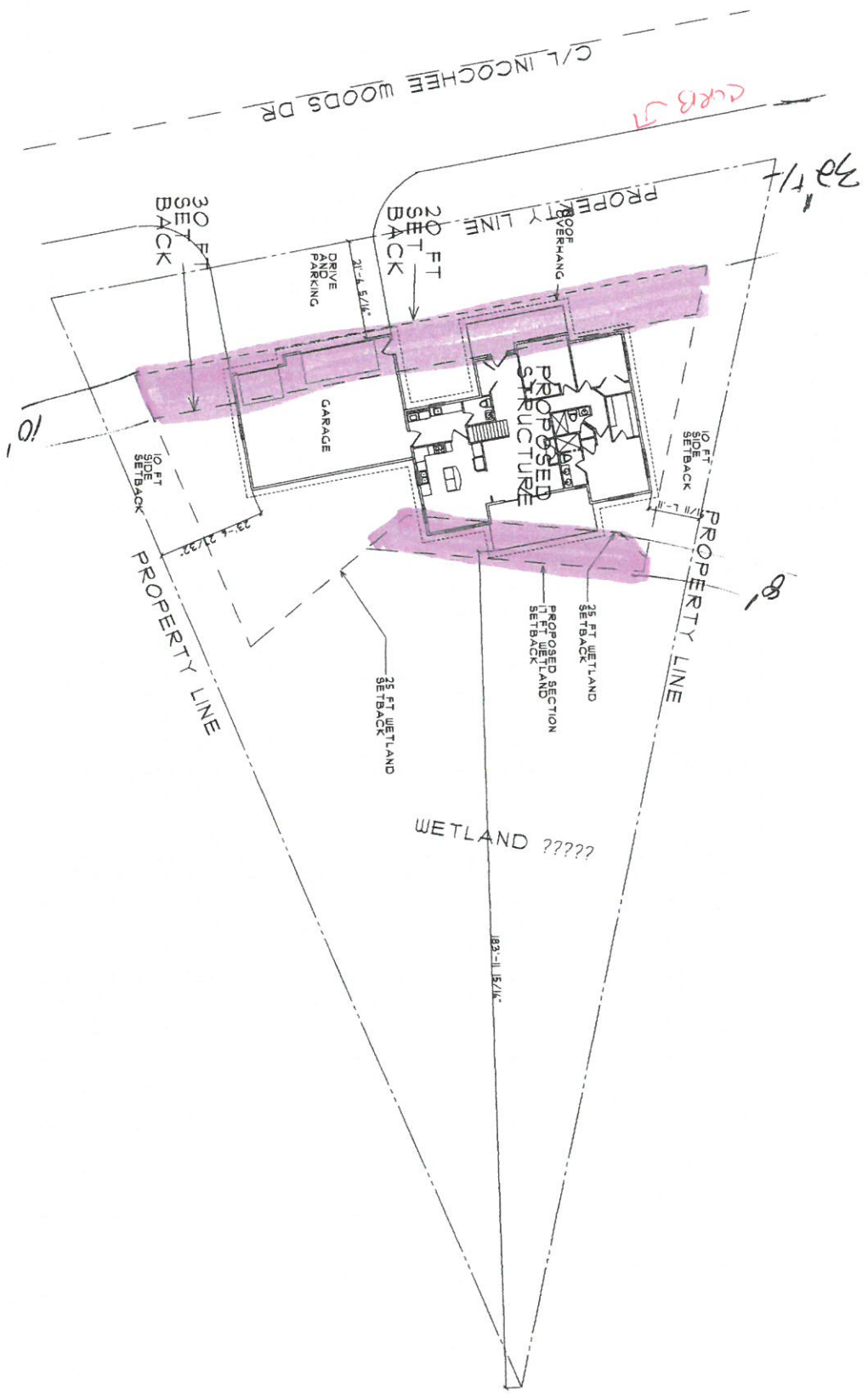
4-12-17
Date

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.

Request is for a 20' front setback instead of the existing 30' setback. Home distance from back of curb shall be 32' +/- . Also, a request is made for 8' of relief, providing 17' wetland setback instead of 25'. Trapezoidal shaped lot prohibits placement of a 1600 square foot residential home to be constructed with current existing front and rear wetland setbacks. Incochee Woods Development Condominium Association requires at least 1600 square foot residential home structures on each lot to conform to condominium association bylaws and rules.



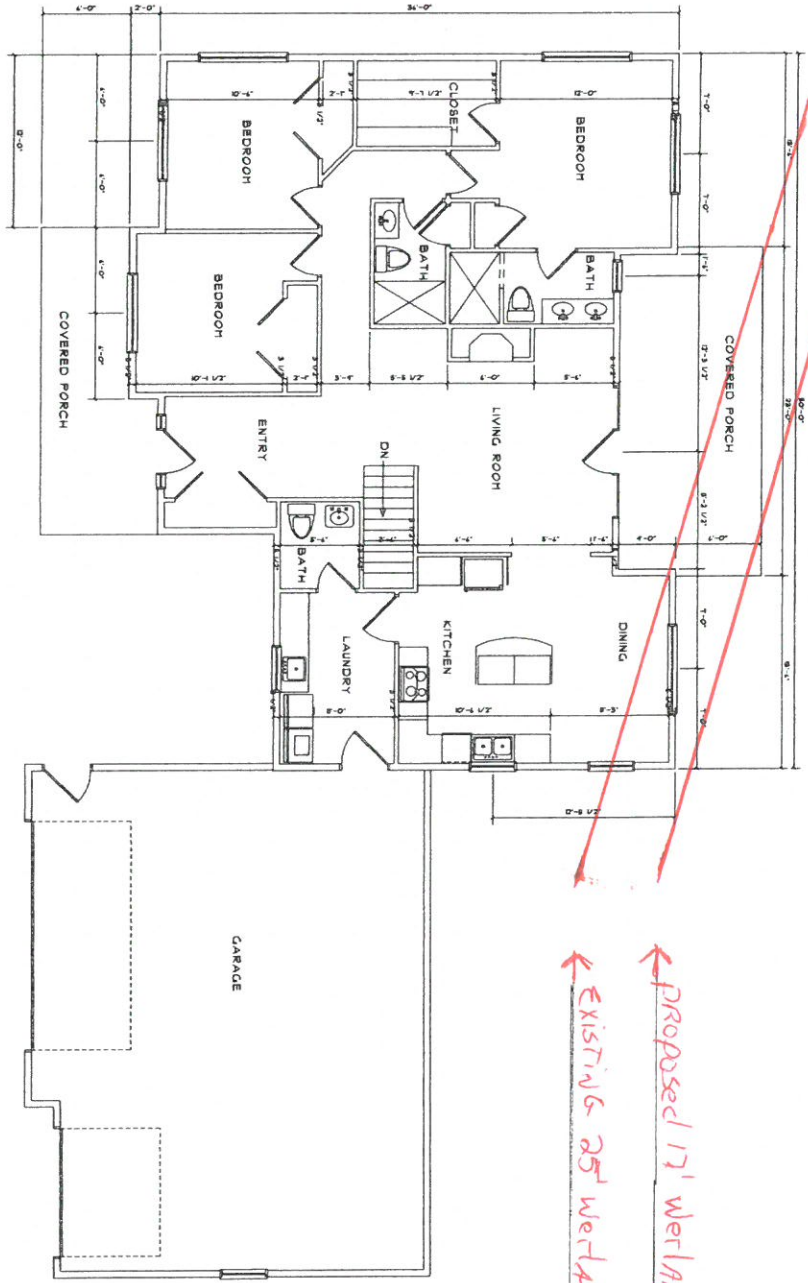
Grand Traverse County Register of Deeds 2006C-00012 Pg #59



DATE 3-11-2011
 Dwg NAME OGDEN
 SHEET

SALISBURY & MAY CONST
 NEW RESIDENCE FOR:
 JACK OGDEN

REVISIONS

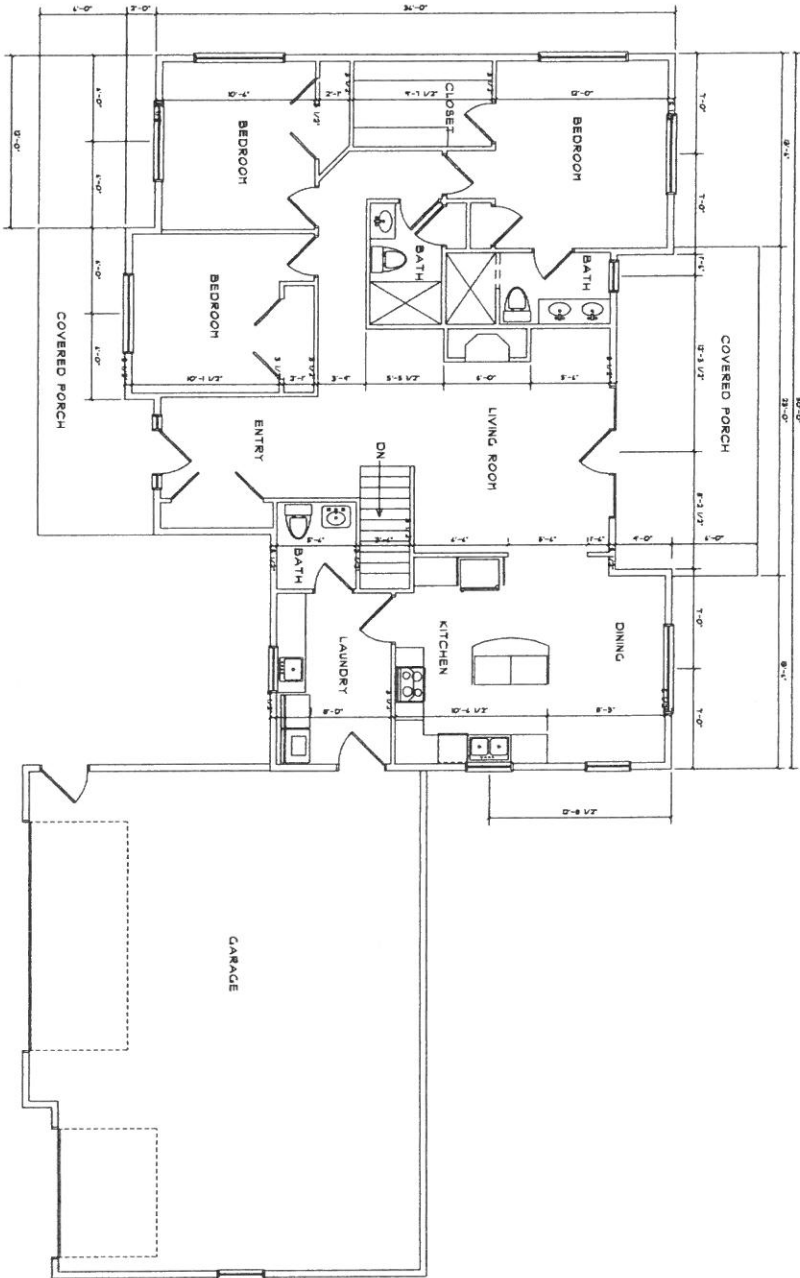


MAIN FLOOR PLAN
 1600 SF MAIN FLOOR
 134 SF COVERED FRONT PORCH
 230 SF COVERED REAR PORCH
 1015 SF GARAGE

REVISIONS

SALISBURY & MAY CONST
 NEW RESIDENCE FOR:
 JACK OGDEN

DATE 3-1-2011
 DWG NAME OGDEN
 SHEET



MAIN FLOOR PLAN

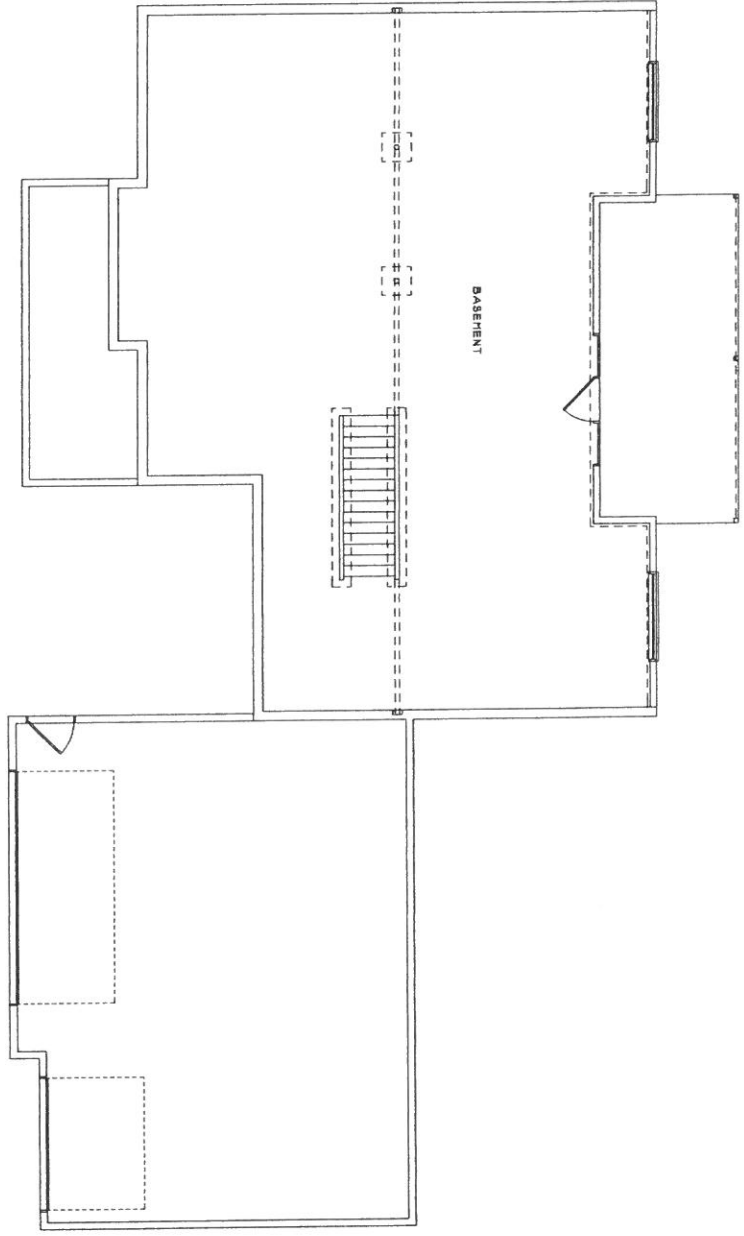
100 SF MAIN FLOOR
 134 SF COVERED FRONT PORCH
 230 SF COVERED REAR PORCH
 1016 SF GARAGE

REVISIONS

SALISBURY & MAY CONST
 NEW RESIDENCE FOR:
 JACK OGDEN

DATE 3-1-2011
 DWG. NAME OGDEN
 SHEET

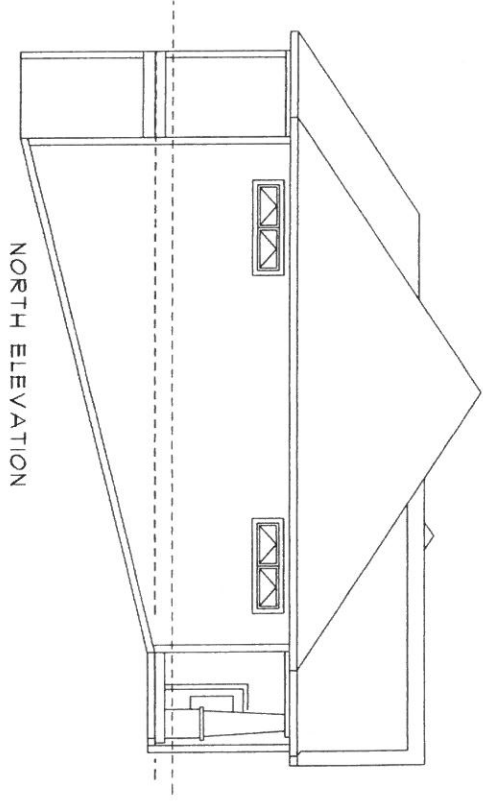
FOUNDATION PLAN



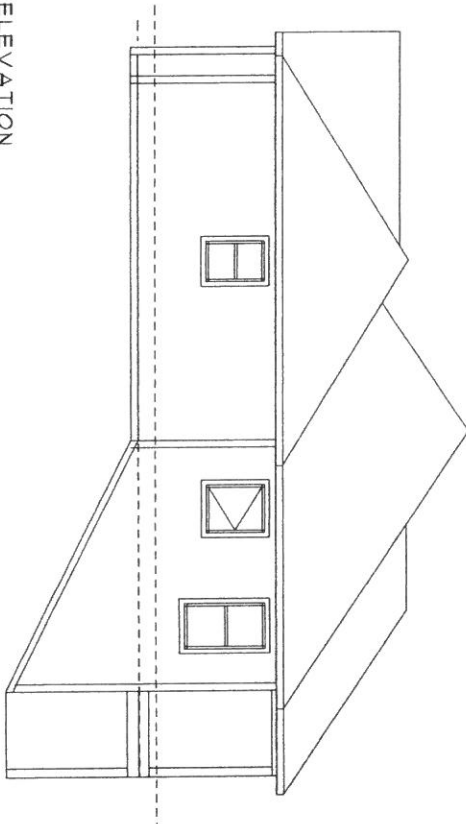
REVISIONS

SALISBURY & MAY CONST
NEW RESIDENCE FOR:
JACK OGDEN

DATE 3-1-2011
DWG NAME OGDEN
SHEET



NORTH ELEVATION

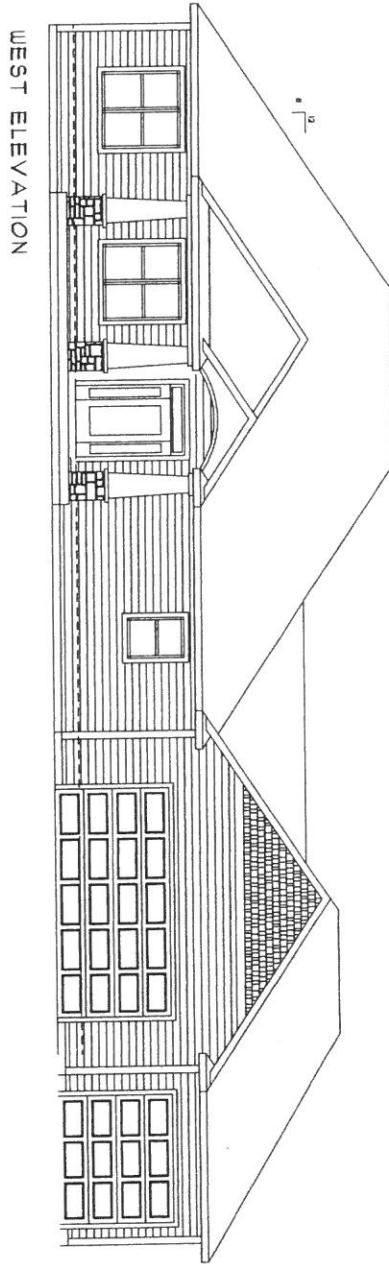


SOUTH ELEVATION

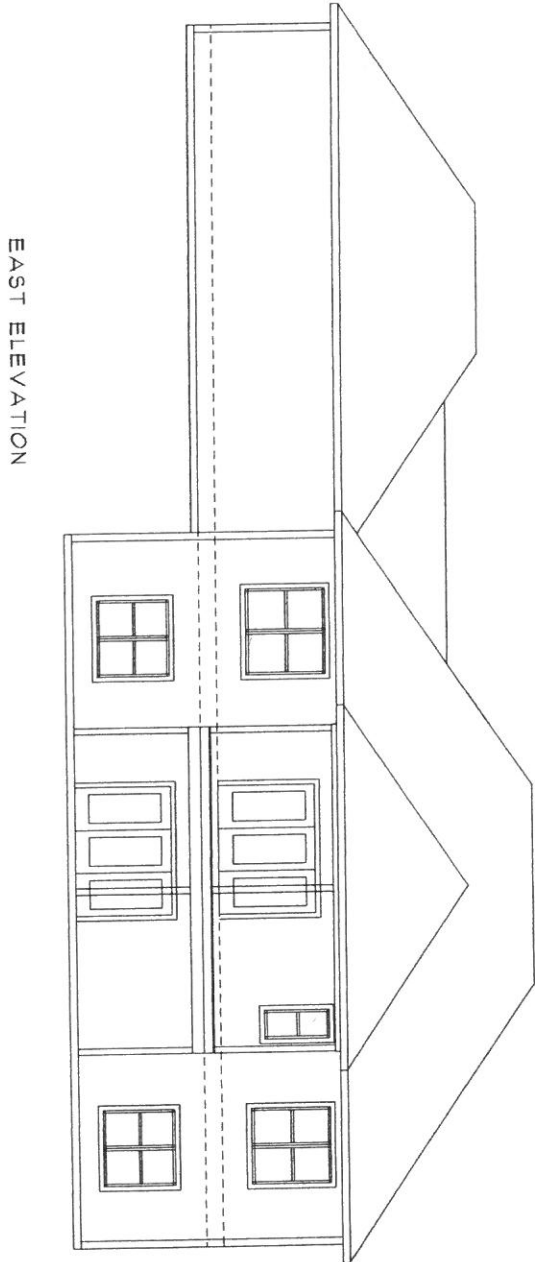
REVISIONS

SALISBURY & MAY CONST
 NEW RESIDENCE FOR:
 JACK OGDEN

DATE 3-1-2011
 DWG NAME OGDEN
 SHEET



WEST ELEVATION



EAST ELEVATION

REVISIONS

SALISBURY & MAY CONST
 NEW RESIDENCE FOR:
 JACK OGDEN

DATE 3-1-2011

DWG NAME OGDEN

SHEET

OFFICIAL TREASURER'S RECEIPT OF FUNDS

CHARTER TOWNSHIP OF GARFIELD
Jeane Blood Law, Treasurer
3848 Veterans Dr.
Traverse City, MI 49684

Contact us at:
 Ph: (231) 941-1620
 online: www.garfield-twp.com

Checks are accepted as conditional payment. If the check does not clear, this receipt is considered VOID. A \$25 NSF fee will be added to the balance due.

Received From:	Date: 04/24/2017	Receipt #: 33911
INCOCHEE WOODS DEVELOPMENT LLC		Cashier: Jeane
12930 S WEST BAY SHORE DR		Total Received: \$250.00
TRAVERSE CITY MI 49684		Batch #:
<u>Notes:</u>		

RECEIPT ITEM	DESCRIPTION	AMOUNT
BLD INVC	00012669	\$250.00
	Total Amount Due:	\$250.00
PAYMENTS RECEIVED		
Tendered:	CHECKS	327877
		\$250.00
	CHANGE:	\$0.00

May 9, 2017

Charter Township of Garfield
Zoning Board of Appeals
3848 Veterans Drive
Traverse City, Mi.

We live at 862 Incochee Woods Drive just around the corner from 818 Incochee Woods Drive, the parcel of property that is the subject of a hearing by the Board on May 17, 2017. The applicant requesting the variance is asking that the front setback be reduced from 30 feet to 20 feet and that the wetland setback be reduced from 25 feet to 17 feet.

We object to the proposed reduction of the front setback from 30 feet to 20 feet. It appears that all of the homes on Incochee Woods Drive are set back 30 feet from the easement that runs along the street which means that all of the homes are about 45 feet from the road. In our opinion the reduction of the front setback will cause the proposed structure to be out of character with the rest of the homes on Incochee Woods Drive and the rest of the homes in the condominium subdivision. The reduction in the front setback would be especially evident to the homeowners adjacent to this lot and the homeowners that have a view of the lot. It appears from the condominium site plan that a rather large home can be built on the lot in question without reducing the front setback.

In regard to the reduction of the wetland setback from 25 feet to 17 feet we would not have an objection to this request for a variance provided that the DEQ has passed on the request and the flow of water is not hindered in any way. Our home backs up to the same wetlands and a small stream flows behind our home. One of the reasons that we chose this site for our home was the proximity of the site to the stream.

Please take our concerns into consideration when making a decision on the request for these two variances.

Yours truly,



Eric and Julia Braverman

RECEIVED

MAY 10 2017

May 8, 2017

Mike Green
Garfield Twp. Zoning Dept.
3848 Veterans Dr.
Traverse City, MI. 49684

Dear Mr. Green:

My wife and I reside at 841 Incochee Woods Dr.. Our address is directly perpendicular to the location of the requested zoning variances and set back requirement waivers that are proposed for review at the Incochee Woods development.

In an effort to maintain the integrity and appearance of our subdivision as well as to conform to our existing HOA by-laws, we would oppose any such variance.

Please note that a creek and what appear to be wetlands exist toward the rear of the lot where one of the variances are proposed.

Please note our objections. We would be glad to discuss our concerns further should you desire more input.

Respectfully,

John C. Conn-989-860-1204

Linda J. Bush-989-860-9872

RECEIVED

MAY 08 2017

May 10, 2017

Charter Township of Garfield
Zoning Board of Appeals
3848 Veterans Drive
Traverse City, Mi.

Dear Zoning Board,

Our family lives at 876 Incochee Woods Drive near 818 Incochee Woods Drive, the parcel of property that is the subject of a hearing by the Board on May 17, 2017. The applicant requesting the variance is asking that the front setback be reduced from 30 feet to 20 feet and that the wetland setback be reduced from 25 feet to 17 feet.

We object to the proposed reduction of the front setback from 30 feet to 20 feet. It appears that all of the homes on Incochee Woods Drive are set back 30 feet from the easement that runs along the street which means that all of the homes are about 45 feet from the road. In our opinion the reduction of the front setback will cause the proposed structure to be out of character with the rest of the homes on Incochee Woods Drive and the rest of the homes in the condominium subdivision. The reduction in the setback would be especially evident to the homeowners adjacent to this lot and the homeowners that have a view of the lot.

It appears from the condominium site plan that a rather large home can be built on the lot in question without reducing the setback. The owner of the lot is listed on the Register of Deeds website as Incochee Woods Development LLC. If the LLC is indeed the owner of the lot one would assume that they were aware of any potential problem with that particular lot when the subdivision was planned.

In regard to the reduction of the wetland setback from 25 feet to 17 feet we would not have an objection to this request for a variance provided that the DEQ has passed on the request and the flow of water is not hindered in any way. Our home backs up to the same wetlands and a small stream flows behind our home. One of the reasons that we chose this site for our home was the proximity of the site to the stream.

Please take our concerns into consideration when making a decision on the request for these two variances.

Thank you,

Tom & Robbyn Michaels
(231) 342-1346
tomandrobbyn@michaelsranch.com

RECEIVED
MAY 08 2017

May 9, 2017

Charter Township of Garfield
Zoning Board of Appeals
3848 Veterans Drive
Traverse City, MI

To whom it may concern:

This comment is in regards to the two proposed variances to existing zoning for the lot at 818 Incochee Woods Drive to be reviewed at the May 17, 2017, Board of Appeals meeting. I am a resident of the subdivision and live at 845 Incochee Woods Drive, which has a partial view of the subject property.

Reducing front setback from 30' to 20'. I strongly object to this proposed variance. There are nine (9) existing homes of various shapes/sizes on Incochee Woods Drive – ALL of them appear to be set back at least 40' or more. My home is 46' at the closest point to the road and has a 30' front setback. Furthermore, the subject property is near a curve in the road and as such, a reduced front setback will be very obvious and will disrupt the intended line-of-sight of lawns/landscaping along the roadway. People move to this neighborhood for the wooded setting and the fact that homes are not squeezed in.

Reducing the wetland setback from 25' to 17'. I am not in favor of this proposed variance but I will not object if the Zoning Board approves the request in whole or part. This wetland system is a prominent feature in this portion of the neighborhood. There are several residents that are very protective of this free-flowing stream of water that runs down the hillside. I'm assuming that the developers, site architects, and zoning office were all involved in deciding how to originally designate the setbacks to protect the wetlands. I don't know what has changed, if anything, since the subdivision was originally laid out. I will leave it to the Zoning Board to determine if some variance is allowable.

I do not wish to stand in the way of someone else building the home of their dreams. However, this is a relatively large lot (albeit the wetland restrictions) and I'm sure that it can accommodate a reasonably sized one or two story home.

Please voice my objections at the Board of Appeals meeting. If necessary, I will attend the meeting to voice my concerns and objection to the front setback variance.

Sincerely,



David A. Dean
845 Incochee Woods Drive
Traverse City, MI 49684
(231) 360-7629

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

Date: May 1, 2017

To: Garfield Township
3848 Veterans Dr.
Traverse City, MI 49684

RE: Request has been by John C Ogden for variance from Section 434.(3) Property Zones R-1 and is located at 818 Incochee Woods and with a property: Parcel#05-184-038-00

To Whom it May Concern,

Upon reviewing the above Notice of Public Hearing of the Zoning Board of Appeals, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.

Sincerely,

Haggard's Plumbing & Heating

MAY 08 2017

RECEIVED

Incochee Master Deed Amendment History

Zoned R-1B

Grand Traverse County Condominium Subdivision Plan No. 301

Original Master Deed February 8, 2006	<p>The Project is an expandable, contractible, residential condominium containing 73 Site Units.</p> <p>The Developer reserved the right to develop in multiple phases.</p> <p>Article X, Enlargement of the Condominium, states that the Project is expandable, assuming the Developer acquires certain property located adjacent to the project, which may be added, and if so added would allow for the creation of up to (3) additional residential Site Units.</p> <p>The legal description contains 41.86 acres (excluding exceptions). There are four exception parcels:</p> <ul style="list-style-type: none">#1 contains 1.55 acres.#2 contains 0.31 acres.#3 contains 0.58 acres.#4 contains 0.84 acres.
First Amendment July 25, 2006	<p>Amends Article IV(A)(7) of the Bylaws regarding routine maintenance of the storm drainage system.</p> <p>The Drain Commissioner was provided access around any and all retention basins for inspection and maintenance.</p>
Second Amendment February 26, 2008	<p>Amends Exhibit B, depicted in Replat No. 1.</p> <p>New legal description contains 41.08 acres in Garfield Twp. and 0.58 acres within the City of Traverse City, Leelanau County, with an exception parcel containing 2.64 acres.</p>

Lots 52, 53 and 39 became part of the new 2.64 acre exception parcel.

Lot 74, containing 15,267 sf, was created.

Total number of units has been reduced to 71.

Third Amendment
December 16, 2009

Amends ingress/egress access, for the sole purpose of controlled vehicle access, to and from Ramsdell Road through installation of a gate.

Fourth Amendment
February 26, 2013

Amends the Master Deed to provide for 71 Site Units. Units 52 and 53 were withdrawn, Unit 74 was added, and Units 54 and 55 shall be treated as one for all purposes.

The 4th sentence of Article V(B) is amended to indicate 1.41% [rather than 1.37%] for each unit.

Adding a sentence to the end of Article V(B) that indicates Units 54 and 55 shall be treated as a single unit, the Percentage of Value is 1.41% [one unit] and is entitled to only one vote.

Article VI(D) is entirely deleted and replaced with language indicating a 25' wide greenbelt, included in Units 32-39.

Several Bylaws amendments: 1) Units 54 and 55 are one unit; 2) notice may be electronic, provided it is sent to the email provided by the Owner; 3) grills, campfires, etc are not permitted in Common Areas without prior written approval of the Design Control Committee; 4) no alterations of Common Areas allowed without prior written approval of the Design Control Committee; 5) Added at the end of Article VII(3)(a) of the Bylaws that Units adjacent to a park or open space [common element] may, but is not required to maintain that area; and 6) Deleted entirely Article VII(3)(e) and replace it with language that laundry, etc cannot be hung outside the units, nor can the exterior of units be painted or decorated, without prior written approval of the Design Control Committee.

Replaced Exhibit C – Architectural Specifications Information Sheet with Exhibit 1 –a revised Exhibit C.

Amended Article II(8) of the Bylaws by adding at the end that notice may be served electronically.

Fifth Amendment
May 31, 2013

Reduced to 70 sites by splitting Unit 5 and combining it into Units 4 and 6.

Replaced Exhibit B with Sheets 1, 4-16 labeled “Replat No. 2.”

6th Amendment
March 24, 2017

Amends By-Laws, Article III changing size of Board of Directors from 2-5 members to 5-7 members.

7th Amendment
April 18, 2017

Amends Article V, Section 5 of By-Laws to clarify language related to obligations of Developer to pay costs related to its Site Units and exempts it from payment of assessments.



Full Extent Clear map graphics

- To
- Lu
- Tn
- RrC
- Lu
- RrB

MIRIS 1978 Wetlands

Type	Acres	Show on Map
Shrub/Scrub Wetland	4.777 Acres	<input type="button" value="Highlight"/>
Shrub/Scrub Wetland	9.707 Acres	<input type="button" value="Highlight"/>
Emergent Wetland	8.64 Acres	<input type="button" value="Highlight"/>

NWI Data

Type	Acres	Show on Map
Forested	4.734298	<input type="button" value="Highlight"/>
Forested	1.825285	<input type="button" value="Highlight"/>
Emergent	3.415427	<input type="button" value="Highlight"/>
Emergent	1.262056	<input type="button" value="Highlight"/>



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: July 19, 2017 (continued from June 21, 2017 by applicant request)
Case #: 2017-03 Multi-point request (see "Request" below)
Owner: Serra Works
Applicant: Serra Works
Property ID #: 05-013-005-10 and 05-013-004-10
Property Location: 1747/1775 S. Garfield Avenue
Zoning District: C-G General Commercial

Request

A multi-point request has been made by Serra Works, including the following:

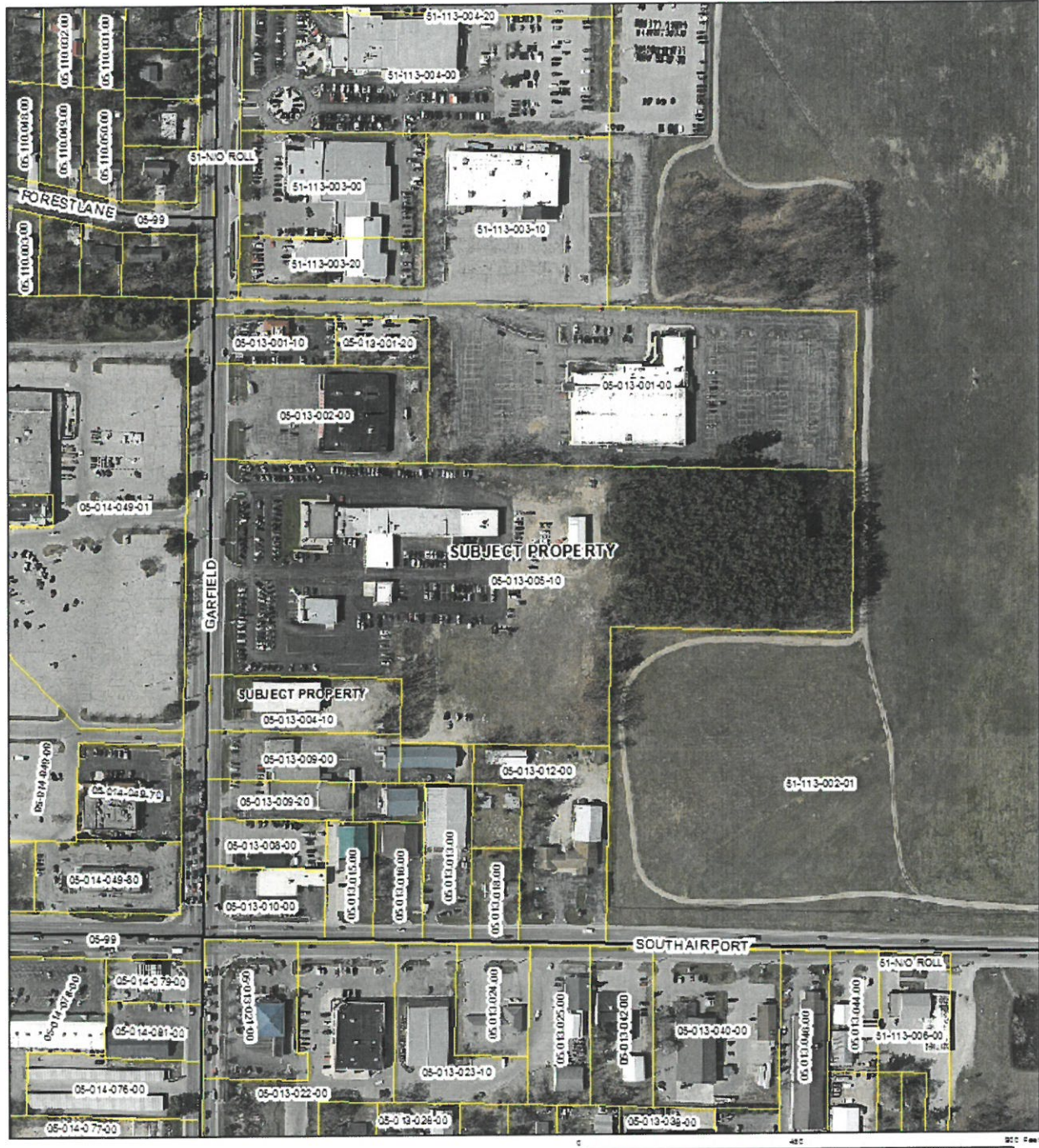
1. A request for a variance from Section 630.E.3 to allow 162 square feet of wall signage to be installed on a wall area of roughly 3,405 square feet; the request being greater than the allowed 100 square feet of wall signage.
2. A request for a variance from Section 630.E.2 to allow a fifth pylon sign, and up to 200 square feet for pylon (defined as "freestanding") signs.
3. An interpretation of Section 201 "Building"; whether the design of the applicant's building may be deemed to be two buildings which share a wall and certain common areas.
4. An interpretation of Section 630.E.3 to define "wall"; whether the design in the applicant's building plan may be deemed to have three west-facing "walls".
5. An interpretation of Section 630.M.4; how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs.

The property is zoned C-G General Commercial, and is located at 1747 and 1775 S. Garfield Avenue, with a property number of 05-013-005-10 and 05-013-004-10.

Parcel Overview

The property is approximately 14.68 acres in size, the terrain is relatively flat. The property in recent years was divided into at least 4 parcels with separate businesses that were bought up and buildings demolished. The signage formerly used for these businesses was retained by the current property owner and rebranded by the dealerships that now exist at this location. The property currently is mostly developed into buildings and parking areas. The property is has direct frontage on S. Garfield Avenue.

Aerial Photo of Subject Property and adjacent lots



Legend

- Traverse City PARCELS
- Parcel_2016
- 2016-Garfield_Mosaic.sid

RGB

- Red_Band_1
- Green_Band_2
- Blue_Band_3

Parcel Map

This map is based on digital data provided by Garfield Township. The Township does not warrant, express or implied, the information on this map current or accurate. Any errors shown are the responsibility of the user. Please contact the Township for more information.

Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49884
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Garfield Township Zoning Dept. 6/13/2017

Overview Map



Staff Comments

As stated earlier in this report, the application is divided into five separate requests. I will address each item separately and am recommending that each request be considered separately. As I received a revised request on Tuesday, June 13 (8 days before the public hearing), I have not had adequate time to review the packet and am do not have time to give a comprehensive staff review. However, I did want to at least hit at what I felt was most pertinent in case you do want to make a decision at our meeting June 21 on at least part of the application.

1. **A request for a variance from Section 630.E.3 to allow 162 square feet of wall signage to be installed on a wall area of roughly 3,405 square feet; the request being greater than the allowed 100 square feet of wall signage.** The applicant is arguing the following practical difficulties:
 - a. The applicant is claiming that the property is unique based on the large size (14.68 acres) and road frontage (560 linear feet). However, there are several other properties in the General Commercial district that are comparable, including:
 - i. **Meijer** – 25.11 acres; approx. 1253 feet of road frontage
 - ii. **Buffalo Ridge PUD (including Outback, AMC Cherry Blossom Theater, Lucky’s Market)** – 21.83 acres; approx. 770 feet of road frontage
 - iii. **Oleson Foundation property** – 196 acres; approx. 2500 feet of road frontage.
 - iv. **Fox Motors** – 34.29 acres; 1005 feet of road frontage.
 - v. **Williams Auto** – 12.58 acres; 795 feet of road frontage
 - b. The applicant is also claiming that the Section 630 doesn’t take into account buildings with large wall areas. I would respond that there are a number of buildings in the General Commercial district like Meijers and other “big box” retailers that also have large wall areas. More importantly, any issues with the Ordinance itself should be taken up by requesting a text amendment to the Zoning Ordinance, not through a variance request.
 - c. The applicant is claiming that the signs allowed by the Zoning Ordinance do not take into account the high speed limit (45 mph) and road design (5 traffic lanes). The applicant has provided some technical studies to show us what a proper sign size would be based on roadway design. While this might present a practical difficulty, it is a very general condition that is found throughout General Commercial zoned areas in the township. US 31, S. Airport Road, and Garfield Road have very similar roadway design and speed limits. Once again, this is an issue that should be brought before the Planning Commission as a text amendment request, not a variance for a specific property.
 - d. Finally, the applicant is claiming that the auto manufacturers are requiring signs that are larger than what is allowed by Garfield Township. Based on past experience with other auto dealerships in this area, this is a common occurrence. Most of the time, however, the manufacturers provide several options for signage based on local sign regulations. During a recent meeting with Serra, I was made aware that they have options as well from at least a couple of their manufacturers. If there are discrepancies between signage required by automobile manufacturers and other franchises, an applicant should approach the Planning Commission for a text amendment for this as well.

Based on the findings of fact above, I am recommending that the wall sign variance be denied.

2. **A request for a variance from Section 630.E.2 to allow a fifth pylon sign, and up to 200 square feet for pylon (defined as “freestanding”) signs.**
 - a. The applicant is also requesting this variance request based on the large property dimensions, automobile manufacturer requirements, and sign design guidelines based on roadway design similar to the variance request for the wall signage. My responses are the same.
 - b. In addition, the request for a fifth freestanding sign is based on the applicants claim that they have more frontage than many other similar zoned properties in the township. To this I would make the following comparison:
 - i. **Meijer** – 25.11 acres; approx. 1253 feet of road frontage; 1 freestanding sign

- ii. **Buffalo Ridge PUD (including Outback, AMC Cherry Blossom Theater, Lucky's Market)** – 21.83 acres; approx. 770 feet of road frontage; 1 freestanding sign.
- iii. **Fox Motors** – 34.29 acres; 1005 feet of road frontage. 3 freestanding signs
- iv. **Williams Auto** – 12.58 acres; 795 feet of road frontage; 4 freestanding signs (2 are ground level monument signs)

As stated earlier in this report, the applicant already has 4 pylon signs that the township has allowed to remain, even as the properties in which they were located were combined. It is my opinion that we have already given Serra some leeway on freestanding signage with respect to this and that a 5th sign would give the applicant an unfair advantage over other properties in the General Commercial district.

Based on the findings of fact presented above, I am recommending that the request for a fifth freestanding sign be denied.

3. **An interpretation of Section 201 "Building"; whether the design of the applicant's building may be deemed to be two buildings which share a wall and certain common areas.**

- a. The applicant is asking the Zoning Board of Appeals to consider the design of the applicant's building to be two separate buildings. Based on the preliminary plan review performed by the Building Department, the Audi/Volkswagen facility is considered to be one building. Furthermore, "building" is defined in our Zoning Ordinance as "Any structure, either temporary or permanent, having a roof and used and built for the shelter or enclosure of persons, animals, chattels, or property of any kind...". The building plans seem to clearly establish that the Audi/Volkswagen "facility" is located under one roof and lacks a clear separation via a fire wall and doors. In fact, the floor plan shows corridors that go throughout the entire "facility".

Based on the findings of fact presented above, I am recommending that the requested interpretation to allow the Audi/Volkswagen facility be determined to be two separate buildings be denied.

4. **An interpretation of Section 630.E.3 to define "wall"; whether the design in the applicant's building plan may be deemed to have three west-facing "walls".**

- a. I presented the elevation and floor plan drawings to the Garfield Township Building Official and Inspector, who determined that the wall area in question is defined by the Michigan Building Code as a single wall.

Based on the finding of fact presented above, I am recommending that the requested interpretation to consider the west-facing wall segments as three separate walls be denied.

5. **An interpretation of Section 630.M.4; how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs.** The intent of Section 630.M.4 is to allow a sign support structure to be up to 50% of the "permitted" sign area of a freestanding sign. The Planning Director has offered an interpretation of this to include 50% of the maximum allowable square footage for that sign. I believe this is what the applicant was seeking, but am not sure. The public hearing notice and application did not include this request so it cannot be considered at the June 21, 2017 Public Hearing.

Please feel free to contact me if you have any questions before the meeting.

Sincerely,



Michael Green, Zoning Administrator
Charter Township of Garfield

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 21, 2017 at 6:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

A request has been made by Serra Works of Traverse City LLC for the following items:

1. A variance from Section 630.E.3 of the Garfield Township Zoning Ordinance to allow various wall signs on a proposed building in excess of 100 sq. ft per exterior wall face
2. A variance from Section 630.E.2 of the Garfield Township Zoning Ordinance to allow more than one freestanding sign per parcel.
3. An interpretation of Section 630.E.3 that would consider each projection on a building a separate wall, which would allow an increase in wall signage by right.

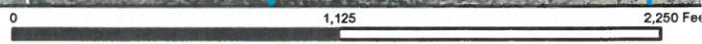
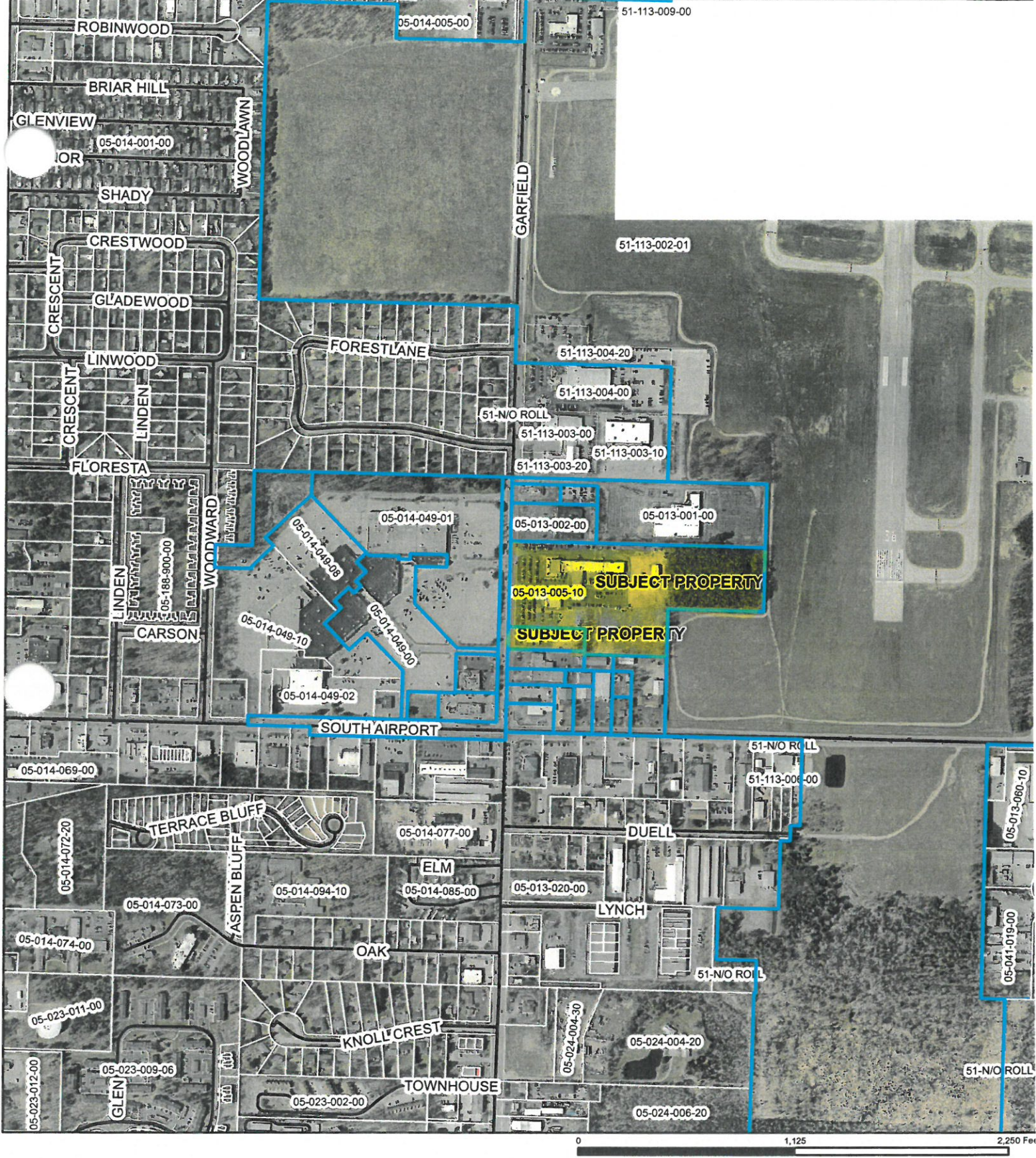
The subject property is zoned C-G General Commercial and is located at 1747 S. Garfield Avenue; the property number is 05-013-005-10 and 05-013-004-10.

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.

Lynn Fricke – 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

Garfield Township 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 Garfield Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.



Parcel Map

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



Legend

- Traverse City PARCELS
- Parcel_2016

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.

NOT A LEGAL SURVEY

Garfield Township Zoning Dept: 6/1/2017

WOODLAND SHORE PROPERTY LLC
956 W SOUTH AIRPORT RD
TRAVERSE CITY, MI 49686

MARSH ENTERPRISES LLC
PO BOX 6647
TRAVERSE CITY, MI 49696

ROBINSON GARY L & ANN E
880 SOUTH AIRPORT RD W
TRAVERSE CITY, MI 49684

ECEK HOLDING LLC
5862 GALVIN RD
TRAVERSE CITY, MI 49685

SERRA WORKS TRAVERSE CITY LLC
3118 E HILL RD
GRAND BLANC, MI 48439

~~SERRA WORKS OF TRAVERSE CITY LLC
3118 E HILL RD
GRAND BLANC, MI 48439~~

CASCIANO DEVELOPMENT LLC
1800 GARFIELD AVE S
TRAVERSE CITY, MI 49686

GRAND TRAVERSE CO & LEELANAU CO
727 FLY DONT DR
TRAVERSE CITY, MI 49686

FURNEY MARGARET A (LE) &
914 W SOUTH AIRPORT RD
TRAVERSE CITY, MI 49686

FOUR BROTHERS LLC
1028 HANNAH AVE STE C
TRAVERSE CITY, MI 49686

WOHLFEIL EDWARD
PO BOX 641
GAYLORD, MI 49735

MEACH ENTERPRISES LLC
9222 CREEKSIDE TRL
STONE MOUNTAIN, GA 30087

~~FOUR BROTHERS LLC
1028 HANNAH AVE STE C
TRAVERSE CITY, MI 49686~~

ROBINSON GARY L
880 W SOUTH AIRPORT RD
TRAVERSE CITY, MI 49686

COPPER FALLS HOLDINGS LLC (LC)
3772 KENNEDY PL
WILLIAMSBURG, MI 49690

~~ROBINSON GARY
880 W SOUTH AIRPORT RD
TRAVERSE CITY, MI 49686~~

COSCARELLI TRUST
3601 S BAY RIDGE LN
SUTTONS BAY, MI 49682

~~FOUR BROTHERS LLC
1028 HANNAH AVE STE C
TRAVERSE CITY, MI 49686~~

C M S CORP
P O BOX 306
TRAVERSE CITY, MI 49685

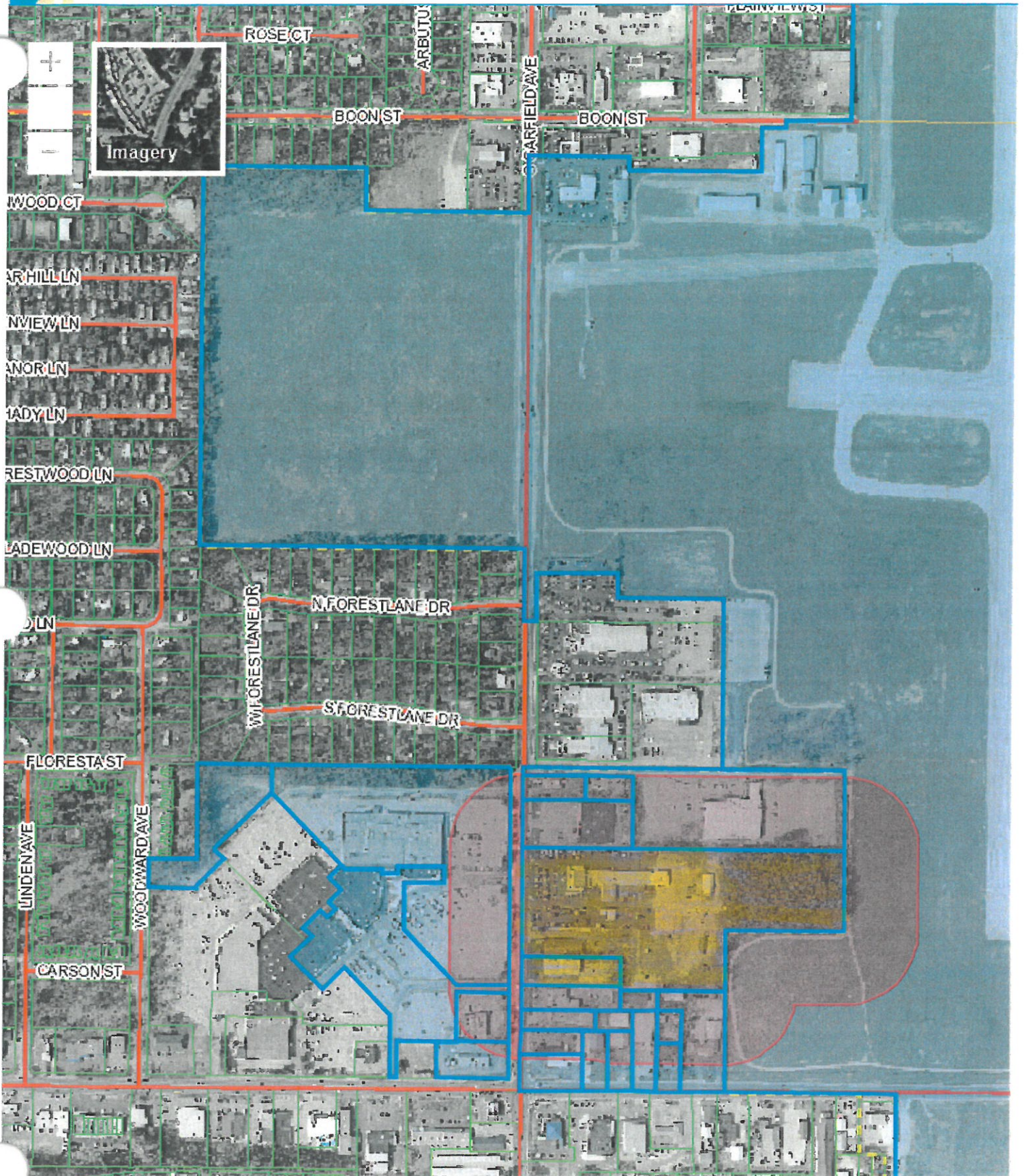
~~FOUR BROTHERS LLC
1028 HANNAH AVE STE C
TRAVERSE CITY, MI 49686~~

CHERRYMART ASSOCIATES LLC
17800 LAUREL PARK DR N STE 200C
LIVONIA, MI 48152

DURGA LLC
11320 CHESTER RD
CINCINNATI, OH 45246



GTC Land Use Public ...



LAW OFFICES
OF
RICHARD J. FIGURA, P.C.

EMPIRE COMMERCE CENTER
11470 S. LEE LANAU HWY., STE. 105
PO BOX 447
EMPIRE, MICHIGAN 49630

Of Counsel to:
SIMEN, FIGURA & PARKER, P.L.C.
FLINT, MICHIGAN

RICHARD J. FIGURA
TIMOTHY J. FIGURA

TELEPHONE: (231) 326-2072 FACSIMILE: (231) 326-2074
rfigura@figuralaw.com tfigura@figuralaw.com

5/15/2017

Charter Township of Garfield

Greetings,

We have prepared the following application which has been signed by our client, and have included the required filing fee.

Regards,



Timothy J. Figura



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 APPLICATION

1. Owner / Applicant information

Serra Works of Traverse City LLC

Owner:

3118 E. Hill Rd.

Address:

Grand Blanc, MI 48439

City, State, Zip Code

231-947-9000

Phone Numbers

Same as Owner

Applicant:

Address:

City, State, Zip Code

Same as Owner

Phone Numbers

2. Property Information:

a. Property Address: **1747 S. Garfield Ave, Traverse City, MI 49686**

b. Property Location: **SEC 13, T27N, R11W**

c. Lot # **N/A** Subdivision Name: **N/A**

d. Parcel ID# 28-05- **013-005-20**

e. Current Zoning: **C-G General Commercial**

f. Current Use: **Automotive Dealership**

3. Purpose For Request:

Variance Appeal _____ Interpretation Review _____

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

Variance to allow greater area of wall signs, interpretation of "building" and "wall"

Variance to allow greater number and area of pylon signs

§201, §630

As agreed with Zoning Administrator, any supplemental information in support of this request will be submitted no later than June 7, 2017.

- (a) The requested variance shall relate only to property that is under the 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;
- (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;
- (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
- (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.

(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.

(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).

(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.

SECTION 454 VARIANCES

A. Applicability – Dimensional Variances

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.

B. Applicability – Use 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);
- (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;
- (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;
- (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
- (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.

(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:

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 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

JERALD R. ZEZULKA, EXECUTIVE MANAGER

Date

5/15/2017

Applicants signature

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.

SERRA VARIANCE DOCUMENTATION

EXPLANATION OF REQUESTS

GENERAL INFORMATION

The applicant wishes to expand services at location to include two additional automobile manufacturers. Automobile manufacturers require dealers to adhere to detailed sign specifications in order to maintain uniform branding. The following variance requests and requests for interpretation are made with the goal of compliance with the requirements of the various automobile manufacturers. Special circumstances and conditions exist which would prevent the applicant from complying with the reasonable requirements of the automobile manufacturers.

REQUEST 1

A variance from Section 630 E to allow 162 square feet of wall signage to be installed on a wall area of roughly 3405 square feet, request being greater than the allowed 100 square feet of wall signage. (See REQUEST 1 ATTACHMENT)

REQUEST 2

A variance from Section 630 E to allow a fifth pylon sign, and up to 200 square feet for pylon signs. (See REQUEST 2 ATTACHMENT)

REQUEST 3

An interpretation of Section 201 "Building"; whether the design of applicant's building may be deemed to be two buildings which share a wall and certain common areas. (See REQUEST 3 ATTACHMENT)

REQUEST 4

An interpretation of Section 630 E (3) to define "wall"; whether the design in applicant's building plan may be deemed to have three west-facing "walls". (See REQUEST 4 ATTACHMENT)

REQUEST 5

An interpretation of 630 M (4); how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs. (See REQUEST 5 ATTACHMENT)

DETAILED EXPLANATION OF REQUESTS

Detailed explanations of the "practical difficulty", "general criteria", and "special conditions or circumstances" related to each request follows as attachments.

REQUEST 1

A variance from Section 630 E to allow 162 square feet of wall signage to be installed on a wall area of roughly 3405 square feet, request being greater than the allowed 100 square feet of wall signage.

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);

1. The proposed project site includes 560 feet of frontage on Garfield Road (EXHIBIT 1– SIGNAGE PLAN FOR SERRA). This road frontage is large as compared to most other properties in the same zoning district (EXHIBIT 2 – ZONING MAP). This wide road frontage is a physical condition that does not generally apply to other properties in the same zoning district. The applicant wishes to make reasonable use of the property by erecting an additional dual building for automobile sales for two different automobile brands.
2. In order to meet the requirements imposed on the applicant by the automobile manufacturers which will be represented in the new dual facility, a variance from the 100 SF for a wall sign is necessary. The auto manufacturer sign standards are set forth in Exhibit 2. (EXHIBIT 3 – WALL SIGNS FOR NEW AUDI/ VW BUILDING).
3. The wall sign size restriction of 100 square feet or 20% of wall area, whichever is less, is reasonable as applied to a smaller building, or as applied to a building that does not require advertising directly to the general public (EXHIBIT 4– ZONING ORDINANCE SEC. 630 E, wall signs).
4. The applicant’s wall sign size promotes the traditional development pattern of the blockface, as the businesses along the east side of the Garfield Ave corridor share similar aesthetics to the design proposed by the applicant (EXHIBIT 5– GARFIELD AVE BLOCKFACE IMAGE).
5. The size of the wall sign needs to be increased to meet the standards established by the United States Sign Council (USSC Study) for legibility of signs and for safe viewing by the motoring public. A copy of the USSC Study is attached as Exhibit 5 (EXHIBIT 6 – USSC STUDY).

The USSC Study describes in detail how motorists react to signs in the roadside environment. The Study states:

Detecting and reading a roadside on-premise sign by a motorist involves a complex series of sequentially occurring events, both mental and physical. They include message detection and processing, intervals of eye and/or head movement alternating between the sign and the road environment, and finally, active maneuvering of the vehicle (such as lane changes, deceleration, and turning into a destination) as required in response to the stimulus provided by the sign.

Complicating this process is the dynamic of the viewing task, itself, involving the detection of a sign through the relatively constricted view provided by the windshield of a rapidly moving vehicle, with the distance between the motorist and the sign quickly diminishing. At 40 miles per hour, for example, the rate at which the viewing distance decreases is 58 feet per second, and at 60 miles per hour, it becomes an impressive 88 feet per second. Further complicating the process is the relative position of the sign to the eye of the motorist, whether directly in his/her field of view (perpendicular orientation), or off to the side and turned essentially parallel to the motorist's field of view (parallel orientation).

Research has now been able to quantify the viewing process and set a viewing time frame or viewing window of opportunity for both types of sign orientation. In the case of signs perpendicular to the motorist, this time frame is measured as Viewer Reaction Time (VRT), or the time frame necessary for a motorist traveling at a specific rate of speed to detect, read, and react to a sign within his/her direct field of vision with an appropriate driving maneuver. The driving maneuver itself can entail a number of mental and physical reactions, usually involving signaling, lane changes, acceleration and/or deceleration, and finally, a turn into the site of the sign.

In the case of signs parallel to the motorist's view, detecting and reading a sign is generally restricted to quick sideways glances as the sign is approached and the angle of view becomes more constricted. Because of this, the VRT involving these signs is, at best, necessarily compromised. **Compensation for this reduction in the time frame involved in detecting and reading parallel signs is made through increases in letter height and size designed to facilitate rapid glance legibility.** It must be understood however, that the parallel orientation will always present legibility problems, and in many cases, even if the sign is detected and read, sufficient time for a motorist to complete a driving maneuver in response to the sign may not be available.

[USSC Study, Exhibit 4, pp. 1 – 2]

The USSC Study distinguishes between **perpendicular** signs and **parallel** signs. The wall signs at issue are what the Study refers to as parallel signs. Parallel signs are addressed beginning at p. 15 of the Study. After discussing the driver reaction time for a parallel sign, the Study sets forth a basic formula for determining the proper letter height for parallel sign. That basic formula is:

$$LH = (LN \times 10 + LO) / 5$$

LN is the letter height in inches; LN is the number of lanes of traffic (in this case 4); and LO is the lateral offset of the parallel sign from the curb in feet (in this case, approximately 150').

Applying that formula to both or either of the proposed Audi or Volkswagen signage, the formula is presented as follows;

$$LH = (4 \times 10 + 150) / 5; \text{ or}$$

$$LH = 190 / 5 = 38''$$

Thus, the Study would recommend a letter height of 38'' for the Audi and/or the VW wall sign. Except for the 4 circle logo (which is 4' high, but uses only 13' of the total 60 (lineal feet of signage) all of the proposed sign letters are less than 38''. The "Audi Traverse City" (27 lineal feet) letters are only 24'' high; and the "Audi Service Drive" (20 lineal feet) letters are only 18'' high.

Only the logo on the VW wall signage comes close to the Study's recommended 38''. The logo is 3' by 3' (9 SF). The letters for the "Traverse City" portion of the VW sign are only 17'' high and the letters on the "Service Express" portion are only 12'' high.

Combined, the proposed Audi signage (134.2 SF) and the proposed VW signage (28.3 SF) come to a total of 162.5 SF, but that total is spread over what could otherwise be considered two buildings; i.e., 2 separate walls. See the discussion at Request Nos. 3 & 4, below.

Based on the Study the applicant believes that a variance to allow 162.5 SF of wall signage on the dual building is justified.

(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;

The proposed project is the result of signage requirements imposed by the automobile manufacturers that will be represented in the structure, as well as by standards recommended by the Study, neither of which were created by the applicant. Rather, the applicant is trying to make the most efficient and safe use of the property and its related signage.

(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;

The applicant wishes to make reasonable use of the property by erecting an additional building with a dual construction and purpose, which approach is both economically and environmentally responsible and protective of the public safety. That is the most reasonable use of the property which use would be severely impaired without the grant of a variance.

(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

If the provisions of the zoning ordinance were applied literally, the applicant would be required to restrict signage to 100 square feet for the over the 3400 square foot front wall. The majority of other properties in the same zoning district are smaller lots with smaller buildings, which allow their signage to be more prominent in relation to the buildings on which they are attached. See Exhibit ZONING MAP, exhibit block face.

(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.

Full compliance with the zoning ordinance would not require additional costs on the part of the applicant. In fact, granting the variance would justify the applicant's decision to effectively combine 2 buildings into 1 dual building, thereby preserving land and being economically and environmentally responsible.

(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;

The entire variance sought is on the applicant's property.

(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;

(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;

As described above, the proposed variance will enable the applicant to use the subject property in a more economical and environmentally responsible manner.

(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

(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.

The applicant believes that the criteria above are satisfied and requests approval of this variance request.

REQUEST 2

A variance from Section 630 E to allow a fifth pylon sign, and to allow a total of 200 square feet of sign face area.

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);

1. Physical Conditions - The proposed project site includes 560 feet of frontage on Garfield Road (EXHIBIT 1– SIGNAGE PLAN FOR SERRA). This road frontage is large compared to most other properties in the same zoning district. (Exhibit – Zoning map) This wide road frontage which is a physical conditions that does not generally apply to other properties in the same zoning district. Due to the width of this property, the applicant wishes to make reasonable use of the property by erecting an additional building for automobile sales.
2. Automobile Manufacturer Requirements - The proposed project is the result of signage requirements imposed by the automobile manufacturers that will be represented in the structure (EXHIBIT 2– WALL SIGNS FOR NEW AUDI/ VW BUILDING).
3. The pylon sign size restriction of one sign of 40 square feet plus up to 40 additional square feet for a lot with 200 feet of road frontage is reasonable as applied to a smaller lots, or as applied to a lot that does not advertise to the general public (EXHIBIT 5– ZONING ORDINANCE SEC. 630 E, pylon). Because the applicant’s lot is more than twice the width of those envisioned by the zoning ordinance, the applicant is allowed less proportional pylon sign square footage than a smaller lot would enjoy.
4. The applicant’s pylon sign size promotes the traditional development pattern of the blockface, as the businesses along the east side of the Garfield Ave corridor share similar aesthetics to the design proposed by the applicant (EXHIBIT 4– GARFIELD AVE BLOCKFACE IMAGE).
5. The size of the pylon signs needs to be increased to meet the standards established by the United States Sign Council (USSC Study) for legibility of signs and for safe viewing by the motoring public. A copy of the USSC Study is attached as Exhibit 5 (EXHIBIT 5 – USSC STUDY).

The USSC Study describes in detail how motorists react to signs in the roadside environment. The Study states:

Detecting and reading a roadside on-premise sign by a motorist involves a complex series of sequentially occurring events, both mental and physical. They include message detection and processing, intervals of eye and/or head movement alternating between the sign and the road environment, and finally, active maneuvering of the vehicle (such as lane changes, deceleration, and turning into a destination) as required in response to the stimulus provided by the sign.

Complicating this process is the dynamic of the viewing task, itself, involving the detection of a sign through the relatively constricted view provided by the windshield of a rapidly moving vehicle, with the distance between the motorist and the sign quickly diminishing. At 40 miles per hour, for example, the rate at which the viewing distance decreases is 58 feet per second, and at 60 miles per hour, it becomes an impressive 88 feet per second. Further complicating the process is the relative position of the sign to the eye of the motorist, whether directly in his/her field of view (perpendicular orientation), or off to the side and turned essentially parallel to the motorist's field of view (parallel orientation).

Research has now been able to quantify the viewing process and set a viewing time frame or viewing window of opportunity for both types of sign orientation. In the case of signs perpendicular to the motorist, this time frame is measured as Viewer Reaction Time (VRT), or the time frame necessary for a motorist traveling at a specific rate of speed to detect, read, and react to a sign within his/her direct field of vision with an appropriate driving maneuver. The driving maneuver itself can entail a number of mental and physical reactions, usually involving signaling, lane changes, acceleration and/or deceleration, and finally, a turn into the site of the sign.

The USSC Study distinguishes between **perpendicular** signs and **parallel** signs. The wall signs at issue are what the Study refers to as perpendicular signs.

The USSC Study proposes an equation to determine the minimal legibility requirements of a perpendicular sign, with a table presented on page 13 of the study. The table rests on certain variables. The table presumes a "legibility index" (LI) of 30, meaning that a letter one-inch in height is legible at a distance of 30 feet, or that a letter twelve inches in height is legible at a distance of 360 feet. Viewer reaction time (VRT) is the amount of time that it will take a motorist to read and react to the sign. The VRT also factors in the complexity of the immediate driving environment; a four lane highway is more complex to navigate than a two lane highway. The study suggests a VRT of 10 seconds for a four-lane highway, which is the width of Garfield Avenue at this location. The equation also considers the speed limit of the roadway; in our case, Garfield Avenue has a speed limit of 45 miles per hour.

The Table on page 13 suggests a sign size of 253 square feet for a perpendicular sign along a four-lane highway with a speed limit of 45 miles per hour. This chart is simpler than the pylon signs in question, as it presumes a 30 letters of text with LI of 30, and a 40/60 ratio of letters to

negative space. The recommended legible sign size of 253 square feet is much larger than that requested here by the applicant; the applicant's request is modest in comparison to the data on the table.

(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;

The proposed project is the result of variance signage requirements imposed by the automobile manufacturers that will be represented in the structure.

(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;

The applicant wishes to make reasonable use of the property by erecting an additional building for automobile sales. If the applicant is unable to meet the signage requirements imposed by the automobile manufacturers, the applicant would be denied reasonable use of the land, building, and structure.

(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

If the provisions of the zoning ordinance were applied literally, the applicant would be required to restrict signage a single pylon sign of 80 square feet for the 560 foot stretch of Garfield Ave. The Zoning Administrator has stated that it would be permissible for the current four pylon signs to remain, with the square footage of those pylon signs to be redistributed between them at the discretion of the applicant. However, the majority of other properties in the same zoning district are smaller lots with smaller buildings, which allow their signage to be more prominent in relation to the buildings which they advertise. Hypothetically, if the lot in question were split into five 112 foot wide lots, these lots would enjoy five pylon signs of up to 220 square feet.

(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.

(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;

The entire variance sought is on the applicant's property.

(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;

(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;

(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

(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.

The applicant believes that the criteria above are satisfied and requests approval of this variance request.

REQUEST 3

An interpretation of Section 201 “Building”; whether the design of applicant’s building may be deemed to be two buildings which share a wall and certain common areas. (See attached EXHIBIT 8 – SECTION 2 OF ZONING ORDINANCE)

The applicant’s planned construction will house retail space for two different automobile manufacturers; Audi vehicles will be sold on the north portion of the building, and Volkswagen vehicles will be sold on the south portion (EXHIBIT 7- OVERHEAD PLAN FOR NEW BUILDING). The “building” is in fact, two separate buildings which have been placed side by side with a combined common area for rest rooms and eating facilities. This is intentional, as it places a lesser burden on the sanitary sewage disposal system and avoids duplication of food and rest room facilities. Such an approach is both economically and environmentally responsible.

The fact that these are two separate buildings which have been combined into one dual building is evident by the “gap” between the two sides which is visible from the front of the structure.

Inside the building, the north and south portions of the sales floor will be separated by an interior wall which follows the contours of the building façade. This interior wall will extend roughly half-way across the center of the building. Behind the sales floor, the building contains shared areas such as bathrooms, café, break room, and a janitorial closet.

Besides these shared areas, each separate portion of the dual building has its own independent sales, service, reception, managerial offices, and lounge. While this building could have been designed as two distinct structures, with some amount of space between them, the applicant wishes to use this more efficient design.

The Garfield Township Zoning Ordinance includes the following definitions pertaining to buildings:

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The buildable area of a lot or designated building envelope and other areas of a project site which have not been designated as permanent open space, areas to be used for project infrastructure, or other site improvements, etc.

Building Elevation: The entire view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

Building Footprint: The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof or parapet for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Line: That portion of a site defined by the minimum front, side and rear yard setbacks within which no building or structure may be located.

Building Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Building Supply/Equipment Store: An establishment where construction products and materials are sold.

Buildings, Semi-Detached: See Dwelling, two-family (duplex)

The applicant requests that, in line with the definitions above, the proposed building be treated as two buildings for the purposes of Section 630

REQUEST 4

An interpretation of Section 630 E (3) to define “wall”; whether the design in applicant’s building plan may be deemed to have more than one west-facing “walls”.

The applicant wishes for the zoning board of appeals to interpret “wall” as it is used in Section 630 E (3) of the zoning ordinance (EXHIBIT 4). Wall signs are limited in area in relation to the size of the wall on which they are affixed. Discussion with the zoning administrator for Garfield Township has yielded that the township considers a “wall” to be the entire directional facing of a building, regardless of whether any part of the building is set-back from the rest.

The building proposed by the applicant includes four walls along the west face of the building (EXHIBIT 6- OVERHEAD PLAN FOR NEW BUILDING). These walls are each set back from each other, each becoming a visually distinct “wall” of the building. The front face of the walls of the proposed buildings can be seen in EXHIBIT 3 - SERRA AUDI VW SIGNAGE.

The term “wall” is undefined in the Garfield Township Zoning Ordinance. Looking to Webster’s Dictionary, we find a definition of “one of the sides of a room or building connecting floor and ceiling or foundation and roof”

The applicant requests that the ZBA interpret “wall” as used in 630 E (3) to mean “one of the sides of a building connecting floor and ceiling or foundation and roof”, and to allow each visually distinct “wall” of the proposed structure to have wall signs of 20% of the wall face or 100 square feet, whichever is less.

REQUEST 5

An interpretation of 630 M (4); how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs.

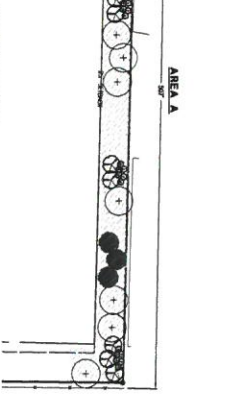
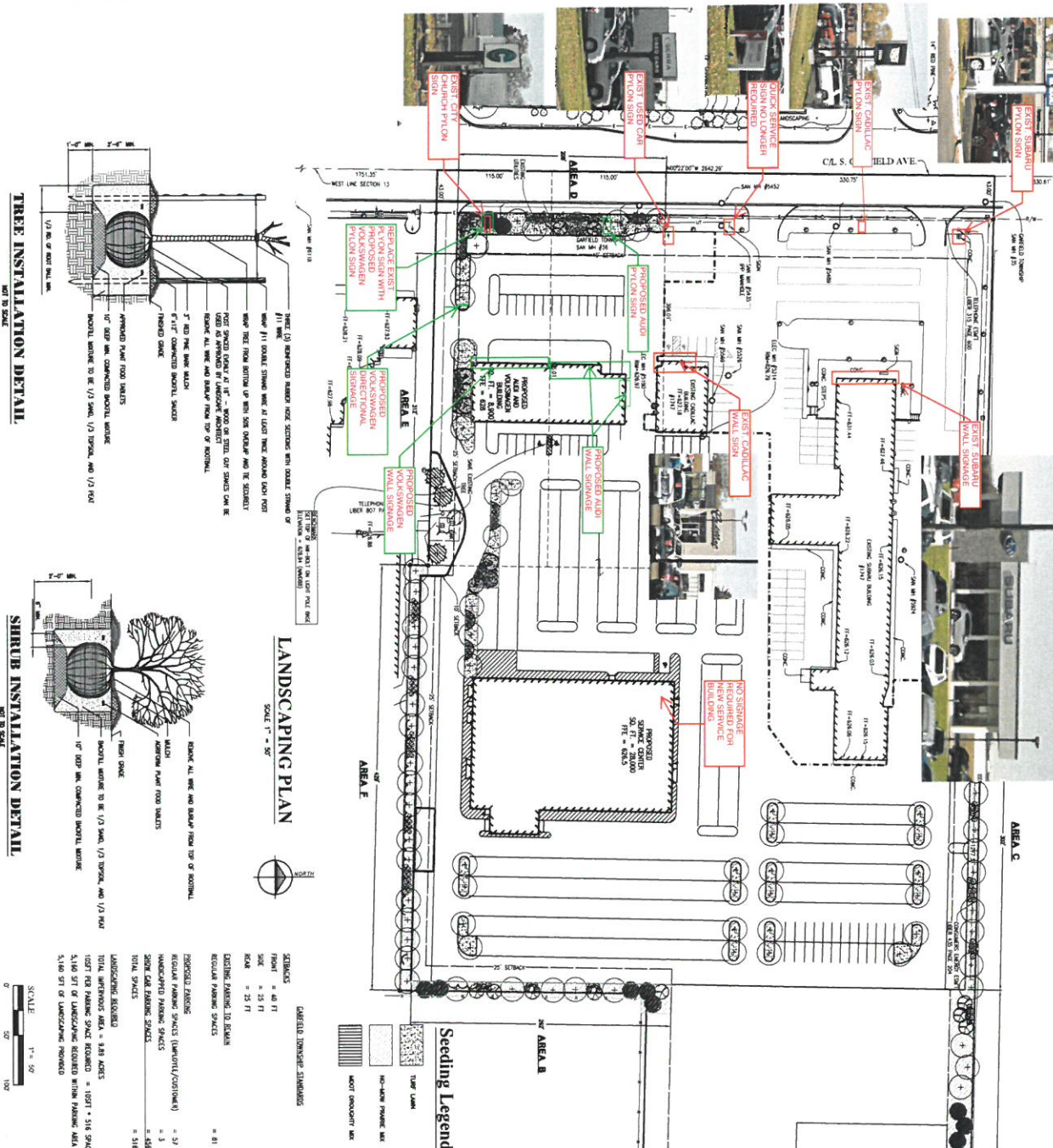
The applicant's last request for interpretation is simple. Discussions with the Garfield Township Zoning Administrator have exposed questions regarding the measurement of the "permitted square footage" of sign supports.

The zoning ordinance section 630 M states: "(2) Supporting Structure - The necessary supports, uprights, or monuments on which a sign is placed may not exceed fifty percent (50%) of the permitted square footage of the sign, excluding those portions of the support below street grade." (EXHIBIT 4 – ZO Section 6)

The applicant wishes to know what the "permitted square footage of the sign" is in the example of the applicant's existing, non-conforming pylon signs.

Exhibit 1

SERRA TRAVERSE CITY



Seeding Legend

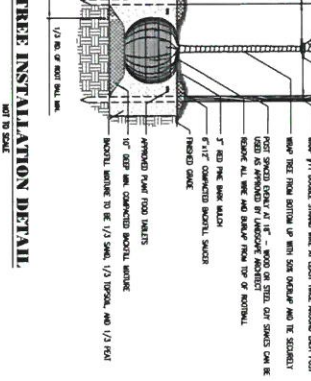
LEGEND FOR SEEDING AREAS:

- Topsoil
- Medium
- Seed
- Grass
- Flowers
- Shrub
- Tree
- Planting
- Mulch
- Gravel
- Paving
- Asphalt
- Concrete
- Other

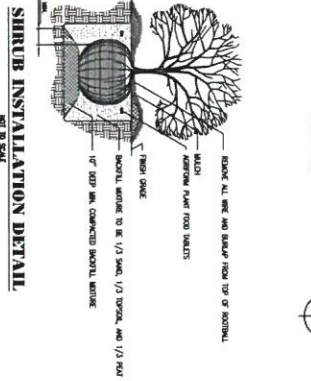
LANDSCAPING PLAN

SCALE 1" = 50'

TREE INSTALLATION DETAIL



SHRUB INSTALLATION DETAIL



SCALE 1" = 50'

SCALE 1" = 50'

Planting Schedule

Area	Planting Date	Quantity
A	12/15/24	157
B	12/15/24	282
C	12/15/24	202
D	12/15/24	208
E	12/15/24	312
F	12/15/24	429

- 1. CONTRACTOR SHALL ACCURATELY LOCATE ALL PLANTING MATERIALS AND SPECIES IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 2. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 3. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 4. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 5. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 6. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 7. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 8. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 9. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 10. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 11. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
- 12. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.
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- 15. CONTRACTOR SHALL PREPARE THE PLANTING AREA IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE. THE PLANTING AREA SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.





















CONTRACTOR SHALL ACCURATELY LOCATE ALL PLANTING MATERIALS AND SPECIES IN ACCORDANCE WITH THE PLANTING SCHEDULE AND GENERAL LANDSCAPING SCHEDULE.

Exhibit 2

Charter Township of Garfield Grand Traverse County, Michigan

Zoning Map

Legend

-  A - Agricultural
-  R-R Rural Residential
-  R-1 One-Family Res
-  R-2 Two-Family Res
-  R-3 Multi-Family Res
-  R-M Mobile Home Res
-  C-O Office Commercial
-  C-L Local Commercial
-  C-G General Commercial
-  C-H Highway Commercial
-  C-P Planned Shopping
-  I-G General Industrial
-  I-L Limited Industrial
-  P-R Park-Recreation
-  CTC - Grand Traverse Commons
-  Conditionally Zoned
-  Inner - Outer Airport Overlay Boundary
-  Parcel Line
-  Section Line
-  Township Line

Effective: August 12, 2016

Charter Township of Garfield

3848 Veterans Drive
Traverse City, MI 49664
Phone: 231.941.1620
Fax: 231.941.1688

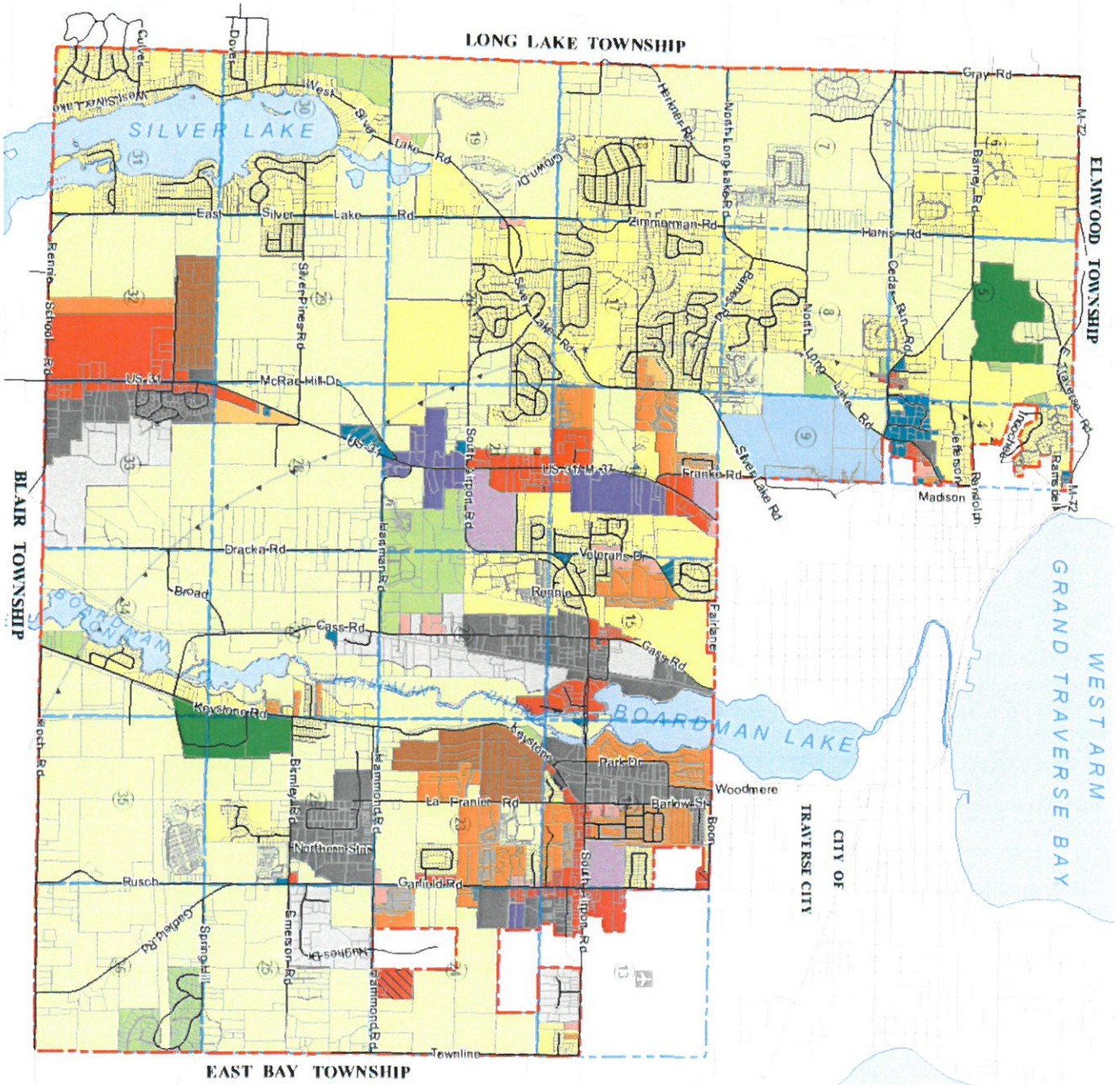


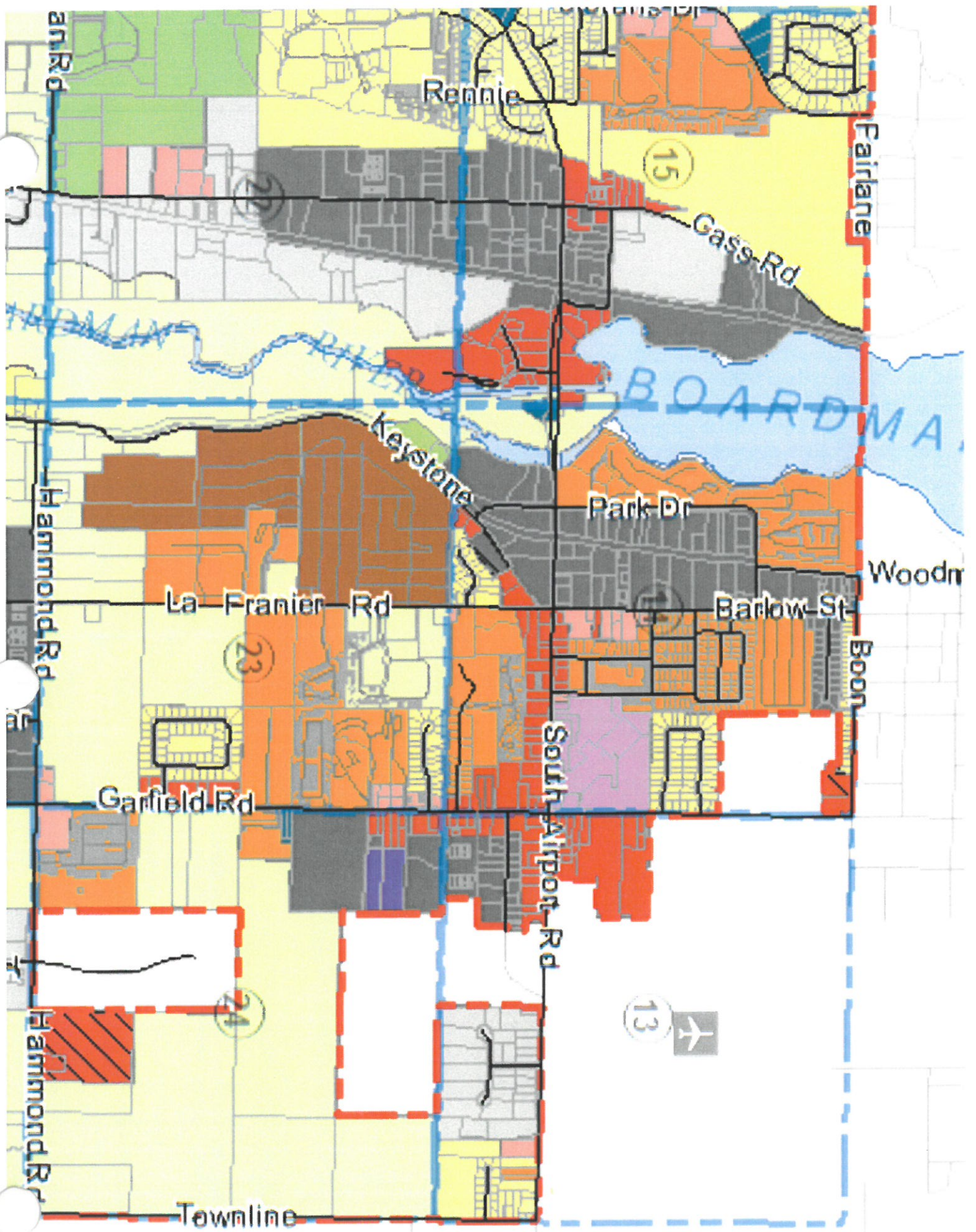
2 Miles



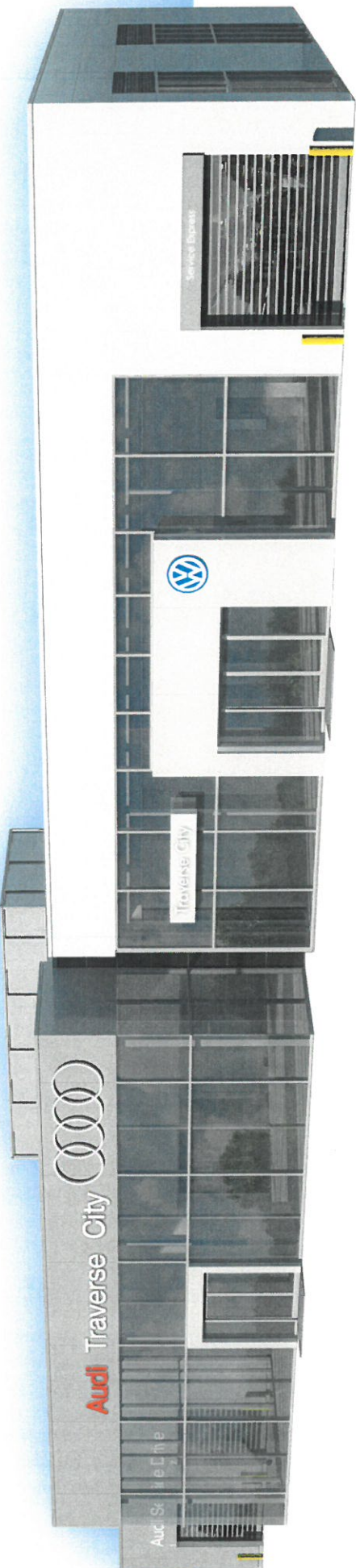
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Document Print Date: 8/31/2016

This map is based on digital data prepared by the Charter Township of Garfield. The Township does not warrant, represent, or accept any responsibility for any errors, omissions, or that the information contained on the map or the digital database is current or potentially accurate.





SHIP



SERRA
SERRA ARCHITECTURE
3118 E. HILL ROAD
GRAND BLANC, MI 48439
1-810-694-1720
SERRA.AUDI
VOLKSWAGEN
1747 S. GARFIELD AVE.
TRAVERSE CITY, MI
49686

GHAFFARI

REGISTRATION SEAL

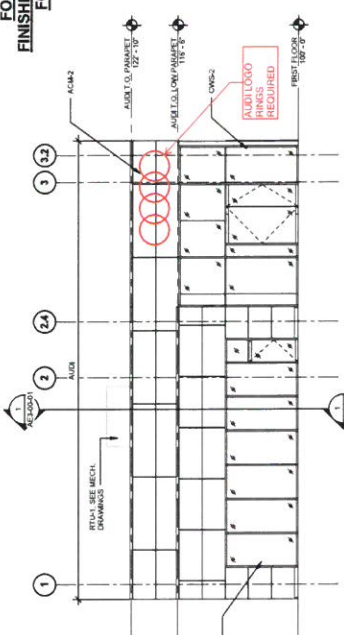
PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT # _____
DESIGNED BY _____
DRAWN BY _____
CHECKED BY _____
SHEET TITLE _____
DOCUMENT RELEASE # _____

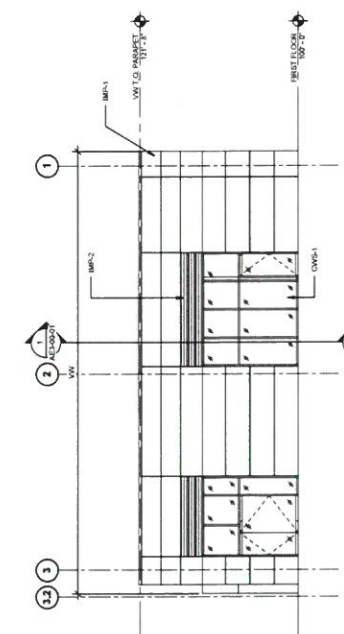
ARCHITECTURAL BUILDING ELEVATIONS

AE2-00-01
SHEET NUMBER

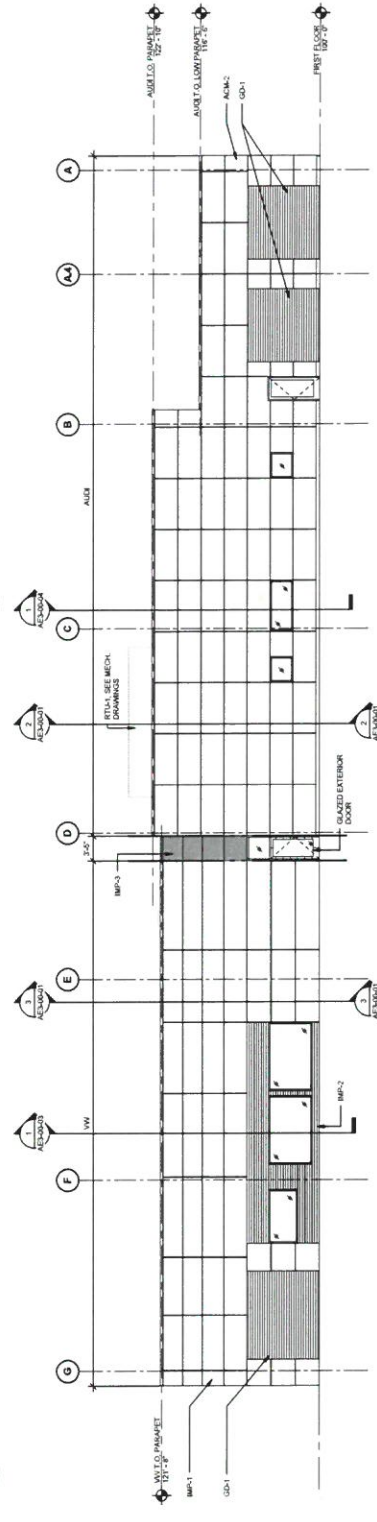
FOR EXTERIOR ELEVATION FINISHES SEE SHEET AE7-00-01 FOR FINISHES SCHEDULE



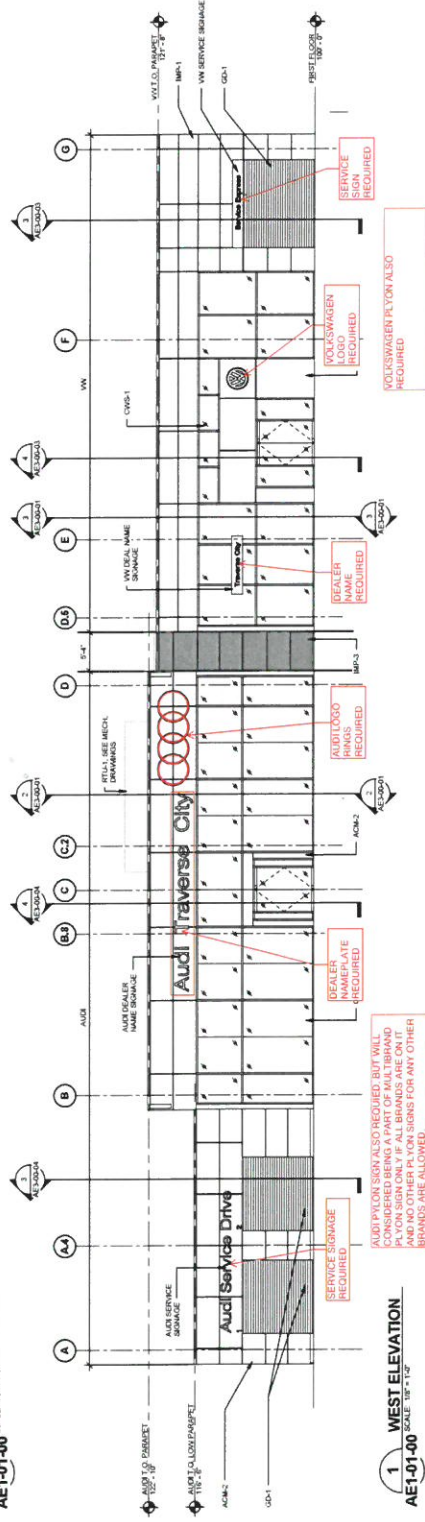
3 NORTH ELEVATION - AUDI
AE1-01-00 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
AE1-01-00 SCALE: 1/8" = 1'-0"



1 WEST ELEVATION
AE1-01-00 SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION - VW
AE1-01-00 SCALE: 1/8" = 1'-0"

AUDI PLYCON SIGN ALSO REQUIRED, BUT WILL NOT BE SHOWN ON THIS SHEET. PLYCON SIGN ONLY IF ALL BRANDS ARE ON IT AND NO OTHER PLYCON SIGNS FOR ANY OTHER BRANDS ARE ALLOWED.

1 WEST ELEVATION
AE1-01-00 SCALE: 1/8" = 1'-0"

EXHIBIT 4

- (5) Reduce conflict among signs and light and between public and private environmental information systems; and
- (6) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

B. Applicability

- (1) It shall hereafter be unlawful for any person to erect, construct, install, place, replace, locate, rebuild, modify, maintain a sign or allow a sign to remain on property in the Township except in compliance with this Section.
- (2) The effect of this Section is:
 - (a) To regulate any sign, display, figure, painting, drawing, message, placard, poster, billboard, or other thing, visible from a public or private right-of-way and that is used, or has the effect of being used, to advertise, announce, or identify the purpose of any business, establishment, person, entity, product, service or activity;
 - (b) To establish a permit system to allow a variety of sign types in commercial and mixed-use business zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
 - (c) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this Section, but without requirement of a permit;
 - (d) To prohibit all signs that are not expressly permitted by this Section; and
 - (e) To provide for enforcement of the provisions of this Section.
- (3) In the event of conflict between the regulations of this Section and those of other local, state, or federal regulations, the more restrictive regulation shall govern.

C. Non-conforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- (1) Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign;
- (2) Re-established after its discontinuance for two hundred and seventy-five (275) days;
- (3) Continued in use after cessation or change of the business or activity to which the sign pertains;
- (4) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent of the appraised replacement cost, as determined by the Zoning Administrator;

D. Signs Permitted in RR, R-1, R-2, and R-M Residential Districts

In the RR, R-1, R-2, and R-M Districts the following signs shall be permitted:

- (1) One (1) non-illuminated sign advertising a home occupation or professional service not to exceed three (3) square feet in area and attached flat against a building wall. This standard shall not apply within the R-3 District.
- (2) One (1) monument sign, not exceeding sixteen (16) square feet in sign face area, which is part of the entrance treatment to a project development, such as platted subdivision, site condominium, multi-family development, or mobile home development. Signs may be illuminated as regulated by Section 630.M.(7) of this ordinance. The sign may be placed upon an architectural entrance feature provided the height of the entrance feature does not exceed six (6) feet and is setback fifteen (15) feet from the property line.

E. Signs Permitted in C-L, C-G, and C-H Commercial Districts

In the C-L, C-G, and C-H Districts the following signs shall be permitted:

- (1) All signs permitted under Section 630.D.(1).
- (2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions:
 - (a) Only one (1) free-standing sign shall be allowed along any major thoroughfare. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.
 - (i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.
 - (b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.
- (3) Wall signs for individual establishments. The maximum wall sign area shall be the lesser of 100 square feet or 20% of the wall area to which the sign is attached. More than one sign may be placed on a principal building wall provided that the maximum square footage limitation for the building wall is not exceeded. Wall mounted changeable copy signs are prohibited in all districts.
- (4) Individual tenants within a multi-tenant building. One 40-square foot wall sign per exterior tenant wall. In the instance of a tenant occupying more than one designated tenant unit, the tenant shall be permitted one sign per unit wall provided that no sign exceeds 40-square feet. Tenants occupying corner units shall be permitted an additional 40-square foot sign on the secondary wall. An individual tenant shall not be permitted an individual ground sign. Wall signs shall be located on a primary building wall, and are not permitted on secondary building walls.
- (5) Anchor tenants within a multi-tenant development. In accordance with Section 630.E.(3). A Shopping Center Anchor Tenant includes retail establishments of fifty (50) thousand square feet or more in floor area.
- (6) Shopping center identification. In accordance with Section 630.E.(2). The sign shall identify the commercial center and/or individual tenants within a multi-tenant commercial center. Individual ground signs for tenants are prohibited.

F. Signs Permitted in C-O Office Commercial Districts:

In the C-O District the following signs shall be permitted:

- (1) Freestanding signs. One freestanding sign, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property.
- (2) Wall signs. The maximum wall sign area shall be 40 square feet per building.

sunset, and greater than 200 candelas per meter squared at all other times. Billboard lighting shall meet the requirements of this Ordinance.

- (c) Signs with static messages or images that change are permissible, provided the rate of change between two static messages or images is not less than ten (10) seconds. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.
- (5) Nonconforming Billboards, due to their location within a zoning district other than the I-G and I-L zoning districts, may not be converted to any form of electronic display, whether static or changeable.
- (6) Billboards shall be subject to the requirements of Section 630.P.

M. General Sign Standards

(1) Placement, Height, Ground Clearance, and Projection

(a) Freestanding Signs

- (i) Placement. Freestanding signs may be located anywhere on a site, subject to the following limitations:
 - a. Setbacks. Sign setbacks shall be measured from all lot lines. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from the front, side, or rear property line.
 - b. Under no circumstances shall any portion of a freestanding sign be located within a public right-of-way.
 - c. The Zoning Administrator may require a sign to be further set back from the right-of-way where necessary to provide clear vision areas for motorists and pedestrians.
 - d. A minimum ten (10) foot horizontal separation between any sign and any overhead utility shall be maintained at all times. Any part of a sign, including cables, guys, etc. shall maintain a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other utility pole.
- (ii) Height. The height of any freestanding pylon sign shall not exceed twenty (20) feet. The height of any freestanding monument sign shall not exceed ten (10) feet.
- (iii) Where any portion of a freestanding sign projects over a vehicular driveway or parking area, a minimum ground clearance of fourteen (14) feet shall be maintained. Where any portion of a freestanding sign projects over a public or private sidewalk or pathway, a minimum ground clearance of eight (8) feet shall be maintained.

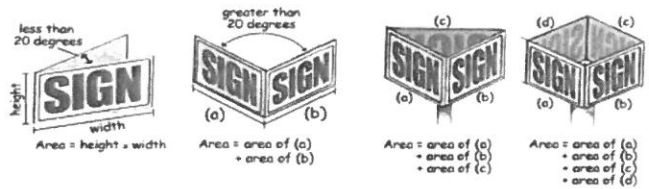
(b) Wall Signs

- (i) Placement. Wall signs may be placed on any primary building wall.
- (ii) Height. The height of any wall sign shall not exceed the height of the building. Wall signs may be placed on a primary building wall's parapet provided that the parapet does not exceed a height of six (6) feet above the building's roofline.
- (iii) Projection. A wall sign shall not project from the wall to which it is attached by greater than twelve (12) inches.
- (iv) Ground Clearance. Where any portion of a wall sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.
- (v) Changeable copy wall signs are prohibited.

(2) Measurement

(a) Area Measurement. The area of a sign shall be measured as the area within a single, straight line square or rectangle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles, or other structure necessary to support the sign.

(b) Multiple Faces. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back, are of equal size, and are no more than twenty (20) degrees apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the sign area.



(2) Supporting Structure

The necessary supports, uprights, or monuments on which a sign is placed may not exceed fifty percent (50%) of the permitted square footage of the sign, excluding those portions of the support below street grade.

(3) Materials

Sign materials shall be made of wood, metal, plastics, masonry, or other durable surfaces approved by the Zoning Administrator.

(4) Free Speech

Unless otherwise prohibited in this Section, non-commercial copy (that is unrelated to commercial or business endeavors) may be substituted for commercial copy on any lawful structure.

(5) Illumination

Illuminated signs shall not create glare or unduly illuminate the surrounding area. The following provisions shall apply to illuminated signs that are permitted elsewhere in this article.

(a) Light Sources. Signs shall be illuminated only by steady, stationary, shielded light sources using approved electrical devices. Exposed bulbs are prohibited except where neon or LED bulbs are used as signs.

(b) Direction and Shielding. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be directly visible from or aimed at streets, roads, or properties. To the extent possible, fixtures shall be mounted and directed downward (below the horizontal).



(c) Back-Lit and Internally-Illuminated Signs. Back-lit and internally-illuminated signs shall not cause excessive glare, and light emitted from such signs shall not encroach onto surrounding properties.

(d) Motorist Distraction. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(e) Adjacent Residential Use. Where a lot is adjacent to a residential use, back-lit and internally illuminated signs are prohibited on any side or rear building face exposed to view from a residential use.

EXHIBIT 5



View of east blockface of Garfield Ave. south of subject property



View of east blockface of Garfield Ave., south of subject property



View of east blockface of Garfield Ave., north of subject property

EXHIBIT 6



Sign
Legibility
Rules
Of
Thumb

UNITED
STATES
SIGN
COUNCIL

© 2006 United States Sign Council

SIGN LEGIBILITY

By Andrew Bertucci, United States Sign Council

Since 1996, the United States Sign Council (USSC) and its research arm, the United States Sign Council Foundation (USSCF) have funded an extensive array of studies into the legibility of on-premise signs and the manner in which motorists react to these signs in various roadside environments. Because of these ground breaking studies, it is now possible to determine, with a degree of certainty, the size of letters as well as the size of signs necessary to ensure motorist legibility. Most of this work has been synthesized in the current USSC publication entitled ***USSC Best Practices Standards for On-Premise Signs***, which details methods for ascertaining sign size, legibility, and height for on-premise signs that are directly in view of a motorist approaching the sign. In addition, a study completed in 2006 and entitled ***On-Premise Signs, Determination of Parallel Sign Legibility and Letter Heights*** now provides similar methods for ascertaining legibility factors for signs not directly in view, such as wall mount building signs usually parallel to a motorist's viewpoint.

The USSC Best Practices Standards and the parallel sign study offer relatively detailed analysis of the legibility factors involved with on-premise signs, and certainly should be utilized whenever such analysis is warranted. A number of equally useful generalizations, or time-saving rules-of-thumb based on the studies, however, can be applied to arrive at results which reflect legibility values which can be used as a general average applicable to most conditions. These are detailed below.



On Premise Sign Legibility Simplified Rules Of Thumb

How Motorists React To Signs In The Roadside Environment

Detecting and reading a roadside on-premise sign by a motorist involves a complex series of sequentially occurring events, both mental and physical. They include message detection and processing, intervals of eye and/or head movement alternating between the sign and the road environment, and finally, active maneuvering of the vehicle (such as lane changes, deceleration, and turning into a destination) as required in response to the stimulus provided by the sign.

Complicating this process is the dynamic of the viewing task, itself, involving the detection of a sign through the relatively constricted view provided by the windshield of a rapidly moving vehicle, with the distance between the motorist and the sign quickly diminishing. At 40 miles per hour, for example, the rate at which the viewing distance decreases is 58

feet per second, and at 60 miles per hour, it becomes an impressive 88 feet per second. Further complicating the process is the relative position of the sign to the eye of the motorist, whether directly in his/her field of view (perpendicular orientation), or off to the side and turned essentially parallel to the motorist's field of view (parallel orientation).

Research has now been able to quantify the viewing process and set a viewing time frame or viewing window of opportunity for both types of sign orientation. In the case of signs perpendicular to the motorist, this time frame is measured as Viewer Reaction Time (VRT), or the time frame necessary for a motorist traveling at a specific rate of speed to detect, read, and react to a sign within his/her direct field of vision with an appropriate driving maneuver. The driving maneuver itself can entail a number of mental and physical reactions, usually involving signaling, lane changes, acceleration and/or deceleration, and finally, a turn into the site of the sign.

In the case of signs parallel to the motorist's view, detecting and reading a sign is generally restricted to quick sideways glances as the sign is approached and the angle of view becomes more constricted. Because of this, the VRT involving these signs is, at best, necessarily compromised. Compensation for this reduction in the time frame involved in detecting and reading parallel signs is made through increases in letter height and size designed to facilitate rapid glance legibility. It must be understood however, that the parallel orientation will always present legibility problems, and in many cases, even if the sign is detected and read, sufficient time for a motorist to complete a driving maneuver in response to the sign may not be available.

Perpendicular Signs

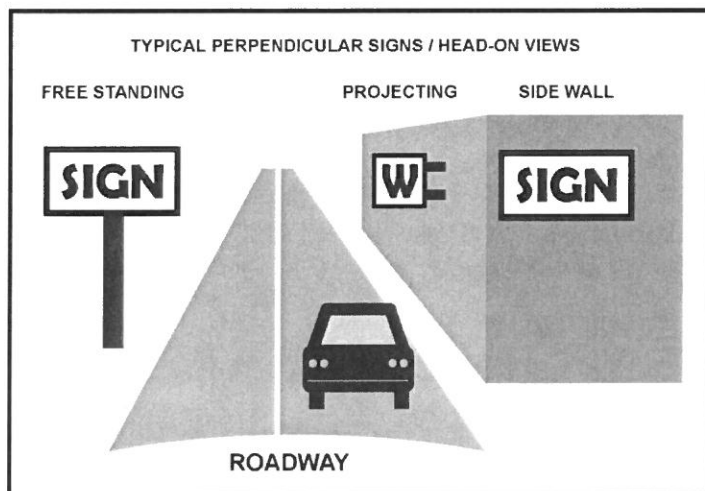


Figure 1. Perpendicular Sign Types

Perpendicular signs include most free standing signs, projecting signs, and, in some cases, flat wall signs placed on building walls that directly face on-coming traffic. (see figure 1). These signs are generally placed close to property lines and fall into the motorist's so-called "cone of vision", which is a view down the road encompassing ten degrees to the right or left of the eye, or twenty degrees total view angle. Signs falling within this cone can usually be viewed comfortably without excessive eye or head movement, and generally can be kept in the motorist's line-of-sight from the time they are first detected until they are passed. (see figure 2, cone of vision).

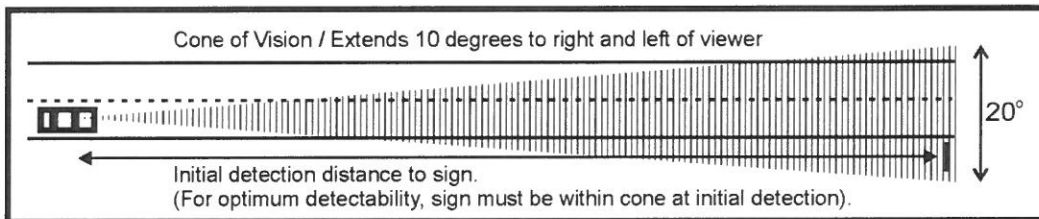


Figure 2. Cone of Vision

Because of this relatively constant view window, perpendicular signs can be designed and sized to provide for viewing time sufficient to allow for adequate detection, reading, and driving maneuvers. The key to providing adequate viewing time is an understanding of Viewer Reaction Time and Viewer Reaction Distance, and how these factors can be computed to provide for adequate letter heights and sign sizes under varied traffic conditions and vehicle speeds.

Viewer Reaction Time / Viewer Reaction Distance

Viewer Reaction Time is simply the time necessary for a motorist to detect, read, and react to the message displayed on an approaching on-premise sign that lies within his or her cone of vision. The USSC Guideline Standards offer precise mathematical procedures for calculating VRT for specific signs with specific copy located in varied locations of increasing traffic complexity and speed.

As a rule-of-thumb for average usage with signs displaying six words of copy (or 30 letters) or less however, VRT for vehicles traveling under 35 miles per hour in simple two to three lane environments can be estimated at eight (8) seconds; for vehicles traveling over 35 miles per hour in more complex four to five lane environments, at ten (10) seconds; and for vehicles traveling over 35 mph in high speed multi-lane environments at eleven to twelve (11-12) seconds.

These values include a maneuvering time of 4 seconds in the simple environment, 5 seconds in the complex environment, and 6 seconds in the high speed multi-lane environment. Although most roadside on-premise sign installations require a motorist to make the driving maneuver before the sign is passed and thus require the full VRT value, occasionally the maneuver can safely be made after the sign location has been passed. Where this is the case, the driving maneuver time of either 4, 5, or 6 seconds should not be included in computing Viewer Reaction Time.

Once VRT is ascertained, Viewer Reaction Distance for a given sign location, or the distance in feet which a vehicle travels during the VRT interval, can be calculated. It is necessary to know this distance because it determines the size of the letters and the size of the sign necessary for legibility to take place over that distance. It represents, in lineal feet, the distance between the motorist and the sign from the moment he or she has first detected it, and it rapidly diminishes as the motorist closes the distance at speed.

It is calculated by first converting travel speed in miles per hour (MPH) to feet per second (FPS) by using the multiplier 1.47, and then multiplying the feet per second by the Viewer Reaction Time. For example, a vehicle traveling at sixty miles per hour covers eighty-eight feet per second ($60 \times 1.47 = 88$). Eighty-eight feet per second times a Viewer Reaction Time of ten seconds equals eight hundred eighty feet (880) of Viewer Reaction Distance. The computation can be expressed also as this equation:

$$VRD = (MPH) (VRT) 1.47$$

Determining Letter Height and Sign Size

The overall legibility of a sign is essentially determined by the height, color, and font characteristics of the letters making up its message component. To this end, the USSC has, through extensive research, developed standard legibility indices for typical letter types and color combinations (see table 1, USSC Standard Legibility Index).

The Legibility Index (LI) is a numerical value representing the distance in feet at which a sign may be read for every inch of capital letter height. For example, a sign with a Legibility Index of 30 means that it should be legible at 30 feet with one inch capital letters, or legible at 300 feet with ten inch capital letters. The USSC Standard Legibility Index also reflects the 15 percent increase in letter height required when all upper case letters (all caps) are used instead of more legible upper and lower case letters with initial caps.

Table 1. The USSC Standard Legibility Index

ILLUMINATION	LETTER STYLE	LETTER COLOR	Background COLOR	LEGIBILITY INDEX	
				Upper & Lower Case	ALL CAPS
External	Helvetica	Black	White	29	25
External	Helvetica	Yellow	Green	26	22
External	Helvetica	White	Black	26	22
External	Clarendon	Black	White	28	24
External	Clarendon	Yellow	Green	31	26
External	Clarendon	White	Black	24	20
Internal Translucent	Helvetica	Black	White	29	25
Internal Translucent	Helvetica	Yellow	Green	37	31
Internal Translucent	Clarendon	Black	White	31	26
Internal Translucent	Clarendon	Yellow	Green	37	31
Internal Opaque	Helvetica	White	Black	34	29
Internal Opaque	Helvetica	Yellow	Green	37	31
Internal Opaque	Clarendon	White	Black	36	30
Internal Opaque	Clarendon	Yellow	Green	37	28
Neon	Helvetica	Red	Black	29	25
Neon	Helvetica	White	Black	38	32

Illumination Variations:

- External light source
- Internal light source with fully translucent background
- Internal light source with translucent letters and opaque background
- Exposed neon tube

To use the Legibility Index table to determine letter height for any given viewing distance, select the combination of font style, illumination, letter color, and background color that most closely approximates those features on the sign being evaluated. Then, divide the viewing distance (Viewer Reaction Distance) in feet by the appropriate Legibility Index value. The

result is the letter height in inches for the initial capital letter in upper and lower case configurations, or for every letter in an all caps configuration. For example, if the Viewer Reaction Distance is 600 feet, and the Legibility Index is 30, the capital letter height would be 20 inches ($600' / 30 = 20''$).

VRD (in feet) / LI = Letter Height (in inches)

The Legibility Index rule-of-thumb...30

In addition to the use of the Legibility Index chart, a simpler, rule-of-thumb Legibility Index of 30 is frequently used as an average to address most legibility requirements. Although generally acceptable, it should be understood that this is an average only, and it may fall short of meeting the legibility needs of any specific sign or environment. The USSC On-Premise Sign Standards provides a much more precise means of establishing this requirement, particularly for complex environments, and should be used whenever such precision is warranted.

Sign Copy Area and Negative Space – Computing Sign Size

The computation of overall sign size is of vital concern to anyone involved in designing or building on-premise signs, since it relates directly to both sign cost as well as to adherence to local building and zoning ordinances. It is for this reason that USSC has devoted so much research resources into developing methods for computing adequate sign sizes for varied environments, and into providing the industry with the means to compute the size of signs necessary to adequately transmit communicative messages to motorists traveling at different rates of speed. The use of the Legibility Index is the vital first step in this process, but there is frequently more involved than just letter height, especially in perpendicular signs involving the use of background panels. Clearly, in these instances, an understanding of how sign copy area and negative space interact to bring about optimum viewer legibility is critical.

In instances in which only letters comprise the total sign, such as channel letters on building walls, however, the computation of total sign size in square feet is relatively simple. In the case of these types of individual letter signs, overall size is frequently considered as the product of the height of the letters times the length of the line of letters. For example, if capital letter height is two feet, and the line of letters measures thirty feet horizontally, sign size would be calculated at sixty square feet ($2 \times 30 = 60$). There is an important exception to this mode of calculation in which only the space actually taken up by the letters themselves in square feet, and not the space between letters, is considered. In these cases, overall size becomes simply the sum of all the individual letter areas, and is generally a fairer method of computation when the letters and or/symbols

are spread out over a large area of building wall. In any event, for individual letter signs, it is essentially the height of the letters which is the prime determinant of overall sign size, and as we observed above, this can be calculated with some precision through use of the Legibility Index.

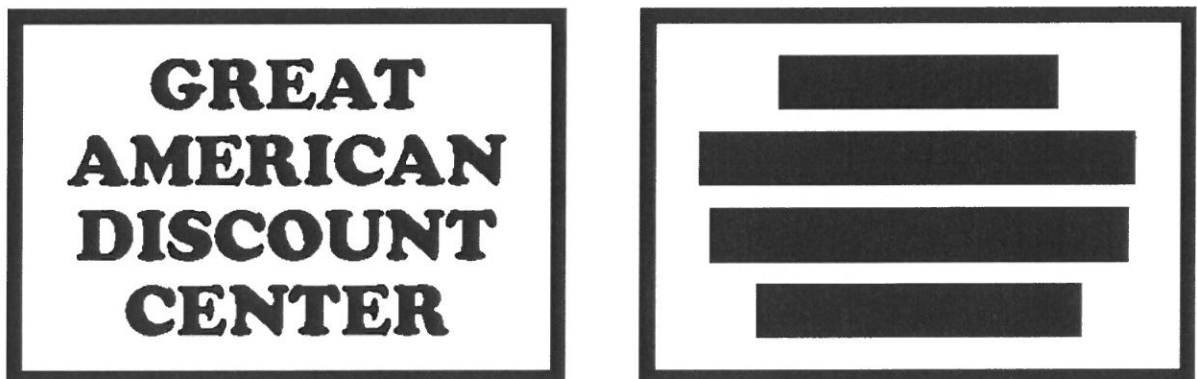
In this context, there is also another useful rule of thumb which can be used to give a working approximation of how much horizontal length a given number of letters would require once the letter height is established by simply multiplying capital letter height by the number of letters. For average fonts, this rule of thumb takes into account the space between letters in a line (usually 1/3 the width of an individual letter and referenced as letterspace) and can give a surprisingly close determination of the actual length of the line of letters.

In the case of signs utilizing background areas, however, computation of the amount of space occupied by the lettering, also called copy area, is only the first step in computing overall sign size. Of equal importance in signs of this type is the amount of negative space surrounding the letters or copy area. It is this negative space which provides the background for the letters, makes legibility possible, and which must be accounted for in any computation to determine overall sign size.

Copy Area

The copy area of a sign is that portion of the sign face encompassing the lettering and the space between the letters (letterspace), as well as any symbols, illustrations, or other graphic elements. It is a critical component of effective sign design because it establishes the relationship between the message and the negative space necessary to provide the sign with reasonable legibility over distance.

Figure 3. Copy Area

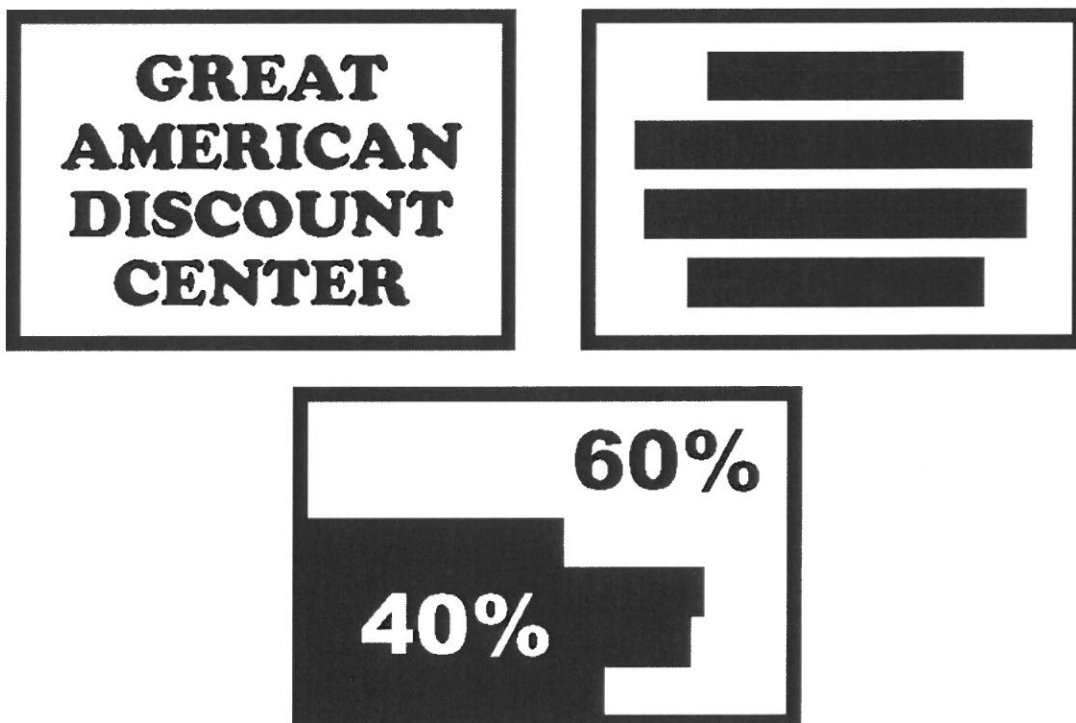


The illustration on the left depicts a typical on-premise sign face; while the one on the right, with black rectangles covering the copy area, affords a visual of the message layout

Negative Space

Negative space is the open space surrounding the copy area of a sign. It is essential to legibility, particularly in signs in which the copy is displayed within a background panel. Negative space ideally should not be less than 60 percent of the sign or background area. This requirement for a 40/60 relationship between the copy area and negative space is the minimum USSC standard. It is intended only to establish a measurable baseline for the negative space component of a sign, such that a reasonable expectation of legibility will exist.

Figure 4. Relationship Between Copy Area And Negative Space



The bottom sign panel illustrates how the aggregate copy area comprises 40 percent of the total sign panel area, with the remaining 60 percent forming the negative space area.

DETERMINING SIGN SIZE – Calculation Methodology

The size of a sign is determined by the size and length of the message and the time required to read and understand it. It can be calculated once the numerical values of the five size determinants –Viewer Reaction Time, Viewer Reaction Distance, Letter Height, Copy Area, and Negative Space – have been established.

The step-by-step process to determine sign size, which is explained below, is useful not only as a calculation method, but also as a means of understanding the elements involved in the calculation.

Area of Sign / Computation Process:

1. Determine speed of travel (MPH) in feet per second (FPS): $(\text{MPH} \times 1.47)$.
2. Determine Viewer Reaction Time (VRT).
3. Determine Viewer Reaction Distance (VRT x FPS).
4. Determine Letter Height in inches by reference to the Legibility Index (LI): (VRD/LI) .
5. Determine Single Letter Area in square inches (square the letter height to obtain area occupied by single letter and its adjoining letterspace).
6. Determine Single Letter Area in square feet: $\text{Single Letter Area in square inches}/144$.
7. Determine Copy Area (Single Letter Area in square feet x total number of letters plus area of any symbols in square feet).
8. Determine Negative Space Area at 60% of Sign Area (Copy Area x 1.5).
9. Add Copy Area to Negative Space Area.
10. Result is Area of Sign in square feet.

Computation Process / Calculation Example



Figure 5. Calculation Example Sign

Location: Complex Driving Environment

Posted Traffic Speed of 40 MPH

Sign Background: White

Sign Copy: 23 Letters, Upper & Lower Case

Clarendon Style, Black

Internally Illuminated, Translucent Face

1. Determine speed of travel in feet per second; $40 \text{ MPH} \times 1.47 = 59 \text{ FPS}$
2. Determine Viewer Reaction Time – Complex Environment
 - Detection and Message Scan..... 5 seconds
 - Maneuver.....5 seconds
 - Total Viewer Reaction Time = 10 seconds VRT
3. Determine Viewer Reaction Distance; $59 \text{ (FPS)} \times 10 \text{ (VRT)} = 590 \text{ feet}$
4. Determine Letter Height in inches - Refer to Legibility Index, Table 1
 - Black Clarendon letters on White background = Index of 31
 - $590 \text{ (VRD)} / 31 \text{ (LI)} = 19 \text{ inch letter height}$
5. Determine Single Letter Area in square inches
 - $19 \times 19 = 361 \text{ square inches, single letter area}$
6. Determine Single Letter Area in square feet
 - $361 / 144 = 2.5 \text{ square feet, single letter area}$
7. Determine Copy Area; single letter area (sq. ft.) x number of letters
 - $2.5 \times 23 = 57.5 \text{ square feet, copy area}$
8. Determine Negative Space @ 60% of sign area
 - $57.5 \times 1.5 = 86.25 \text{ square feet, negative space}$
9. Add Copy Area to Negative Space
 - $57.5 + 86.25 = 143.75 \text{ square feet}$
10. Result is Area of Sign, 144 square feet

Area of Sign – Equation / Specific Usage

In addition to the computation method above, the USSC has developed an algebraic equation to determine the Area (A_{sign}) for signs containing letters only, which will provide the same result but will simplify the process. The equation allows for insertion of all of the size determinants, except for Negative Space, which is fixed at the standard 40/60 ratios. (Note: If numbers are rounded off in the computation process, a very slight difference in result may occur between the computation process and the equation).

$$A_{\text{sign}} = \frac{3n}{80} \left[\frac{(\text{VRT}) (\text{MPH})}{\text{LI}} \right]^2$$

Fixed Value:

40/60 ratio, letters/negative space

Variable Values:

Number of Letters (n)

Viewer Reaction Time (VRT)

Miles Per Hour (MPH)

Legibility Index (LI)

Here's how to work the equation:

Start with the first portion of the equation which is three times the number of letters divided by 80. Three times 23 letters is 69; when divided by 80 the result is .8625. Keep this number ready for later use. Compute the second part of the equation in brackets by multiplying VRT (Viewer Reaction Time), which is 10 by the MPH (miles per hour), which is 40. The multiplication product is 400. Divide 400 by the LI (Legibility Index), which is 31, and the result is 12.90. Square the 12.90 by multiplying it by itself (12.90 x 12.90) for a product of 166. Finally, multiply the 166 by the .8625 obtained from the first part of the equation, and the resulting square footage is 143.

Area of Sign – Equation / Broad Usage

To allow for a broader scientific evaluation of sign size and satisfy the minimal legibility requirements across a full range of reaction times and speed zones, USSC has also developed a second more simplified equation shown below. This formula fixes the average sign size determinants, leaving only Viewer Reaction Time (VRT) and the speed of travel (MPH) as the sole variables. It can be used effectively as a broad rule-of-thumb to ascertain the general size of signs necessary to adequately and safely convey roadside information to motorists traveling at a given rate of speed as well as to establish size parameters for signs across an entire community and/or road system. Table 2 below provides a handy look-up reference of the use of the equation.

$$A_{\text{sign}} = \frac{[(\text{VRT}) (\text{MPH})]^2}{800}$$

Fixed Values:

30 Letters

Legibility Index (LI) of 30

40/60 ratio, letters/negative space

Variable Values:

Viewer Reaction Time (VRT)

Miles Per Hour (MPH)

Here's how to work the equation,
assuming Viewer Reaction Time of 10 seconds and speed at 50 miles per hour:

Compute the values in the brackets by multiplying the VRT (Viewer Reaction Time) of 10 seconds by the MPH (miles per Hour), which is 50. The multiplication product is 500. Square the 500 by multiplying it by itself (500 x 500) for a product of 250,000. Divide 250,000 by 800 for the resulting square footage of 312.

Table 2. Freestanding Sign Sizes

Freestanding Sign Size in Square Feet

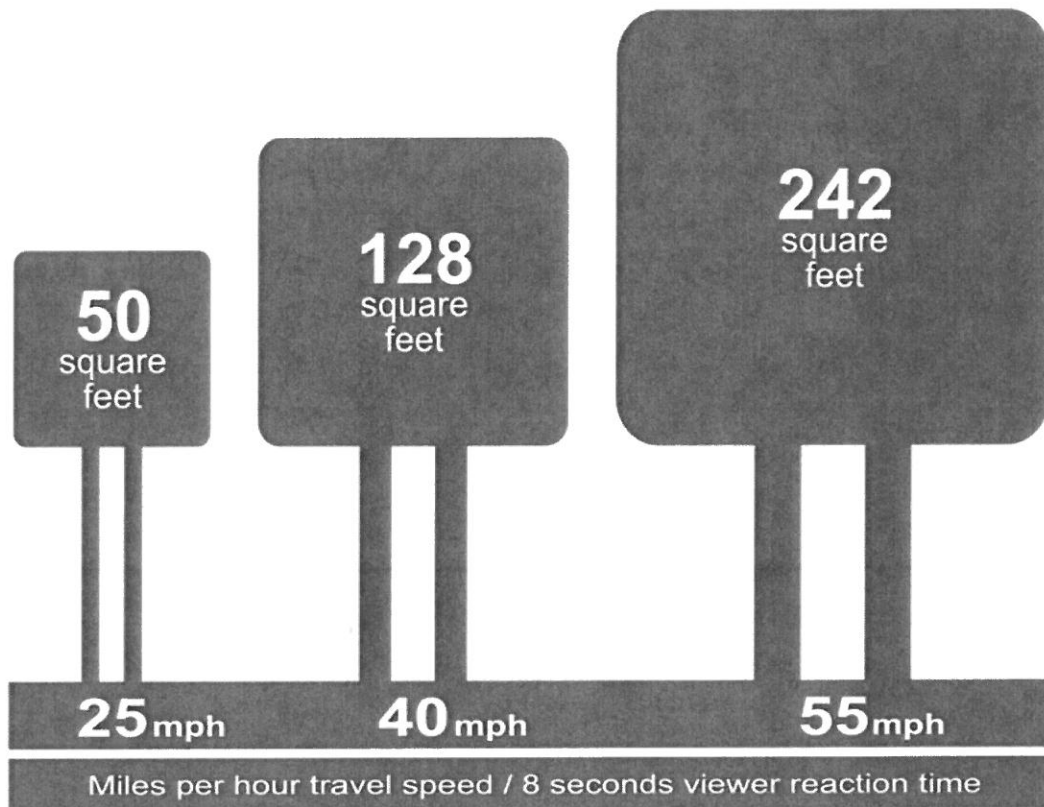
Sign Size (Square Feet) = [(VRT)(MPH)]² / 800

VRT = Viewer Reaction Time MPH = Miles Per Hour

VRT varies with roadside complexity:

simple or 2 lane = 8 seconds / complex or 4 lane = 10 seconds / multi lane = 11 seconds

MPH	Road Complexity	VRT	Sign Size
25	simple / 2 lane	8	50
25	complex / 4 lane	10	78
30	simple / 2 lane	8	72
30	complex / 4 lane	10	112
35	simple / 2 lane	8	98
35	complex / 4 lane	10	153
40	simple / 2 lane	8	128
40	complex / 4 lane	10	200
45	simple / 2 lane	8	162
45	complex / 4 lane	10	253
50	simple / 2 lane	8	200
50	complex / 4 lane	10	312
55	complex / 4 lane	10	378
60	complex / 4 lane	10	450
65	multi lane	11	639
70	multi lane	11	741
75	multi lane	11	850



Average sign size related to speed of travel and reaction time

Illustration from *Street Graphics and the Law*,
American Planning Association, 2004

Parallel Signs

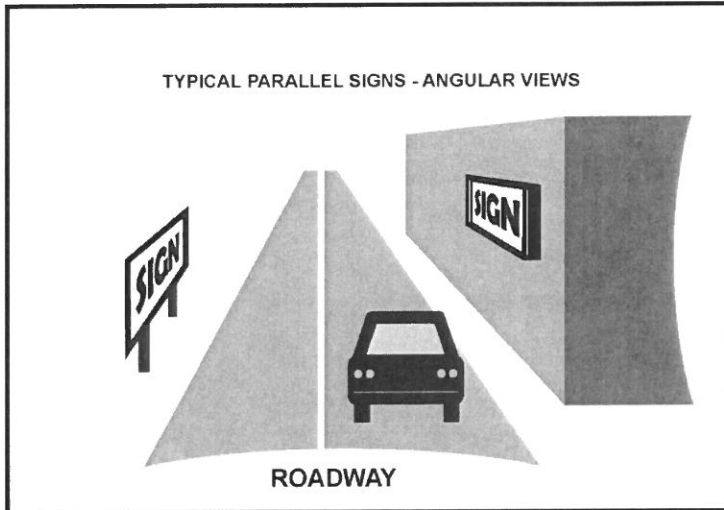


Figure 6. Parallel Sign Types

Everyday experience teaches us that parallel signs are more difficult to read than perpendicular signs simply because their orientation to the eye of any observer is at an acute angle. Now USSC research has corroborated this subjective impression with scientific evidence, and has made it possible to construct a mathematical model and attendant equations to account for the size increases necessary to allow parallel oriented signs to achieve at least some measure of the legibility quotient of perpendicular signs in a motorist oriented environment.

Parallel signs are harder to read because their orientation, or tilt, with respect to the driver makes it impossible to see the sign face at certain distances and offsets. When the driver can see the sign face, the content is often foreshortened and distorted. The driver must get close to the sign in order to increase the viewing angle to the point where the sign becomes legible. However, as drivers approach the sign, the time they have to read it gets shorter, while the sign moves further into their peripheral vision.

This condition places parallel signs at a threefold disadvantage relative to perpendicular signs. First, they are inherently more difficult to read because of the foreshortening of the message content caused by the angle of view. Second, because they become legible only after the angle of view exceeds 30 degrees, the time frame during which legibility can take place is compressed, and third, because they are usually placed back from the roadside well outside a driver's cone of vision, they are viewed by drivers only during short sideway glance durations, usually measured in fractions of seconds.

In many cases, their orientation causes not only severely compromised legibility compared to perpendicular signs, but results in the sign not being seen at all. In the USSC study, *Real World On-Premise Sign Visibility*, in which people were asked to drive through typical suburban shopping areas and locate specific signs, perpendicular signs were almost never missed while the subjects drove past 30 percent of the parallel signs, even though the parallel signs were two and three times larger than the perpendicular signs and the drivers were actively looking for them.

Parallel signs, therefore, must be read using a series of very quick glances at large visual angles during small windows of opportunity. Because of this, letter heights developed for perpendicular signs, where drivers have more time and can take longer straight ahead glances, cannot provide for adequate parallel sign legibility.

As we have noted in the case of perpendicular signs, the minimum distance at which a sign must become legible is a function of the time it takes to read the sign and the decisions and maneuvers required to comply with the sign. This is the Viewer Reaction time (VRT), which when combined with the speed of travel, becomes the Viewer Reaction Distance (VRD). Given the VRD, a perpendicular sign's letter height can be calculated using the Legibility Index.

The legibility of parallel signs, however, depends not on a driver's line of sight to a sign down the road, but rather when the sign becomes visible to the driver at a sight angle sufficient to allow at least some glance legibility to take place. A significant amount of research has now determined that this angle should be no less than 30 degrees to the driver's line of sight, and it is the visual restriction imposed by this angle, along with the number of lanes of travel, and the sign's offset from the curb, which determines the Maximum Available Legibility Distance, (or MALD) for a given parallel sign

While traversing this distance, however, a driver cannot be expected to register much more than a few quick glances at the sign without adversely affecting his/her view of the road. Thus it is essential to optimize reading speed for parallel signs in order to minimize the duration and frequency of glances that drivers must make to read the sign. Research has shown that reading speed increases to its maximum as letters are enlarged by a factor of three, and then tends to level off; and to ensure adequate letter height for parallel signs, a multiplier of three is used in the mathematical model to determine the letter heights and the legibility index for parallel signs.

Using this multiplier of three as a benchmark or rule of thumb, the Legibility Index for parallel signs falls to 10, instead of the Legibility Index of 30 we have shown as a rule of thumb for perpendicular signs. Thus a

parallel sign with a MALD of 500 feet, for example, would require a capital letter size of 50" (500/10=50). Conversely, a perpendicular sign at the same location, but directly viewable 500 feet down the road, would require a capital letter size of 17" (500/30=17)

Equations and Lookup Table

The following equations can be used to determine appropriate letter heights for parallel mounted signs given the number of lanes of travel and the lateral offset of the sign from the curb. Equation #1 uses an average LI of 10, while Equation #2 allows users to input the LI that most closely matches their sign conditions from the USSC Legibility Index table (Table 1) and applies the three times threshold constant to that LI. A parallel sign letter height lookup table is also provided for typical roadway cross-sections and lateral sign offsets (Table 3).

When using the equations or the lookup table always use the maximum number of lanes on the primary target road.

Parallel Letter Height Model Equations

Equation #1: $LH = (LN \times 10 + LO) / 5$

Equation #2: $LH = (LN \times 10 + LO) / (LI / 6)$

where:

LH is letter height in inches.

LN is the number of lanes of traffic.

LO is the lateral offset from curb in feet.

LI is the legibility index from Table 1

Examples of how to work the equations

2-Lane Roadway
Lateral offset is 37 feet from the curb.
User does not know the letter style.

Equation #1: $LH = (LN \times 10 + LO) / 5$

$$LH = (2 \times 10 + 37) / 5$$

$$LH = 57 / 5$$

$$LH = 11.4 \text{ inches}$$

Same scenario, but user knows the sign is: Externally Illuminated,
Helvetica, all Caps, Light Letters on Dark Background
(USSC LI = 22 ft/in)

Equation #2: $LH = (LN \times 10 + LO) / (LI / 6)$

$$LH = (2 \times 10 + 37) / (22 / 6)$$

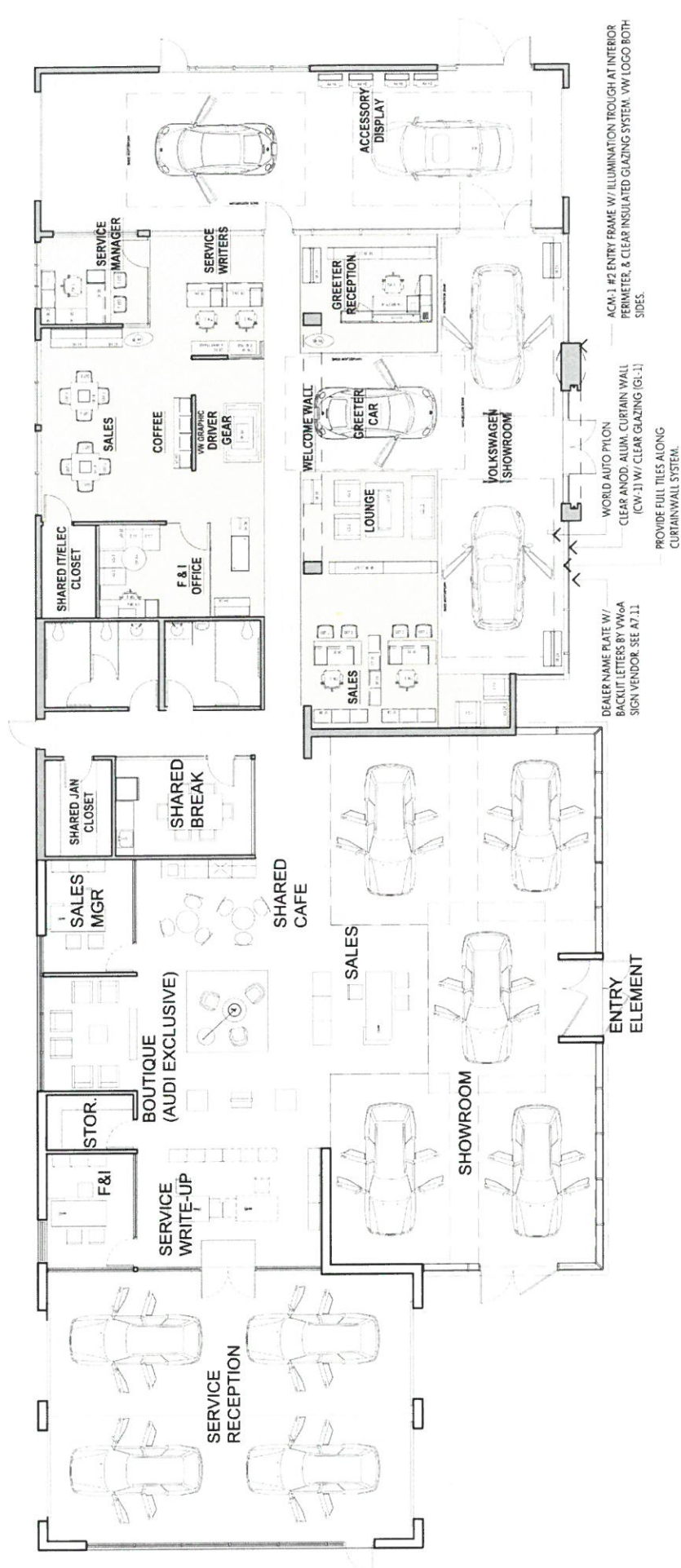
$$LH = 57 / 3.67$$

$$LH = 15.5 \text{ inches}$$

Table 3. Parallel sign letter height lookup table.

Offset from Curb (ft)	Letter Height in Inches				
	Number of Lanes				
	1	2	3	4	5
10	4	6	8	10	12
20	6	8	10	12	14
40	10	12	14	16	18
60	14	16	18	20	22
80	18	20	22	24	26
100	22	24	26	28	30
125	27	29	31	33	35
150	32	34	36	38	40
175	37	39	41	43	45
200	42	44	46	48	50
225	47	49	51	53	55
250	52	54	56	58	60
275	57	59	61	63	65
300	62	64	66	68	70
325	67	69	71	73	75
350	72	74	76	78	80
375	77	79	81	83	85
400	82	84	86	88	90

EXHIBIT 7



VOLKSWAGEN

AUDI

SERRA AUDI VOLKSWAGEN - COMBINED PLAN
 TRAVERSE CITY, MI
 11-29-16

ACM-1 #2 ENTRY FRAME W/ ILLUMINATION TROUGH AT INTERIOR PERIMETER, & CLEAR INSULATED GLAZING SYSTEM, VW LOGO BOTH SIDES.

WORLD AUTO PYLON CLEAR ANOD. ALUM. CURTAIN WALL (CW-1) W/ CLEAR GLAZING (GL-1) PROVIDE FULL TIES ALONG CURTAINWALL SYSTEM.

DEALER NAME PLATE W/ BACKLIT LETTERS BY VW/A SIGN VENDOR. SEE A7.11

EXHIBIT 8

ARTICLE 2 DEFINITIONS

SECTION 200 RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- (1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "building" includes the word "structure".
- (4) The word "lot" includes the word "plot", "tract", "unit" or "parcel".
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (6) The word "used or occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied".
- (7) Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

SECTION 201 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Buildings: A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Addition: A completely new structure or new component to an existing structure.

Adequate Public Facility: A public facility or system of facilities that has sufficient available capacity to service the physical area and designated intensity and use of development at adopted specified levels of service.

Administrative decision: A decision on a development approval application rendered by an administrative official that does not require legislative, administrative, or quasi-judicial discretion and unless specifically stated is not subject to a public hearing.

Adult Foster Care, Family Home: A state licensed private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks.

Bond: Any form of a surety bond in an amount and form satisfactory to the reviewing authority. Bonds may require review and approval by the Garfield Township attorney whenever a bond is required by these regulations.

Brew Pub: A facility as defined by the State of Michigan Liquor Control Code (Act 58 of 1998, MCL 436.1101 et seq.)

Buffer Yard: A greenbelt area that is long and parallel to a property line within which no structures, driveways, parking, signs or other such uses may be located unless specifically permitted by this Ordinance. A yard area occupied by plant materials, fences, or other landscape devices designed to effectively mitigate to a substantial degree the negative impact which occurs between conflicting land uses and major thoroughfares.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The buildable area of a lot or designated building envelope and other areas of a project site which have not been designated as permanent open space, areas to be used for project infrastructure, or other site improvements, etc.

Building Elevation: The entire view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

Building Footprint: The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

Building Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof or parapet for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Line: That portion of a site defined by the minimum front, side and rear yard setbacks within which no building or structure may be located.

Building Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Building Supply/Equipment Store: An establishment where construction products and materials are sold.

Buildings, Semi-Detached: See Dwelling, two-family (duplex)

Bus shelter: A roofed structure with at least three walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.

Caliper: A tree's trunk or stem diameter in inches measured by diameter tape at four and one-half (4-1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.



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: July 19, 2017
Case #: 2017-04 Front yard variance request
Owner: Traverse City Realty Holdings – Villa Healthcare
Applicant: T.B. Thompson
Property ID #: 05-100-038-00 and 05-100-037-00
Property Location: 2828 Concord Street
Zoning District: R-3 Multi-Family Residential

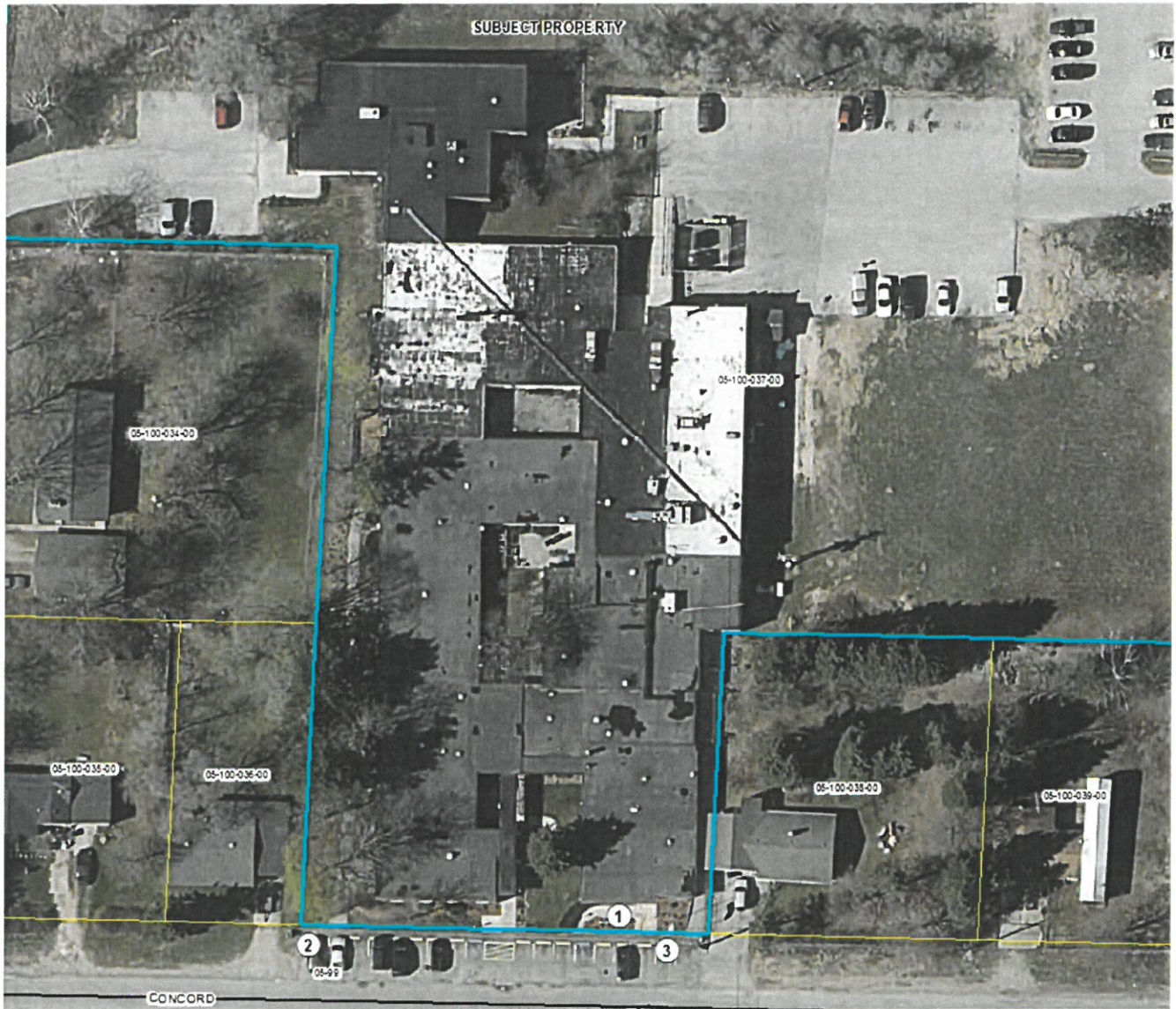
Request

A request has been made by T.B. Thompson, on behalf of Traverse City Realty Holdings for the construction of an open air canopy structure and other associated canopies and decorative trellis structures within the 25 foot required front yard setback, if approved, the main entrance canopy would be constructed up to the front property line, which also serves as the north right-of-way line of Concord Street, a public roadway maintained by the Grand Traverse County Road Commission. The property is zoned R-3 Multi-Family Residential, and is located at 2828 Concord Street, with a property number of 05-100-038-00 and 05-100-037-00.

Parcel Overview

The parcels are located within an established residential area with mixture of single and multi-family housing. The properties to the north contain a multi-family housing development (Boardman Lake Apartments). The properties to the south, east, and west are primarily single-family residential dwellings. Other nearby uses include churches, a fire station, and neighborhood commercial and office uses.

Location of Pictures Taken in relation to the building location



See Pictures on the following pages for more information. The location of each of the following pictures is labeled on the map above.

Picture #1 – Facing Main Entrance



This is where the covered entryway is proposed. The pavement in the foreground appears to go right up to the front property line. The parking spaces would be replaced with a drive up lane for resident and visitor drop off. The proposed canopy would project out from the current entrance shown here to about where the pavement ends. As shown on the site sketches, there would be other improvements to the front entryway and adjacent courtyard shown on the left.

Picture #2 – Facing toward the southwest corner of property along Concord Street



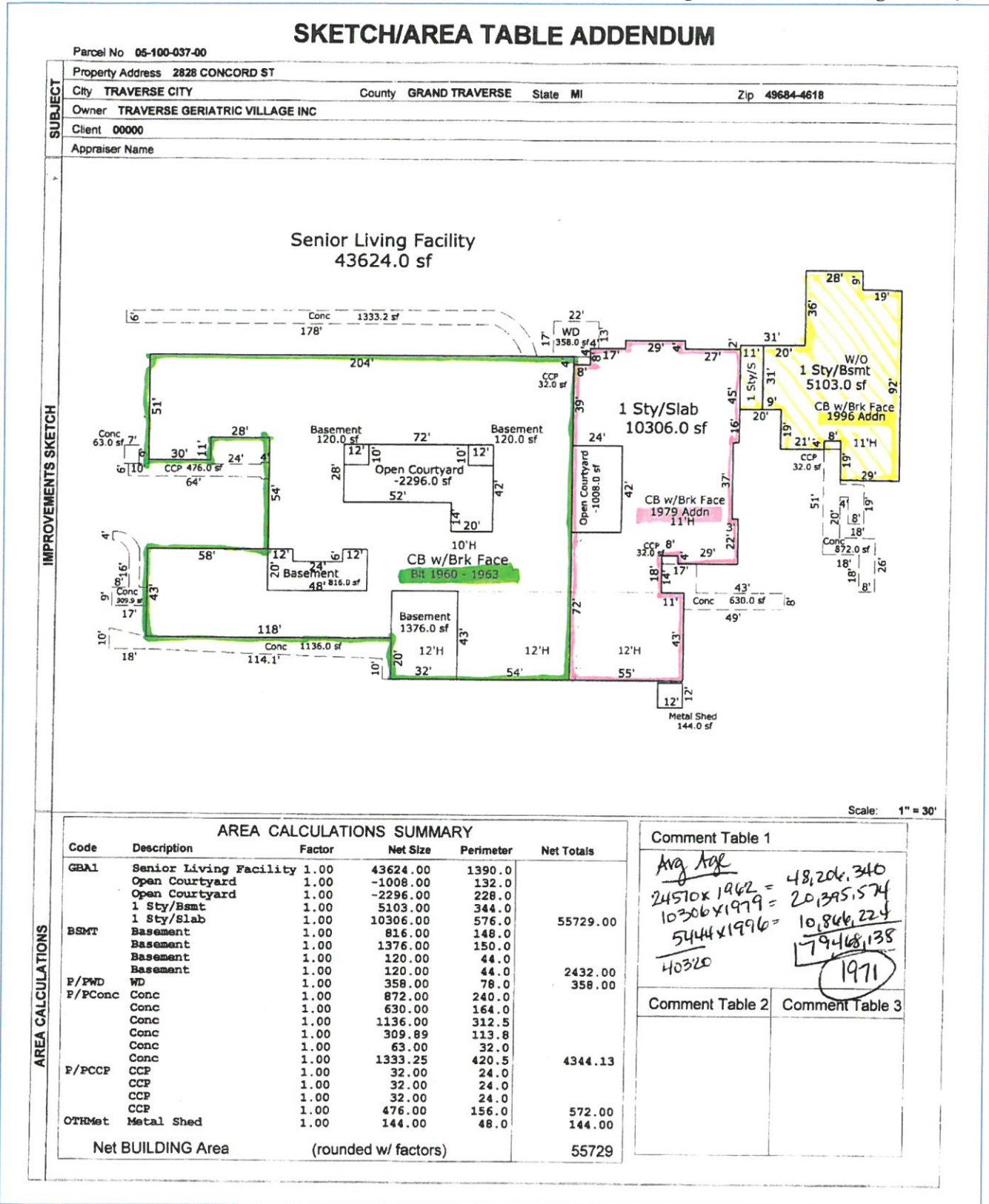
The parking space occupied by the van appears to be on the property line as the driveway for the adjacent residence is only a few feet away. Although not directly related to the variance request, the removal of parking spaces this close to the neighbors driveway could be addressed as a condition of approval if a the variance is found to be warranted. The parking area in the Concord Street right-of-way is considered a legal non-conforming use as it appears to have been in place since the facility was originally constructed in 1963.

Picture #3 – Facing toward the east along the front property line



This is facing east along the on-street parking area. The left pavement edge appears to be on the front property line. The proposed canopy and surrounding trellis structures would project out from the main entrance, which is toward the east property line. The residence directly east of the nursing home is currently vacant and being demolished by the appellant for a off-street parking area, which will replace the on-street parking area being converted for the proposed drop-off and entryway canopy.

Layout of current facility showing construction dates (based on Twp. Assessor building sketch)



The area highlighted in green is the original facility and was constructed between 1960 and 1963. The main entrance that would be attached to the proposed canopy is part of the original facility and is located on the lower left corner of the sketch.

Background

The appellant came into the office last year with a conceptual plan similar to what is presented with the variance application, except for the canopy shown as extending into the Concord Street right-of-way. Although the parking area as existing is allowed in the right-of-way as a legal non-conforming use, our Zoning Ordinance does not allow a building or structure to be built in any road right-of-way or any other public easement, which I advised the appellant of. The resulting application for variance is in response to my comments last year.

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);
- (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;
- (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;
- (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
- (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 Comments regarding Section 454.E.1: The fact that the building site was laid out prior to adoption of the previous Zoning Ordinance in 1974 should be considered for items (a) and (b) above. Furthermore, based on Assessor's records, the ownership of the facility has changed since original construction in 1963, so any hardship created by the construction of the facility was not created by the current owner. Alternatively, Items (c) and (d) above may be difficult to justify as the lack of relief from the "strict application" and "literal interpretation" of the Zoning Ordinance doesn't really deprive the applicant of rights enjoyed by other properties in the same district or the reasonable use of the land, building or structure. There are other alternative locations on the property that could accommodate a loading area that would meet the Ordinance requirements, particularly on the east or north side of the building.

(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;

- (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;
- (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;
- (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
- (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 Comments regarding Section 454.E.2: *Item (a) and (b) are not an issue as the property is under control of the applicant and the request is not based on nonconformities on neighboring lands, buildings or structures. Item (c) and (d) are both ripe for board discussion as I have no specific recommendations. Item (e) is difficult to justify for the same reasons stated previously in regards to possible alternatives.*

(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.

(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).

(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.

Staff Comments regarding Section 454.E.3: *A case could be made in favor of item (a) based on the unique layout of the current facility, which is not generally found elsewhere in the same zoning district. Item (b) and (c) would not apply as there is no significant vegetation or natural features nor is the lot substandard in size or other dimensions. Item (d) is debatable as the building could be considered historic in nature due to its age relative to other buildings in Garfield Township, but not in the overall context of the region, in addition to the lack of any official historic designation. Item (e) is ripe for discussion.*

Recommendation

Based on the information provided above, I am not prepared to provide you a recommendation to approve or deny the request as some of the criteria will require further discussion by the Zoning Board of Appeals. Please feel free to contact me if you have any questions before the meeting.

Sincerely,



Michael Green, Zoning Administrator
Charter Township of Garfield

① * 750-

Case # _____



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 APPLICATION

1. Owner / Applicant information

TRAVERSE CITY REALTY HOLDINGS

T. B. THOMPSON

Owner: VILLA HEALTHCARE

Applicant:

3755 WEST CHASE AVE.

12463 CHERRY LEAF LN.

Address:

Address:

SKOKIE, ILL 60076

BRIGHTON, MI 48114

City, State, Zip Code

City, State, Zip Code

847.514.4657

248.431-3280

Phone Numbers

Phone Numbers

2. Property Information:

a. Property Address: 2828 CONCORD ST., TRAVERSE CITY, MI

b. Property Location: NEAR CORNER OF CONCORD ST. & RENNIE ST.
PARCEL

c. Lot # 7-1 & 7-11 Subdivision Name: CROSS SUBDIVISION

d. Parcel ID# 28-05- 100-038-00

e. Current Zoning: _____

f. Current Use: SKILLED NURSING CENTER (USE GROUP I-1)

3. Purpose For Request:

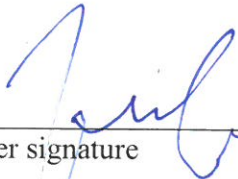
Variance <input checked="" type="checkbox"/>	Appeal _____	Interpretation _____	Review <input checked="" type="checkbox"/>
Other _____ Please explain request / List section(s) related to request: _____			
<u>PROPOSED EXTERIOR RENOVATIONS OF THE BUILDING -</u>			
<u>INCLUDES THE ADDITION OF A STEEL CANOPY TO BE</u>			
<u>CONSTRUCTED AT THE EXISTING RESIDENT ENTRY. OTHER</u>			
<u>RENOVATIONS INCLUDE NEW DECORATIVE TRELLIS, CONCRETE</u>			

WALKS, PARKING LOT AND LANDSCAPING.

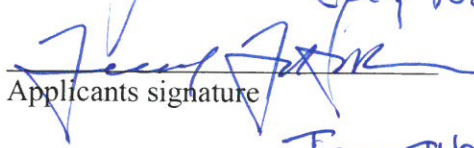
Front Yard Variance of 25 feet -
to go from 25 to 0' -

Affidavit:

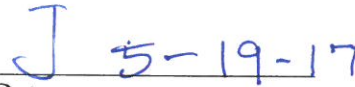
The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does 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.



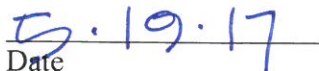
Owner signature
Jay Wolper



Applicants signature
TEDD THOMPSON



Date



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 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.

B. Applicability – Use 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);
- (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;
- (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;
- (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
- (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.

(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;
- (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;
- (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;
- (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
- (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.

(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.

(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)

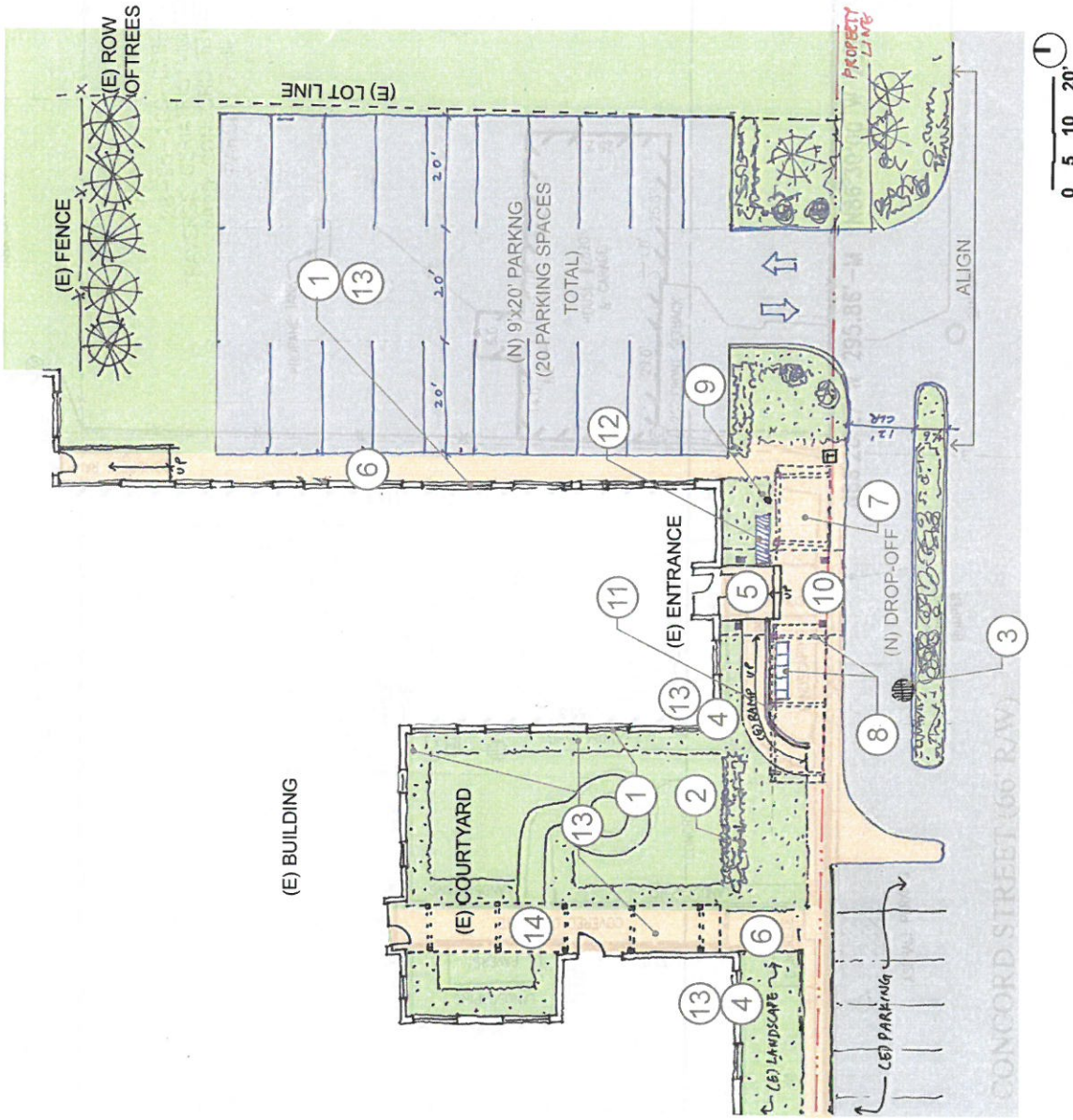
The proposed project involves the utilization of an existing legal nonconforming lot(s).

(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.



NOTES:

- 1 REPAIR, CLEAN AND REPAINT (E) EXTERIOR CMU WALL, TYP.
- 2 (N) LOW PLANT AND LANDSCAPING TO DEFINE COURTYARD EDGE
- 3 RELOCATE (E) CATCH BASIN AS NEEDED (V.I.F.)
- 4 REMOVE (E) CURVILINEAR AWNING, TYP.
- 5 (N) ENTRY CANOPY
- 6 (E) CONC. PAVER TO REMAIN
- 7 (N) 9' X 16' MODULAR METAL TRELLIS W/ OUTDOOR BENCH SEATING
- 8 (N) 9' X 28' MODULAR METAL TRELLIS W/ OUTDOOR BENCH SEATING
- 9 (E) FLAG POLE TO REMAIN (V.I.F.)
- 10 (N) BRICK PAVING AT ENTRY AREA, SEE PERSPECTIVES FOR EXTENT
- 11 (N) LOW WALL ALONG THE EDGE OF (E) RAMP
- 12 (N) VERTICAL PYLON WALL WITH BUILDING SIGNAGE >10 FEET AWAY FROM PROPERTY LINE
- 13 RESTAIN (E) SOFFIT PANEL AND TRIM TO MATCH COLOR OF THE (E) BUILDING METAL COPING
- 14 RESTAIN (E) METAL TRIM TO TO MATCH COLOR OF THE (E) BUILDING METAL COPING; RE-STAIN (E) SOFFIT PANEL AND TUBE STEEL FRAME TO MATCH (N) MODULAR TRELLIS COLOR









OFFICIAL TREASURER'S RECEIPT OF FUNDS

CHARTER TOWNSHIP OF GARFIELD
Jeane Blood Law, Treasurer
3848 Veterans Dr.
Traverse City, MI 49684

Contact us at:
Ph: (231) 941-1620
online: www.garfield-twp.com

Checks are accepted as conditional payment. If the check does not clear, this receipt is considered VOID. A \$25 NSF fee will be added to the balance due.

Received From: TB THOMPSON
12463 CHERRY LEAF LN
BRIGHTON MI 48114

Date: 06/20/2017

Receipt #: 34084
Cashier: CHLOE
Total Received: \$750.00
Batch #:

Notes:

RECEIPT ITEM	DESCRIPTION	AMOUNT
BLD INVC	00012816	\$750.00
Total Amount Due:		\$750.00
PAYMENTS RECEIVED		
Tendered:	CHECKS 1059	\$750.00
CHANGE:		\$0.00

PAID

JUN 20 2017

Jeane Blood
Treasurer

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 July 19, 2017 at 6:00 pm. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

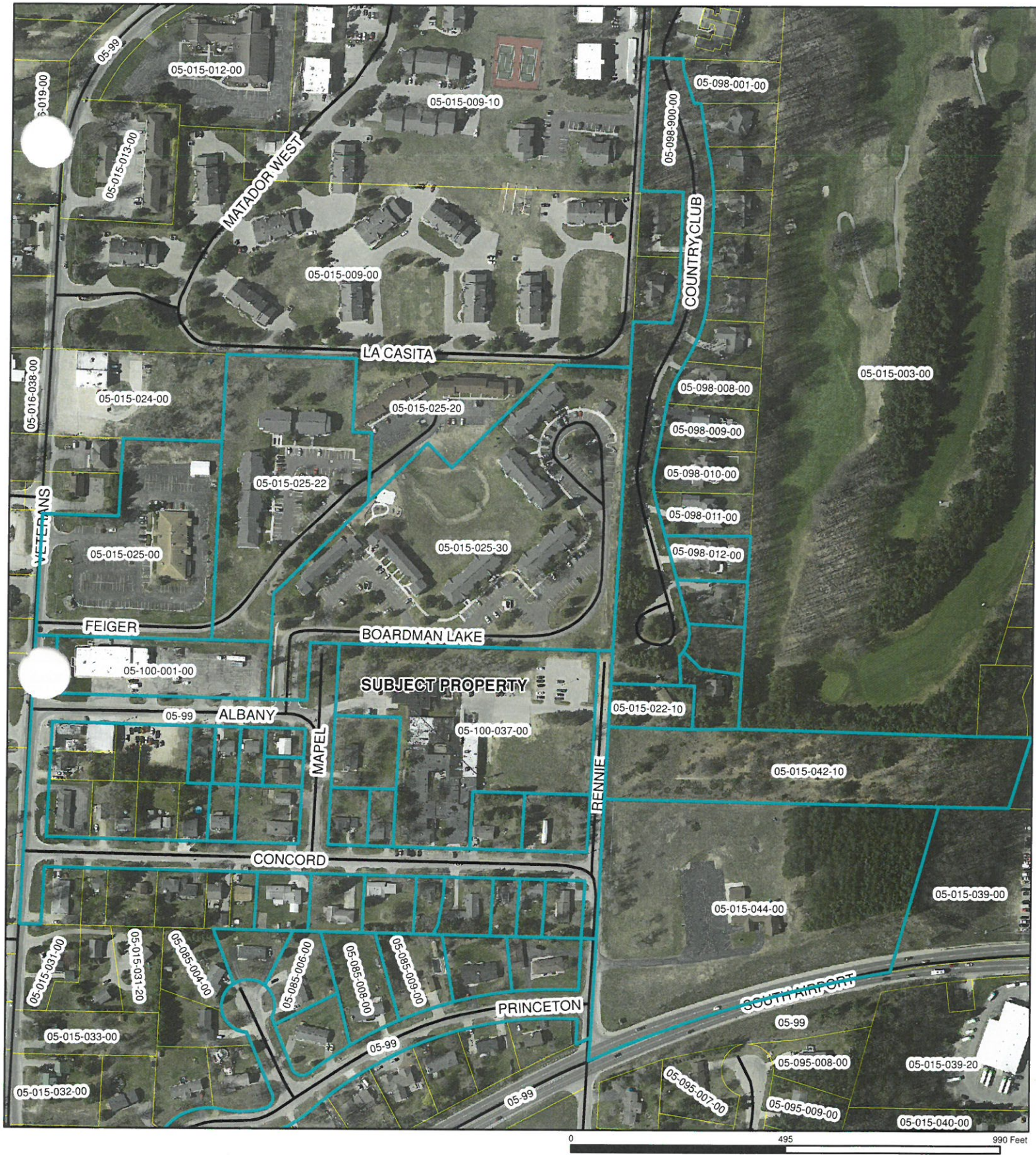
A request made by Traverse City Realty Holdings, Villa Healthcare, for a variance from Section 315 of the Garfield Township Zoning ordinance to reduce the front yard setback from 25' to 0'. The property is zoned R-3 and is located at 2828 Concord Street, Traverse City MI with a property ID of 05-100-038-00.

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.

Lynn Fricke – 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

Garfield Township 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 Garfield Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.



Parcel_2016
 2016-Garfield_Mosaic.sid
 RGB
 Red: Band_1
 Green: Band_2
 Blue: Band_3

Parcel Map

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.

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: 6/26/2017