

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

Wednesday, September 20, 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 – July 19, 2017
3. Public Hearings:
 - a. A request made by Bay Meadows Family Golf for a variance from Section 749 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 200' to 84'. The property is zoned R-1 and is a use permitted by special conditions. The subject property is located at 5550 Bay Meadows Drive, Traverse City, MI with a property I.D. # of 05-006-001-50.
 - b. A request made by Tara Hochstetter for a variance from Section 313 of the Garfield Township Zoning Ordinance to reduce the rear setback from 30' to 20'. The subject property is zoned R-1 and is located at 4541 Stoneridge Ct, Traverse City MI with a property I.D # of 05-306-022-00.
4. Other Business
5. Items for next agenda
6. Public Comment
7. 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, July 19, 2017 @ 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

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

Board Members Present: Steve Duell, Lynne Fricke, Kent Rozycki, Scott Swan (6:03)
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, Rozycki, Swan, Smith
Nays: None

2. **Minutes – November 16, 2016 and January 18, 2017**
Rozycki moved and Duell seconded to approve the minutes of November 16, 2016 and January 18, 2017 as presented.

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

3. **Public Hearings**

- a. **Ogden Request**

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 with a property number of 05-184-038-00. Ted Lockwood spoke and said he owns Incochee Woods Development with Bob Brick and that Lot 38 is a challenging lot to build on. Michael Green talked about the parcel and the variances requested. Board members discussed the issues with the lot and the challenge of putting a home on the lot. Chair Smith opened the Public Hearing at 6:22pm.

John Nelson of Incochee Commons spoke regarding the setback on the waterfront and is not in favor of granting any setback from the wetlands.

Eric and Julie Braverman of 862 Incochee said this property backs up against their lots. They took issue with the fact that all other lots in the area meet setback requirements. They suggested a two-story home to fit within the setbacks.

Dave Petrov of Interlochen said that the lot should be declared unbuildable and the developers should be made to abide by all rules and setbacks.

Chair Smith closed the Public Hearing at 6:31pm.

Lockwood said that they did not create the hardship, but rather that it was handed to them in a legal settlement of the properties surrounding Lot 38. Board members saw other options for the developer which would fit in the setbacks such a two story home or readjusting the garage and deck areas. Township Attorney Scott Howard presented a conflict of interest in the matter since he did some legal work for the developers. Board members went through the standards for granting the variance Findings of Fact under 45E(1).

- a. **Special conditions or circumstances exist that are peculiar to the land, 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).**

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 because the lot is oddly shaped and it is a substandard lot with natural formations and substantial wetlands. Board members voted 5-0.

- 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.**

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 because the legal issue on neighboring lands resulted in a settlement which created the oddly shaped lot. Board members voted 3-2

- 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.**

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 because there are other reasonable uses for the property and other designs that would ensure compliance with the setbacks. Board members voted 5-0.

- 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.**

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 34,000 Square Feet) is of substantial size and without topographical limitations or dimensional irregularities that would render the buildable area of the parcel unnecessarily burdensome. Board members voted 4-1.

- 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.**

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. Board members voted 5-0.

Rozycki moved and Fricke seconded to DENY the request for variance from Sections 313.E and 534.B for a 10-foot reduction from the 30 foot front yard setback requirement of the R-1 zoning district and a 8 foot

reduction from the 25 foot wetland setback requirement of the R-1 zoning district and based on the general standards for granting such request NOT being met.

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

Smith called for a five minute break at 6:58 and reconvened the meeting at 7:03pm.

b. Serra Works Traverse City LLC Request

A request has been made by Serra Works of Traverse City LLC for the following items: A variance from Section 630.E.2 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 for 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. Township Attorney Scott Howard asked that the applicant address the interpretation issues first. Attorney Dick Figura representing Serra Works of Traverse City gave board members some background on the Serra auto dealership. He indicated that Serra has been trying to develop the site and are now ready to move an Audi dealership and a Volkswagen dealership to the site.

Jim Touhy, of Serra Works also addressed board members and talked about the Serra organization. Figura asked the ZBA for a definition and interpretation of "wall" under Section 630.E.3 of the zoning ordinance. He cited the 2006 international building code for a definition of wall which states, "A vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space." Zoning Administrator Green asked the Garfield Township Building Official and Inspector to help interpret "wall" and he determined that the wall in question on the applicant's floor plan drawings was indeed one wall, despite a jog in the middle. Figura and board members debated the issue of the definition of wall as it affected the western side of the proposed building.

Figura saw the design as having *three* west facing walls because of the large jog in the wall. Board members discussed the interpretation of "wall" for quite some time.

Also in question based upon the definition of "wall" is the question of how much signage would be allowed. Serra Works is also requesting a variance from Section 630.E.3 to allow 162 square feet of wall signage where only 100 square feet is allowed under

the ordinance. Based on the definition of "wall," as interpreted by the township, only 100 square feet of signage would be allowed. The applicant cited issues with the 100 square feet of signage since Figura was arguing that there was really two buildings and not one. The applicant also said that the automotive manufacturers were imposing larger sign requirements. Attorney Figura cited the United States Sign Council in his request for an extra pylon sign and said that legibility and safe viewing for motorists was important in this case.

The applicant asked for an interpretation of Section 201 for the definition of "building" since he claimed that there were different facades and an obvious jog in the large wall which could make it two buildings. The Garfield Township building department performed a preliminary review and determined that the facility is considered to be one building since it shares a roof and lacks a clear separation between businesses via fire wall or doors. Bathroom facilities are shared as are common areas. Figura claimed that each "building" should be allowed 100 square feet of signage on each "wall." Attorney Scott Howard said that according to Section 630.E.3, the maximum wall signage shall be lesser than 100 sq ft or 20% of the wall. More than one sign can be erected under the ordinance provided that the maximum of 100 square feet not be exceeded. Touhy said that the Audi corporation as well as the Volkswagen corporation had signage standards that needed to be met. Board members debated whether the plan drawing indicated one building or two.

Duell moved and Rozycki seconded that the plan designs submitted by Serra Works of Traverse City indicated one "building" was to be erected on the site.

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

Duell moved and Fricke supported that according to plans submitted by Serra Works of Traverse City, that one westerly facing wall existed on the plans.

Yeas: Duell, Fricke, Rozycki, Smith
Nays: Swan

With interpretations decided, board members addressed the 162 square feet of proposed signage and the variance from Section 630E. The applicant indicated that the 162 square feet of signage included directional signage over doors. Attorney Figura said that the setback from the road should allow for larger signage according

to the United States Sign Council. Board members discussed the signage and thought that the need for larger signage was largely self-created.

Chair Smith opened the Public Hearing at 8:03pm and seeing no one wishing to comment, closed the public hearing.

Board members reviewed the Findings of Fact in the matter of the variance from Section 630.E.3 to allow 162 square feet of wall signage to be installed on a wall area of about 3,405 square feet. To qualify for a dimensional variance, the applicant shall be required to show "practical difficulty" under the approval criteria.

- a. **Special conditions or circumstances exist that are peculiar to the land, 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).**

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 because there are no special circumstances that exist. Board voted 5-0.

- 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.**

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 because the proposed project is the result of signage requirements imposed by the automobile manufacturers in the structure and are thus self created. Board members voted 5-0.

- 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.**

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 because no special circumstances or conditions exist. Board members voted 5-0.

- 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.**

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 because a literal interpretation of the zoning ordinance would allow the applicant to use the property and erect signage.

Board voted 5-0.

- 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.**

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 because full compliance with the zoning ordinance would not require additional costs on the part of the applicant.

Board voted 5-0.

Rozycki moved and Fricke supported to deny the variance request from Section 630E made by Serra Works of Traverse City to allow 162 square feet of wall signage rather than 100 square feet as allowed by ordinance.

Yeas: Rozycki, Fricke, Swan, Duell, Smith

Nays: None

Board members then reviewed a request for variance from Section 630E to allow a fifth pylon sign and to allow a total of 200 square feet of sign face area. The applicant is asking for signage for each of the two businesses represented in the building. Board members discussed the proposed extra pylon signage. Zoning Administrator Green said that there would be a precedent set in signage if the ZBA chose to allow the extra pylon signage.

The board considered the Findings of Fact.

- a. **Special conditions or circumstances exist that are peculiar to the land, 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).

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 because there are no special circumstances that exist. Board voted 5-0.

- 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.**

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 because the proposed project is the result of signage requirements imposed by the automobile manufacturers in the structure and are thus self created. Board members voted 5-0.

- 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.**

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 because no special circumstances or conditions exist. Board members voted 5-0.

- 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.**

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 because a literal interpretation of the zoning ordinance would allow the applicant to use the property and erect signage. Board voted 5-0.

- 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.**

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 because full compliance with the zoning ordinance would not require additional costs on the part of the applicant.

Board voted 5-0.

Duell moved and Rozycki supported that a proposed variance from Section 630E to allow a fifth pylon sign be denied based on the above Findings of Fact.

Yeas: Duell, Rozycki, Swan, Fricke, Smith

Nays: None

Attorney Figura asked for an interpretation of Section 630(M)(4) regarding how to measure permitted sq footage of sign supports as applied to the applicant's existing pylon signs. Attorney Scott Howard said that the sign supports may not be over 50% of the maximum allowed square footage of the sign by ordinance.

c. Traverse City Realty Holdings, Villa Healthcare

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. The parcel is located within an established residential area with a mixture of single and multi-family housing. Mr. Thompson said he wants to create a permanent canopy and trellis on the front of the building which would extend to the street. Residents and family members could then drive up to a covered walkway into the entrance. The proposed trellis and canopy are within the 25' setback making the setback 0 and the canopy would come to property line. Thompson is in receipt of a letter from the Road Commission stating that there was no problem with the location of the canopy on the property line as long as it did not interfere with the road right of way. Thompson said that the canopy was proposed to end at the property line.

Chair Smith opened the Public Hearing at 9:02pm.

Linda Garvin stated that the drive would be much safer with the canopy and one way entrance. She said as it is right now, the drive is unsafe. She proposed that only emergency vehicles be allowed to park out in front of the building and the applicants agreed.

Chair Smith closed the Public Hearing at 9:03pm.

The board reviewed the Approval Criteria under Section 454.E since Practical Difficulty and General Criteria standards needed to be met.

(1) Practical Difficulty

(a) Special conditions or circumstances exist that are peculiar to the land, 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).

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 because the building site was laid out prior to adoption of the Zoning Ordinance in 1974. Board members voted 5-0.

(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.

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 because 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. Board member votes 5-0.

(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.

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

because the canopy ensures safe entry for residents, particularly during inclement weather and is found to be a reasonable use of the building. Board members voted 5-0.

(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.

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 because similar facilities that were built subsequent to the adoption of the Zoning Ordinance were aware of the current requirements and were able to design their sites accordingly. The subject building was built prior to the adoption of the Zoning Ordinance. The original owners could not have anticipated that the current zoning regulations would be imposed for future expansions or modifications to the building.

Board members voted 5-0.

(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.

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 because the practical difficulty is not an economic hardship. Board members voted 5-0.

(2) General Criteria

(a) The requested variance shall relate only to property that is under control of the applicant.

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 because the property is under control of the applicant. Board members voted 5-0.

(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.

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 because the request is not based on nonconformities on neighboring lands, buildings or structures. Board voted 5-0.

(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.

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 because the construction of the canopy will not encroach as far toward the road as the existing parking lot, which will be reduced in size in exchange for the variance, resulting in a more conforming site.

Board voted 5-0.

(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.

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 because the construction of the canopy will not encroach as far toward the road as the existing parking lot, which will be reduced in size in exchange for the variance, resulting in a more conforming site

Board voted 5-0.

(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.

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 because no reasonable alternative locations were

determined by the Zoning Board of Appeals that would meet the Ordinance requirements and eliminate the need for general parking in the Concord Street right-of-way. Board voted 5-0.

Duell moved and Rozycki seconded to grant a variance from Section 315 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 25' to 0' and to allow a drive through and three parking spaces in front of the building to be used for emergency parking only. Final plans must be on file at the township offices and approved with the Grand Traverse County Road Commission.

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

4. Other Business

None

5. Items for next agenda

6. Public Comment

Linda Garvin asked about speed laws on Concord Street.

7. Adjournment

Smith moved to adjourn the meeting at 9:13pm.



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

To: Zoning Board of Appeals
From: Michael Green, Zoning Administrator
Date: September 7, 2017

Meeting Date: September 20, 2017
Case #: 2017-06 Golf Setback Variance
Owner: Bay Meadows Family Golf LLC
Property ID #: 28-05-006-001-50
Property Location: 5550 Bay Meadows Dr
Zoning District: R-1, One Family Residential

Request

The applicant is requesting a variance from Section 749.A(3) of the Zoning Ordinance to allow for an addition to an existing driving range building to allow for additional office space to the learning center and to add an improved entrance room for winter use. The addition will be located 84 feet from the property line of an abutting residentially zoned property to the west. The previous addition, built in 2017, was approved by the Zoning Board of Appeals in 2016 and is also located 84 feet from the property line of the abutting property to the west.

Parcel Overview

The property is approximately 85 acres located between Barney Rd and M 72 and contains a golf course with a driving range. The property is zoned R-1 as is the property to the West and South. The property to the North and East is zoned Agricultural. The golf course was approved by Special Use Permit in 1995 and expanded pursuant to amendments to the SUP in 1998, 2001, and 2002. Surrounding the golf course is mostly single family dwellings although they were not constructed in conjunction with the golf course. Immediately west of the golf course is a newer subdivision, The Woods at Bay Meadows, created on October 25, 2002. The driving range building received building permits in November 2001. Garfield Township initiated a zoning amendment in 2005 to rezone both the golf course and the Woods at Bay Meadows subdivision to R-1 One Family Residential. The change in zoning caused the driving range building to become a legal-nonconforming structure, as it was then subject to the current 200 ft. setback requirement to residentially zoned parcels. A variance was granted in 2016 which allowed for

the construction of an addition to the driving range building, located 37 feet from a residentially zoned property line, based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance had been met. A building permit was issued for the commercial addition in April of 2016. Prior to the subdivision being created, the golf course and subdivision were all one piece of property.



Aerial view of the parking area, clubhouse, and driving range building. Adjacent lots in the Woods at Bay Meadows subdivision are located on to the left of the driving range building. The aerial photo was captured in 2016.

Staff Comments

Golf courses are a use permitted by special conditions in the R-1 zoning district. (See Below)
 The special condition is that the golf course must comply with section 749.

SECTION 313 R -1 (ONE FAMILY RESIDENTIAL)

PURPOSE The R-1 (One Family Residential) districts provide areas for low to medium density one family residential dwelling units. The districts include areas of existing one family developments as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township with less intensive development moving outward towards the more rural and remote areas of the township. The R-1 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and parks that will promote a sense of community and urban vitality.

A. USES PERMITTED BY RIGHT:

- (1) Cemeteries
- (2) Dwelling, Single Family
- (3) Home Occupations
- (4) Publicly Owned and Operated Parks

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care, Family Home (<7) –See § 707
- (2) Child Care, Family Home (<7) –See § 718
- (3) **Golf Courses –See § 749**
- (4) Reserved
- (5) Keeping of chickens –See § 717
- (6) Medical Marihuana Residential Cultivation – See § 758
- (7) Open Space Preservation –See § 428
- (8) Personal Wind Energy Conversion Systems – See § 770
- (9) Recreation Field Complex - See § 772
- (10) Private Swimming Pools –See § 773
- (11) Storage of travel trailer, camper, or other recreational vehicle –See § 613.A.4
- (12) Waterfront Stairways –See § 779

At issue in this request is the requirement of section 749, #3 requiring all structures to be 200 feet from the property line of residentially zoned property. This requirement has been in the Zoning Ordinance since before the subdivision was created in 2002.

SECTION 749 GOLF COURSES AND COUNTRY CLUBS

A. REGULATIONS AND CONDITIONS

- (1) These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.
- (2) The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare, as classified on the Master Plan of Garfield Township.
- (3) Development features shall be so located as to minimize any possible adverse effects upon adjacent property. All principal and accessory buildings, structures, and parking areas shall not be less than two hundred (200) feet from any property line of abutting residentially zoned land.
- (4) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

Since the golf building currently exists and does not comply with the setbacks, it is a non-conforming structure. It can continue to exist as is but cannot be enlarged or extended unless it complies with the Zoning Ordinance. The proposed addition will also be located closer than the 200 foot required minimum setback and that is why the owner is requesting the variance. Enlargement or Expansion of Non conforming structures are addressed in Article 8, Section 812 (E).

Ordinance Criteria

To qualify for a variance, the applicant must meet all the Practical Difficulty standards and General Criteria as described below. For each standard, staff comments are shown as highlighted and in *[brackets]*.

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); *[Staff response: See Section 454.E(3). The lot or parcel itself does not appear to exhibit any special conditions or circumstances. However, the building and earlier additions, as stated, were permitted by special use permit under the previous Agriculture zoning that was in place on both the subject parcel and the now developed properties to the west.]*
- (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; *[Staff response: The current property owner did not create the condition; the township created the hardship by rezoning adjacent properties from Agriculture to R-1 One Family Residential.]*
- (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; *[Staff response: The subject parcel is very large in size, so an argument could be made against this standard being met. On the other hand, the building was permitted in its current location and was a conforming building from 2001 to 2005, when the township rezoned properties in the area.]*
- (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; *[Staff response: As stated above, the lot meets all dimensional standards and is. As also stated above, there is buildable area around the back and other side of the existing dwelling in which a deck addition could be built. I can't think of a finding in favor of the variance offhand, so I'll let the ZBA discuss at the meeting.]*
- (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 response: This hasn't been brought up by the applicants as a factor in their decision.]*

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant; *[Staff response: The applicant owns the property, so this would be met.]*
- (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; *[Staff response: The Zoning Board of Appeals has not approved any variances for similar uses, which might be explained by the fact that there are few golf courses in Garfield Township.]*
- (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; *[Staff response: It appears that the purpose of the 200 ft. setback is to protect existing residential areas from the potential impacts (i.e.: wayward golf balls). Alternatively, the rights of existing uses should be considered vs. those of uses that come in later. Courts often refer to this as “coming to the nuisance” This principle is behind such state laws as the “Right to Farm Act” which protects farms from nuisance suits from local communities that develop surrounding areas then try to “zone out” the existing farms.]*
- (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; *[Staff response: See comments under General Criteria “C” above. The golf course existed several years before the residential area was developed around it.]*
- (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 response: As stated prior, there are alternative locations where the building could be expanded or replaced upon while meeting the strict requirements of this Ordinance. As stated previously, the township permitted the building to locate where it is now before they rezoned the area and created the non-conformity]*

(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.

Alternative Motions

1. Motion to: **GRANT** the request for variance from Section 749.A(3) of the Garfield Township Zoning Ordinance to allow an addition to the driving range building to be constructed eighty-four (84) feet from the side lot line based on the Practical Difficulty standards and General Criteria for granting such request being met.
2. Motion to: **GRANT, IN PART** the request for variance from Section 749.A(3) of the Garfield Township Zoning Ordinance to allow an addition to the driving range to be constructed *[an amount between the requested 84 ft. and the required 200 ft]* feet from the side lot line based on the Practical Difficulty standards and General Criteria for granting such request being met. *[the ZBA may place other conditions as deemed necessary to mitigate the request]*
3. Motion to: **DENY** the request for variance from Section 749.A(3) of the Garfield Township Zoning Ordinance to allow an addition to the driving range to be constructed eighty-four (84) feet from the side lot line based on the Practical Difficulty standards and General Criteria for granting such request NOT being met.



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

BAY MEADOWS FAMILY GOLF
Owner:
5550 BAY MEADOWS DR.
Address:
TRAVERSE CITY, MI 49684
City, State, Zip Code
231-946-7927
Phone Numbers

MIKE HUSBY
Applicant:
5227 MACKENZIE DR.
Address:
KEWADIN, MI 49648
City, State, Zip Code
989-619-0389
Phone Numbers

2. Property Information:

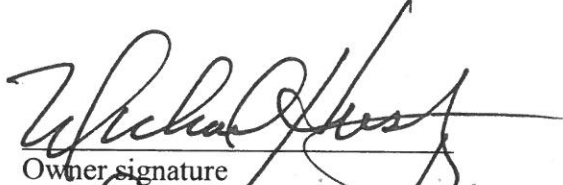
- a. Property Address: 5550 BAY MEADOWS DR.
- b. Property Location: _____
- c. Lot # _____ Subdivision Name: _____
- d. Parcel ID# 28-05- 05-006-001-50
- e. Current Zoning: R-1, ONE FAMILY RESIDENTIAL
- f. Current Use: GOLF COURSE

3. Purpose For Request:

Variance <input checked="" type="checkbox"/>	Appeal <input type="checkbox"/>	Interpretation <input type="checkbox"/>	Review <input type="checkbox"/>
Other <input type="checkbox"/> Please explain request / List section(s) related to request: _____			
<u>TO ADD OFFICE SPACE TO LEARNING CENTER.</u>			
<u>TO ADD AN IMPROVED ENTRANCE ROOM FOR</u>			
<u>WINTER USE. 84' FROM PROPERTY</u>			
<u>LINE</u>			

Affidavit:

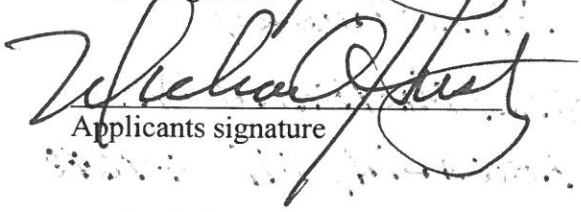
The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does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

8-14-17

Date



Applicants signature

8-14-17

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.

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.

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 public hearings at their regular meeting on September 20, 2017 at 6:00 pm. The hearings will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The following requests will be heard:

1. A request made by Bay Meadows Family Golf for a variance from Section 749 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 200' to 84'. The property is zoned R-1 and is a use permitted by special conditions.

The subject property is located at 5550 Bay Meadows Drive, Traverse City, MI with a property I.D. # of 05-006-001-50.

2. A request made by Tara Hochstetter for a variance from Section 313 of the Garfield Township Zoning Ordinance to reduce the rear setback from 30' to 20'.

The subject property is zoned R-1 and is located at 4541 Stone Ridgecourt, Traverse City MI with a property I.D # of 05-306-022-00.

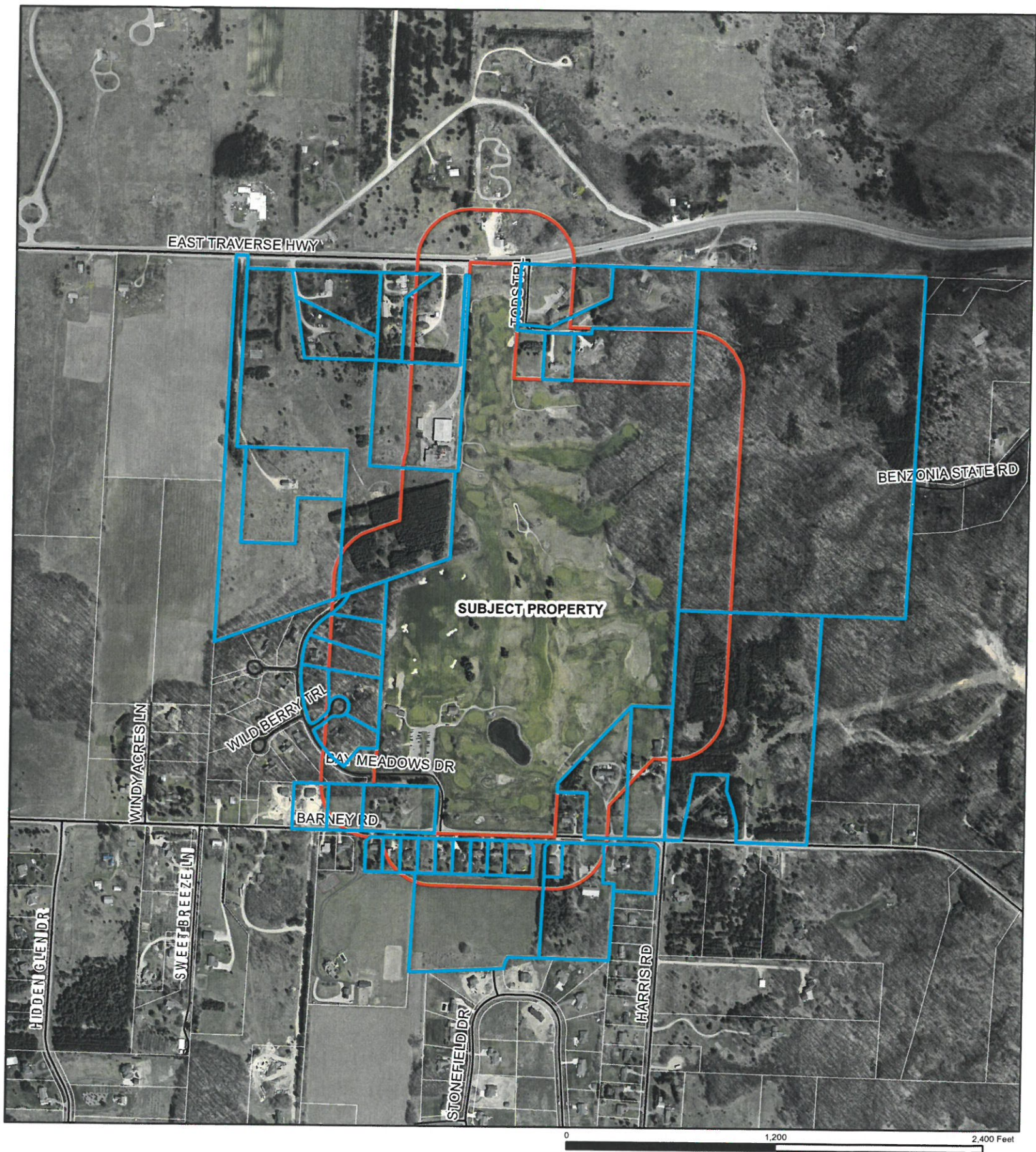
A copy of the applications, zoning ordinance and zoning map may be inspected at the zoning office of the Charter Township of Garfield located at 3848 Veterans Drive, Traverse City, Michigan between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons will have the right to speak at the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

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

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

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.

* * * * *



Notice Map

Legend

- 300 Ft Buffer
- Parcels 2017

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 Planning Dept: 8/31/2017

004-031-036-00
RECKER SUSAN
8736 E Angus Rd
Traverse City, MI 49684

004-031-044-00
OCCUPANT
E ANGUS RD
TRAVERSE CITY, MI 49684

004-031-004-00
GORCYCA JOHN & SUSAN
8807 E TRAVERSE HWY
TRAVERSE CITY, MI 49684

004-031-043-00
GORCYCA JOHN & SUSAN
8807 E TRAVERSE HWY
TRAVERSE CITY, MI 49684

004-031-042-00
OCCUPANT
E TRAVERSE HWY
TRAVERSE CITY, MI 49684

004-031-042-00
SCENIC TRAILS COUNCIL
BOY SCOUTS OF AMERICA INC
2308 US 31 N
TRAVERSE CITY, MI 49684

004-031-042-10
BAILEY VERNON & DIANE
8860 E ANGUS RD
TRAVERSE CITY, MI 49684

004-031-039-20
LAUTNER LARRY & THERESA
8944 E TRAVERSE HWY
TRAVERSE CITY, MI 49684

MINOR SANDI J
5203 BARNEY RD
TRAVERSE CITY, MI 49684-8314

HOLLINGER KELLY & LEWIS JAMES & LOR
429 Harbour Ridge
Maple City, MI 49664

MCSAWBY DEBORAH A
P.O. Box 526
Suttons Bay, MI 49682

Occupant
5050 BARNEY RD
TRAVERSE CITY, MI 49684-8314

Occupant
5947 TODS TRL
TRAVERSE CITY, MI 49684-5557

ELLIOTT CAROL A
5277 BARNEY RD
TRAVERSE CITY, MI 49684

SCHLITTS ROBERT W JR & ELLIOTT C
5277 BARNEY RD
TRAVERSE CITY, MI 49684-8314

LUNDIN GLEN H & DIANE C
5085 BARNEY RD
TRAVERSE CITY, MI 49684-8314

OCCUPANT
4912 BARNEY RD
TRAVERSE CITY, MI 49684-8315

BAY MEADOWS FAMILY GOLF LLC
5550 BAY MEADOWS DR
TRAVERSE CITY, MI 49684-6918

GAUTHIER RUSSELL E
P.O. Box 1538
TRAVERSE CITY, MI 49685

Occupant
5181 Barney Road
Trraverse City , MI 49684

RITTER JERRY T & MARGARET A
5008 BARNEY RD
TRAVERSE CITY, MI 49684-8314

Brent & Alice Nichols
PO Box 347
Interlochen, MI 49643

LAUTNER LARRY J & THERESA M
8944 E Traverse Hwy
Traverse City , MI 49684

Occupant
8810 EAST TRAVERSE HWY
TRAVERSE CITY, MI 49684-5557

KROUPA CLARENCE & ESTER TRUST
800 Centre Pl Office
TRAVERSE CITY, MI 49686

LAUTNER JEFFREY A
4033 HARR DR
TRAVERSE CITY, MI 49684

KROUPA CLARENCE & ESTER TRUST
800 Centre Pl Office
TRAVERS CITY, MI 49686

SCANLAN THOMAS & SUE A TRUST
PO BOX 405
MOHAWK, MI 49950

BARNES JASON & AMANDA
5239 BARNEY RD
TRAVERSE CITY, MI 49684

LAUTNER TIFFANY M
5901 TODS TRL
TRAVERSE CITY, MI 49684-5557

HALL RICHARD & DEBRA
5110 BARNEY RD
TRAVERSE CITY, MI 49684-8314

MENCHACA SAMUEL JR & DEBORAH
5295 BARNEY RD
TRAVERSE CITY, MI 49684-8314

BRAUER MARI & BRAUER MARILYN
8790 EAST TRAVERSE HWY
TRAVERSE CITY, MI 49684-5574

GRUBB SARAH L
9822 N Long Lake Road
Traverse City, MI 49685

AT&T NETWORK REAL ESTATE ADMIN
575 MOROSGO DR 13-F WEST TOWER
ATLANTA, GA 30324

JOHNSON AUSTIN
5300 BARNEY RD
TRAVERSE CITY, MI 49684-8314

SCHICHEL SCOTT
5404 BARNEY RD
TRAVERSE CITY, MI 49684

CALCUTT FARMS
1214 RANDOLPH ST
TRAVERSE CITY, MI 49684

CULLOTY KEVIN
8784 EAST TRAVERSE HWY
TRAVERSE CITY, MI 49684-5570

BENYI BEVERLY G TRUST
5798 BAY MEADOWS DR
TRAVERSE CITY, MI 49684

SCHAEFER NANCY
5119 BARNEY RD
TRAVERSE CITY, MI 49684

LARSON BILLY G & ALLDIS PATRICIA M
5726 BAY MEADOWS DR
TRAVERSE CITY, MI 49684

NOVAK JOSEPH & BARBARA
5240 BIG MAPLE CT
TRAVERSE CITY, MI 49684

MARSH DANIEL P & PAMELA J
5329 BARNEY RD
TRAVERSE CITY, MI 49684-8314

OCCUPANT
5133 BARNEY RD
TRAVERSE CITY, MI 49684

LAUTNER LARRY J & THERESA M
8944 EAST TRAVERSE HWY
TRAVERSE CITY, MI 49684-5557

MELLINGER FAMILY TRUST
5733 BAY MEADOWS DR
TRAVERSE CITY, MI 49684

ROTTMAN CONSTANCE
5353 WILD BERRY TRL
TRAVERSE CITY, MI 49684

SHEPHERD HAROLD III & LURAE
5327 WILD BERRY TRL
TRAVERSE CITY, MI 49684

SWARTHOUT BARBARA
5313 BARNEY RD
TRAVERSE CITY, MI 49684-8314

MCCALL MARLENA T
5157 BARNEY RD
TRAVERSE CITY, MI 49684-8314

MARSH DANIEL P & PAMELA J
237 E FRONT STREET
TRAVERSE CITY, MI 49684

BECKER JOSEPH & SHELLEY
QUINNBECKE
5774 BAY MEADOWS DR
TRAVERSE CITY, MI 49684

WOODS AT BAY MEADOWS CONDO
ASSOC
5344 WILD BERRY TRAIL
TRAVERSE CITY, MI 49684

ANDERSON BLAIR A & DEBORAH M
5680 BAY MEADOWS DR
TRAVERSE CITY, MI 49684

LANNEN GERALD M & ETUE COLLEEN
M
5265 BIG MAPLE CT
TRAVERSE CITY, MI 49684

ECKEL THOMAS J & ANN
5037 BARNEY RD
TRAVERSE CITY, MI 49684-8314

CHARLES KING
2282 CASS ROAD
TRAVERSE CITY, MI 49684

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231) 946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 08/31/17 10:27 by dling

Acct #: 5508

Ad #: 474025

Status: N

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 public hearings at their regular meeting on September 20, 2017 at 6:00 pm. The hearings will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The following requests will be heard:

1. A request made by Bay Meadows Family Golf for a variance from Section 749 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 200' to 84'. The property is zoned R-1 and is a use permitted by special conditions.

The subject property is located at 5550 Bay Meadows Drive, Traverse City, MI with a property I.D. # of 05-006-001-50.

2. A request made by Tara Hochstetter for a variance from Section 313 of the Garfield Township Zoning Ordinance to reduce the rear setback from 30' to 20'.

The subject property is zoned R-1 and is located at 4541 Stone Ridgectourt, Traverse City MI with a property I.D # of 05-306-022-00.

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

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

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

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.

September 3, 2017-1T

474025

Office Addition Bay Meadows Family Golf Course Learning Center

5550 Bay Meadows Drive, Traverse City, Mi. 49684

June 2017

PROJECT TEAM	APPROVAL AGENCIES	CODE REVIEW	SHEET INDEX	REVISIONS
OWNER Bay Meadows Family Golf LLC 5550 Bay Meadows Drive Traverse City, MI 49684	BUILDING PLAN REVIEW Central Michigan University 4800 S. State St. East Lansing, MI 48824	Code Review: Office Addition/ Business Use - Single Level Building W/Alarm 1 Story 6000 SF Underside/ Escalator Area based upon Type V8 Construction - Complete Type V8 Construction No Automatic Sprinkler Provided: Not required, less than 12000 SF Provide Fire Alarm System not required, less than 500 persons and less than 100 above exit discharge level. Occupant Load for Egress: Additional 1 person. Plumbing Backflows Existing Barrier Free Urinals: Urinals to remain - Less than 15 Persons Combined (Drinking/Water)	TITLE SHEET A0.0 BARrier FREE DETAILS - GENERIC - TYPICAL A0.1 FLOOR PLAN A3.1 BUILDING ELEVATIONS/WALL SECTIONS A5.1	I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY REGISTERED ARCHITECT IN THE STATE OF MICHIGAN. DATE: 06/27/2017 RECORD NO. 35147
GENERAL CONTRACTOR JG	SOIL EROSION Grand Traverse County, Soil Erosion 1000 S. State St. East Lansing, MI 48824			DO NOT SCALE DRAWINGS
ARCHITECT JKA 5550 Bay Meadows Drive Traverse City, MI 49684 jka@jkaarchitects.com	FIRE SAFETY Grand Traverse County Fire Prevention Bureau 201-192-2017			COPYRIGHT 2017, JKA PLLC ARCHITECT SEAL
SCOPE OF ARCHITECT SERVICE 1. MECHANICAL, PLUMBING AND ELECTRICAL ENGINEERING ARE NOT INCLUDED IN THIS ARCHITECTURAL SERVICE PACKAGE AND ARE TO BE PROVIDED BY OTHERS IF REQUIRED. 2. THE ARCHITECT HAS PROVIDED ALL NECESSARY MECHANICAL, PLUMBING AND ELECTRICAL EQUIPMENT SCHEDULES, AND SPECIFICATIONS FOR THE SAME, AS REQUESTED BY APPROVED BY THE ARCHITECT.				SHEET NUMBERING DRAWING -> A5.4 - SHEET DRAWING GROUP
				SHEET NUMBER: A0.0

DATE REVISED
 06/23/11 PFM/LS

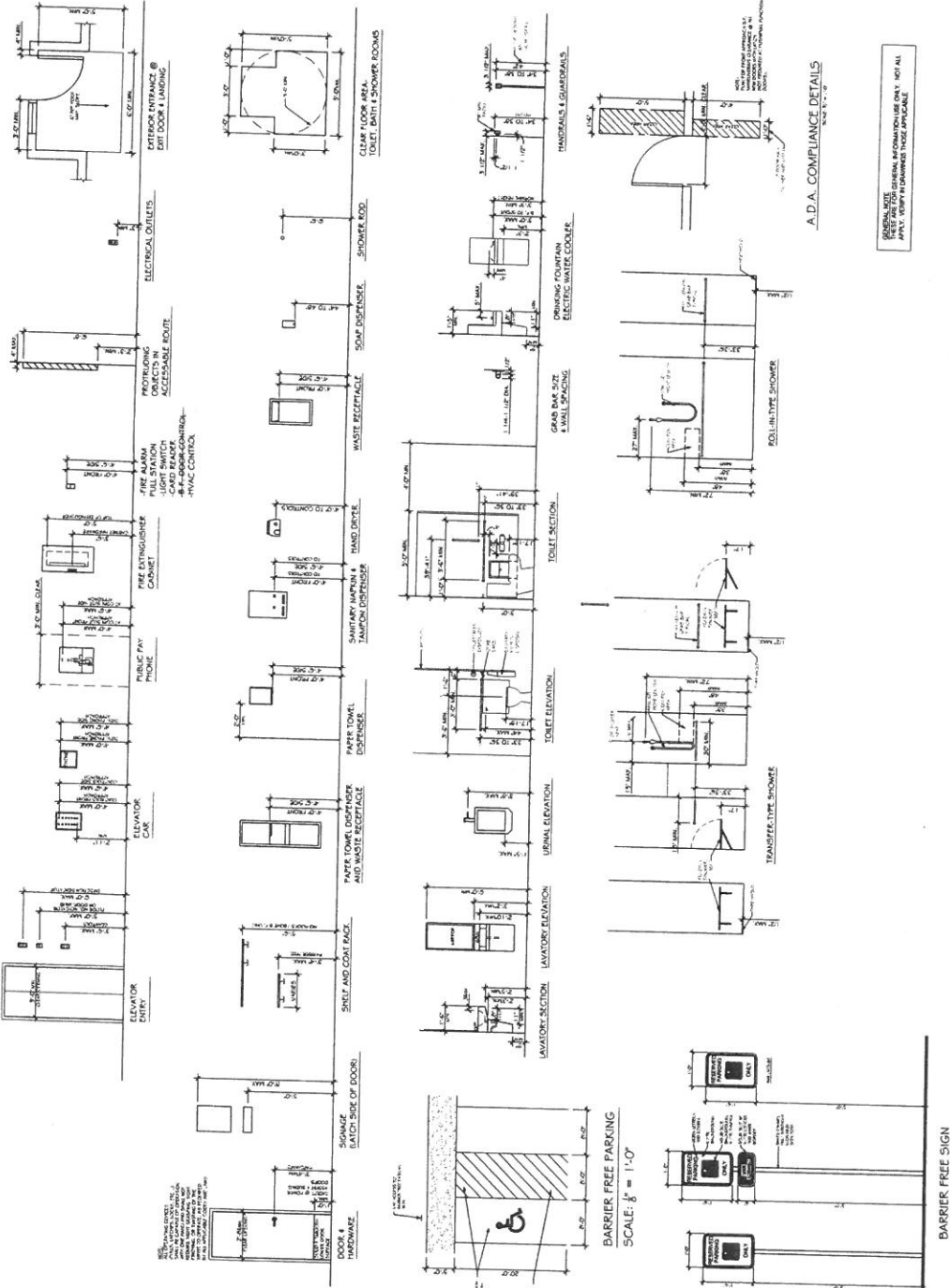
JOHN KERRIDGE
 ARCHITECT, PLLC
 140 BELMONT ST.
 TRAVERSE CITY, MICHIGAN 49666
 616.924.4200
 jpkerr@jpkerr.com

JOHN KERRIDGE
 ARCHITECT, PLLC

BARRIER FREE DETAILS
 TRAVERSE CITY, MI

DESIGNER	JJK
DATE	JUN 13 2011
SCALE	1/4" = 1'-0"
PROJECT	BARBER FREE DETAILS
SHEET	A0.1

A0.1



A.D.A. COMPLIANCE DETAILS
 SCALE: 1/4" = 1'-0"

GENERAL NOTE: DIMENSIONS FOR COMPLIANCE ONLY. NOT ALL APPLICABLE TO ALL TYPES OF FIXTURES.

BARRIER FREE PARKING
 SCALE: 1/4" = 1'-0"

BARRIER FREE SIGN
 SCALE: 1/4" = 1'-0"

A3.1

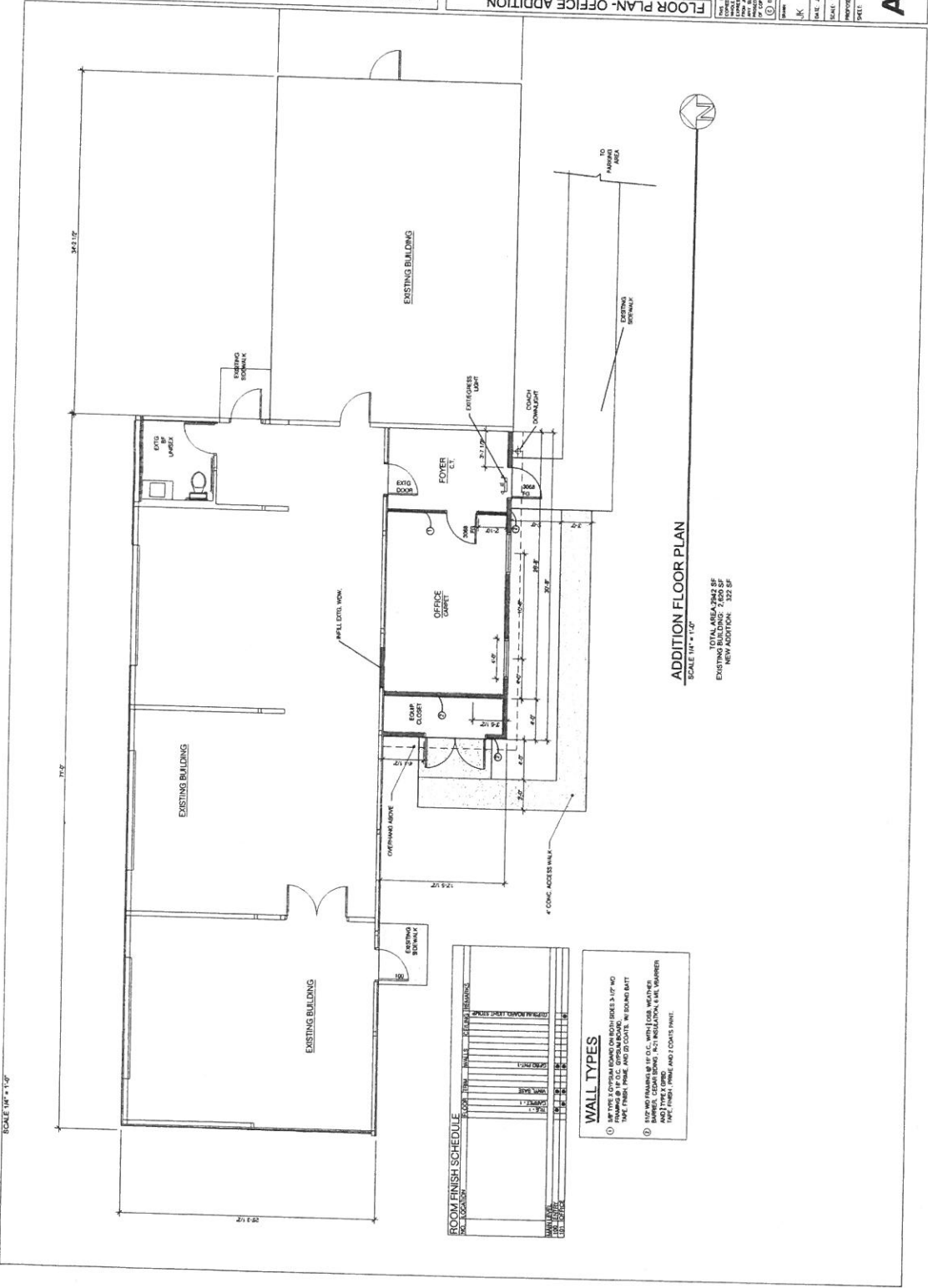
FLOOR PLAN - OFFICE ADDITION
BAY MEADOW FAMILY GOLF LLC
3550 BAY MEADOWS DR.
TRAVERSE CITY, MICHIGAN

JOHN KERRIDGE
ARCHITECT, PLLC

1140 BEL CHERIE DR.
 TRAVERSE CITY, MICHIGAN 49686
 1-231-920-4200
 jpkerr@jpkerr.com

DATE REVISED:
 PROJECT: 091317

DESIGNER:	J.K.	J.K.
DATE:	JAN 23, 2017	
SCALE:	1/4" = 1'-0"	
PROJECT:	FLOOR PLAN	
SHEET:		



ADDITION FLOOR PLAN
 SCALE 1/4" = 1'-0"

TOTAL AREA: 2,800 SF
 EXISTING BUILDING: 2,800 SF
 NEW ADDITION: 322 SF

ROOM FINISH SCHEDULE

ROOM	FLOOR	WALLS	CEILING	DOORS	WINDOWS
OFFICE	1	1	2	3	4
FOYER	1	1	2	3	4
RESTROOM	1	1	2	3	4
STAIR	1	1	2	3	4
HALL	1	1	2	3	4
CORRIDOR	1	1	2	3	4

- WALL TYPES**
- ① 1/2" GYP BOARD ON BATH STUDS @ 16" OC
 - ② 1/2" GYP BOARD ON BATH STUDS @ 16" OC WITH 1" INSULATION
 - ③ 1/2" GYP BOARD ON BATH STUDS @ 16" OC WITH 1" INSULATION, 1/4" WATERPROOFING, 1/2" CERAMIC TILE, 1/4" INSULATION, 1/4" WATERPROOFING, 1/2" GYP BOARD ON BATH STUDS @ 16" OC
 - ④ 1/2" GYP BOARD ON BATH STUDS @ 16" OC WITH 1" INSULATION, 1/4" WATERPROOFING, 1/2" CERAMIC TILE, 1/4" INSULATION, 1/4" WATERPROOFING, 1/2" GYP BOARD ON BATH STUDS @ 16" OC

DATE PLOTTED: 11/11/2007
 TIME: 10:51:11

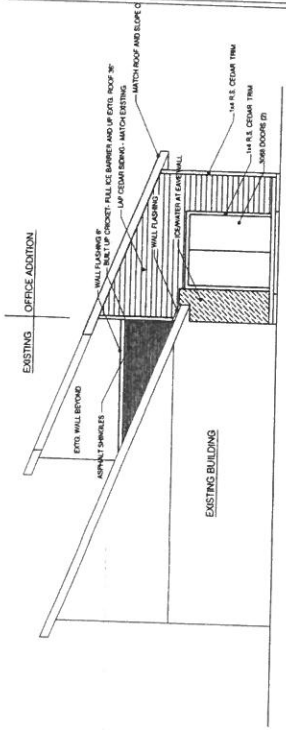
6140 BEL CHERRIE DR
 TRAVERSE CITY, MICHIGAN 49686
 T: 231.822.4200
 jpk@jpk.com

**JOHN KERRIDGE
 ARCHITECT, PLLC**

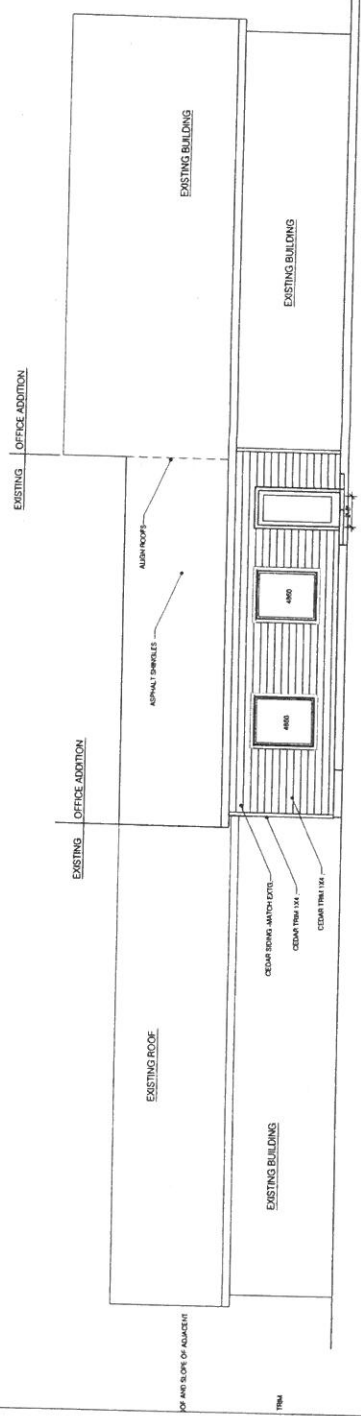
ADDITION ELEVATIONS
BAY MEADOW FAMILY GOLF LLC
15550 BAY MEADOWS DR.
TRAVERSE CITY, MICHIGAN

DATE: 11/11/2007
 TIME: 10:51:11
 DRAWN BY: JK
 CHECKED BY: JK
 DATE: 11/11/2007
 SCALE: 1/4" = 1'-0"
 PROJECT: BAY MEADOWS
 SHEET: A5.1

A5.1



WEST ELEVATION
 SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

ZONING:
AT ONE FAMILY RESIDENTIAL DISTRICT
AREA CALCULATIONS:
TOTAL AREA: 60,700 SF
PARKING:
ALL REQUIRED SPACES ARE EXISTING - INCL. BY ACCESSIBLE

SOIL EROSION, SEDIMENTATION AND STORMWATER CONTROL PRACTICES -
1. SOIL EROSION AND SEDIMENTATION CONTROL SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
2. SOIL INLES, TEMPORARY SEED WITH ANNUAL RYE OR WINTER WHEAT IS RECOMMENDED.
3. AFTER ALL STORM CLEAN UP AND FILL SLOPES ARE OFF SITE, THE CONTRACTOR SHALL MAINTAIN THE EXISTING VEGETATION.
4. SOIL EROSION CONTROL SHALL NOT BE REMOVED UNTIL VEGETATION IS ESTABLISHED.

PRELIMINARY CONSTRUCTION SCHEDULE
SEPTEMBER 2017 - SITEWORK BEGINS COMPLETE
OCTOBER 2017 - SITEWORK COMPLETE
NOVEMBER 2017 - PROJECT COMPLETION

GENERAL NOTES
1. THE CONTRACTOR SHALL CALL 811 PRIOR TO ANY EXCAVATION OR DRILLING TO LOCATE ALL UTILITIES.
2. NO CONSTRUCTION SHALL BE PERMITTED UNTIL THE CONTRACTOR RECEIVES A NOTICE OF PROCEED AND HAS OBTAINED ALL NECESSARY PERMITS.
3. THE LOCATION OF THE EXISTING BUILDING IS SHOWN FOR THE PLANNING AND APPROXIMATE ONLY. THE EXACT LOCATION OF THE EXISTING BUILDING SHALL BE DETERMINED BY THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND UTILITIES ADJUSTMENTS.
4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY NECESSARY ADJUSTMENTS.

PREVIOUS APPROVED SETBACK BTRACK FOR EXISTING BUILDING

EXISTING RANGE

PREVIOUSLY APPROVED ADDITION

EXISTING BUILDINGS

NEW OFFICE ADDITION
12'-5" X 30'-8"

EXISTING BUILDING

EXISTING GREEN

EXISTING PRACTICE GREEN

EXISTING PUTTING GREEN

EXISTING PARKING AREA

DATE ISSUED: 06/12/2017
DRAWN BY: J.K.
CHECKED BY: J.K.
DATE: 06/12/2017
SCALE: 1" = 30'-0"
PROJECT: BAY MEADOWS FAMILY GOLF LLC
SHEET: C1.1

JOHN KERRIGG ARCHITECT PLLC
1500 W. BIRCHWOOD DR.
TRAVERSE CITY, MICHIGAN 49684
734.929.4300
jpk@jka.com

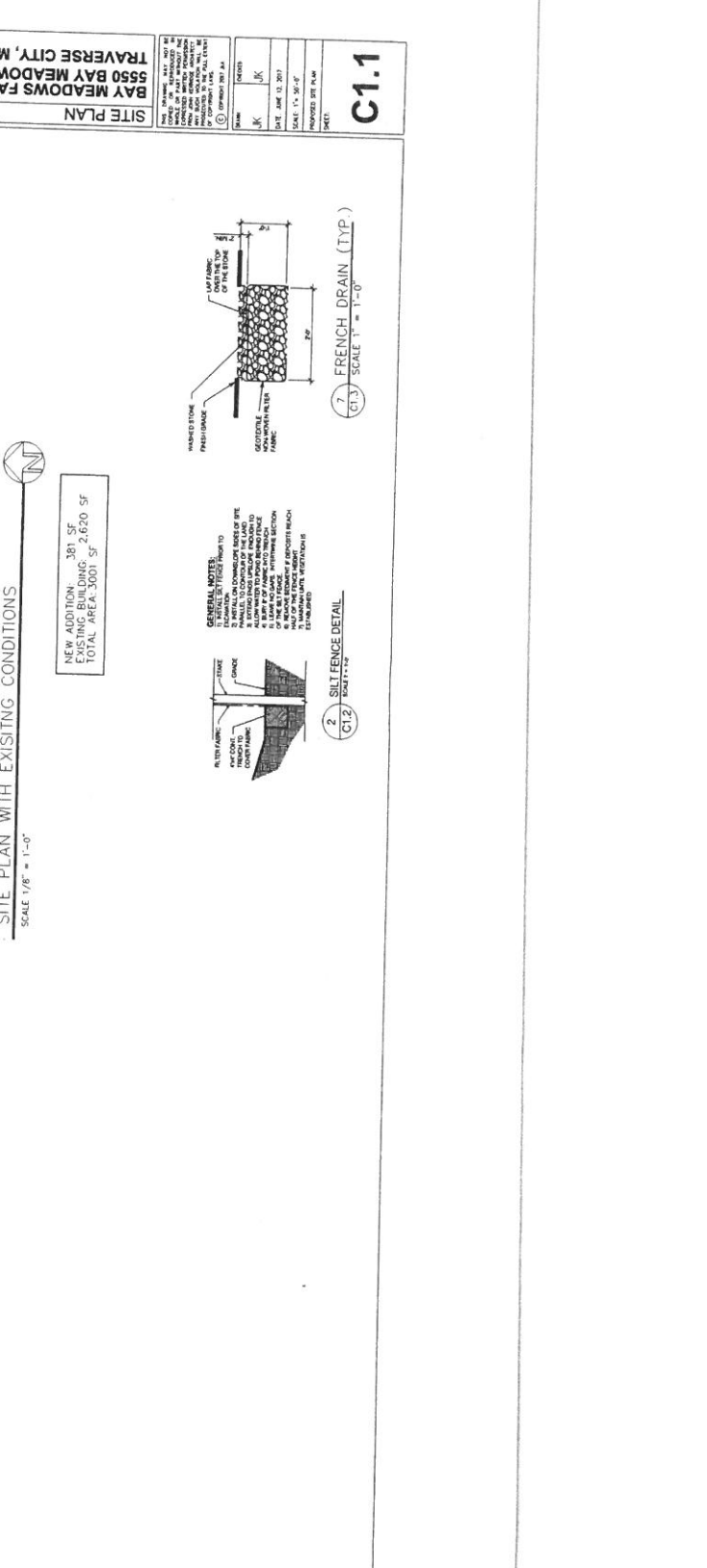
BAY MEADOWS FAMILY GOLF LLC
5550 BAY MEADOWS DR.
TRAVERSE CITY, MI, 49684

SITE PLAN WITH EXISTING CONDITIONS
SCALE 1/8" = 1'-0"

NEW ADDITION: 381 SF
EXISTING BUILDING: 2,620 SF
TOTAL AREA: 3,001 SF



GENERAL NOTES:
1. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY NECESSARY ADJUSTMENTS.
2. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY NECESSARY ADJUSTMENTS.
3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY NECESSARY ADJUSTMENTS.



C1.1



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

To: Zoning Board of Appeals
From: Michael Green, Zoning Administrator
Date: September 7, 2017

Meeting Date: September 20, 2017
Case #: 2017-07 Rear Yard Setback Variance
Owner: Tara Hochstetler
Property ID #: 28-05-306-022-00
Property Location: 4541 Stoneridge Court
Zoning District: R-1, One Family Residential

Request

The applicant is requesting a variance to allow for construction of an addition to the current deck which will be located in the rear yard setback. The deck addition would reduce the rear yard setback from 30' to 20'.

Parcel Overview

This parcel is located at the end of Stoneridge Court and is within the Stoneridge Subdivision, which was developed in 1996. It is zoned R-1 - One Family Residential. This property is relatively flat however would be considered an irregular shaped lot. Although not related to the request, the applicant was of the understanding that the property line in question was a side lot line, which would negate the need for a variance. Staff, however, has determined that the line is a rear lot line. If it was a side lot line, the lot would have to be considered an illegal non-conforming lot as it wouldn't meet the minimum one-hundred (100) foot lot width requirement that was in effect when the plat was developed and is still in effect. Currently there is a single family dwelling on the property with an existing deck. The current structure is nonconforming with the rear corner of the home located in the rear setback. The home was built in 2003 by the previous owner the property. The Hochstetlers bought the property in 2013 after all the current improvements were made to the property.



Aerial overview of subject lot. The lot is the farthest north in the subdivision and is located at the end of Stoneridge Court. The area to the north and west of the subject lot is a permanent conservation easement that is platted in with the subdivision. A copy of the plat is also included in the packet.

Staff Review

The applicant is requesting a variance to allow for the construction of an addition to the existing deck. If approved, the applicant would be allowed to build the deck within 20 feet of the rear lot line. Below are the setback requirements for the R-1 zoning district from Table 3-3 of the Zoning Ordinance.

Table 3-3 Dimensional Standards	Minimum Lot or Land Use Dimensions per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setbacks (per lot in feet) Waterfront see "L" Highway Setback see "K"			Maximum Lot Coverage (All Structures)	Minimum Building Cross Section
	Zoning District	Area (in square feet)	Width (in feet)	In stories	In feet	Front	Side	Rear	Percent
R-1 (with public sewer)	15,000 (A)	100	2 ½	35	30	10	30	30%	24
R-1 (w/o public sewer)	20,000	100	2 ½	35	30	10	30	30%	24

The Zoning Ordinance requires a 30 ft rear yard setback in the R-1 zoning district. This request is to place a structure 10 feet into the 30 foot setback, whereby reducing the setback to 20 feet. To qualify for a variance, the applicant must meet all the Practical Difficulty standards and General Criteria as described below. For each standard, staff comments are shown as highlighted and in *[brackets]*.

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); *[Staff response: The shape of the lot is unique in comparison with other lots within the subdivision. However, the lot conforms with the dimensional requirements for lots in the R-1 district.]*
- (b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands; *[Staff response: The current homeowners did not create the condition; the house and deck existed when they purchased the home.]*
- (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; *[Staff response: Despite the unique shape of the lot, it meets all the dimensional requirements of the current Ordinance. Additionally, there seems to be other areas behind the house that are buildable and would meet the strict requirements of this 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; *[Staff response: As stated above, the lot meets all dimensional standards and is. As also stated above, there is buildable area around the back and other side of the existing dwelling in which a deck addition could be built.]*

- (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 response: This hasn't been brought up by the applicants as a factor in their decision.]*

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant; *[Staff response: The applicant owns the property, so this would be met.]*
- (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; *[Staff response: The Zoning Board of Appeals has not approved any variances within the Stoneridge Development.]*
- (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; *[Staff response: The applicants have not demonstrated that this would be met.]*
- (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; *[Staff response: The rear yard is somewhat isolated from neighboring properties and appears to be located away from any environmentally sensitive areas, so this standard could be met.]*
- (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 response: As stated prior, there are alternative locations in the rear yard where the deck could be expanded upon while meeting the strict requirements of this Ordinance.]*

(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.

Alternative Motions

1. Motion to: **GRANT** the request for variance from Section 313.E of the Garfield Township Zoning Ordinance to allow a deck addition to be constructed twenty (20) feet from the rear lot line based on the Practical Difficulty standards and General Criteria for granting such request being met.
2. Motion to: **GRANT, IN PART** the request for variance from Section 313.E of the Garfield Township Zoning Ordinance to allow a deck addition to be constructed *[an amount between the requested 20 ft. and the required 30 ft]* from the rear lot line based on the Practical Difficulty standards and General Criteria for granting such request being met. *[the ZBA may place other conditions as deemed necessary to mitigate the request]*
3. Motion to: **DENY** the request for variance from Section 313.E of the Garfield Township Zoning Ordinance to allow a deck addition to be constructed twenty (20) feet from the rear lot line based on the Practical Difficulty standards and General Criteria for granting such request NOT being met.

STONE RIDGE

PART OF THE SE 1/4 SEC. 17, PART OF THE NE 1/4 SEC. 20, AND PART OF THE NW 1/4 OF THE NW 1/4 SEC. 21, ALL IN T. 27 N., R. 11 W., GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

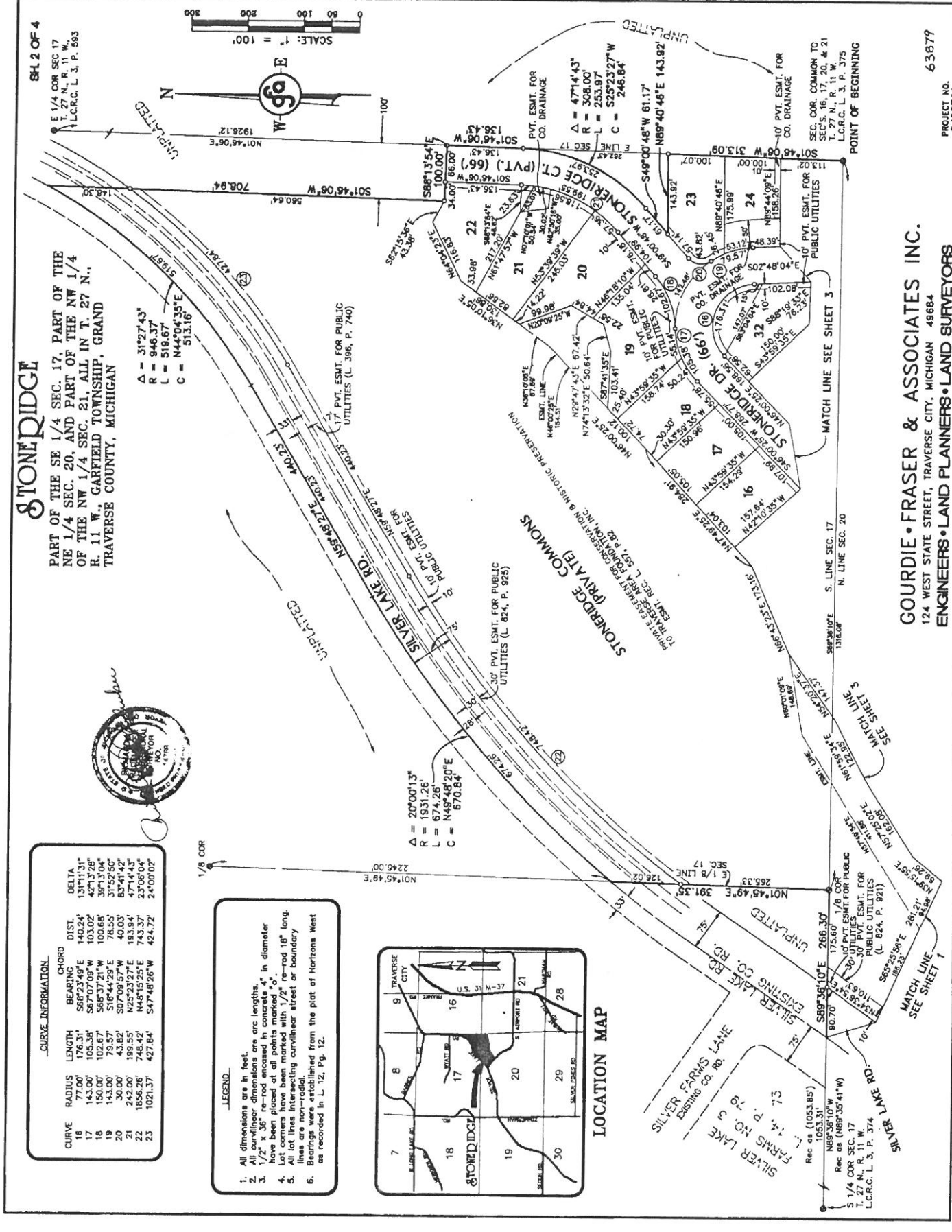
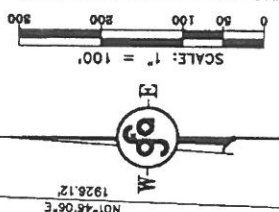
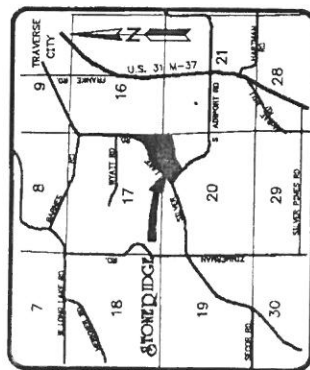
$\Delta = 31^{\circ}27'43''$
 $R = 846.37'$
 $L = 519.67'$
 $C = 513.16'$



CURVE INFORMATION

CURVE	RADIUS	LENGTH	BEARING	CHORD	DIST.	DELTA
16	77.00'	176.31'	S68°23'49"E	140.24'	131°11'31"	
17	143.00'	105.38'	S67°07'09"W	103.02'	42°13'28"	
18	150.00'	102.67'	S08°37'21"W	100.68'	39°13'04"	
19	30.00'	43.37'	S01°04'29"E	78.55'	31°52'50"	
20	30.00'	43.37'	S01°04'29"E	78.55'	31°52'50"	
21	242.00'	188.55'	N25°23'27"E	183.84'	63°41'42"	
22	1856.26'	748.42'	N49°15'25"E	743.37'	23°06'04"	
23	1021.37'	427.84'	S47°48'26"W	424.79'	24°00'02"	

- LEGEND**
- All dimensions are in feet.
 - All curvilinear dimensions are arc lengths.
 - All 3/8" re-rod encased in concrete 4" in diameter have been marked with 1/2" re-rod 18" long.
 - All lot lines intersecting curvilinear street or boundary lines are non-radial.
 - Bearings were established from the plat of Horizons West as recorded in L. 12, Pg. 12.



GOURDIE • FRASER & ASSOCIATES INC.
 124 WEST STATE STREET, TRAVERSE CITY, MICHIGAN 49684
ENGINEERS • LAND PLANNERS • LAND SURVEYORS

PROJECT NO. 940272A
 63879
 C.L.A.

4541 STONERIDGE CT Location
05-306-022-00

ROBERTSON JOSEPH H & SHA Owner
2078 WEST SILVER LAKE RD
TRAVERSE CITY MI 49684

Issued: 03/18/03 Expire Date: 03/17/04

**PLEASE CALL (231)941-1620
FOR AN INSPECTION 24 HOURS IN ADVANCE**

OWNER OF PROPERTY Contractor

Work Description: SITE REVIEW-SINGLE FAMILY RESIDENTIAL-SETBACK INFO-F=30' S=10' R=30'

Paid	Permit Item	Work Type	No. of Items	Item Total
At Issue	SINGLE FAMILY DWELLINGS	Standard Item	1.00	30.00

RECEIVED

MAR 18 2003

BUILDING



Zoning Official

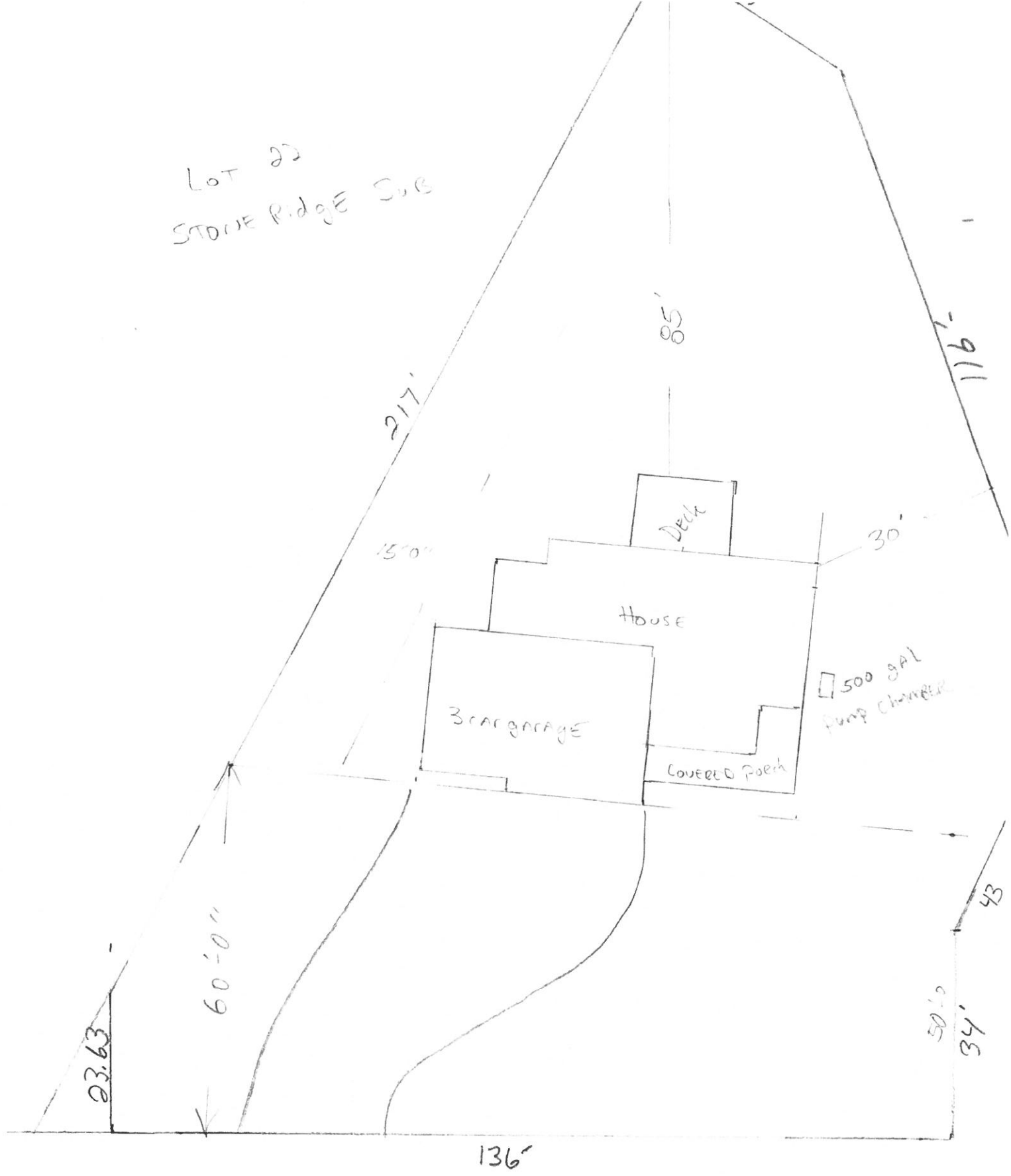
Fee Total: 30.00

Land Use Permit

Zoning R-1B

This permit is only for the work described, and does not grant permission for additional or related work which requires separate permits
This permit will expire, and become null and void if work is not started within 365 days
It is assumed that the proposed work is authorized by the owner, and that the permit holder is authorized by the owner to secure this permit. The permit holder agrees to conform to all applicable laws of the State of Michigan and the local jurisdiction.
Payment of permit fee constitutes acceptance of the above terms.

Lot 22
STONE RIDGE SUB



23.63

60'-0"

217'

15'-0"

85'

116'

Deck

30'

HOUSE

3 CAR GARAGE

COVERED PORCH

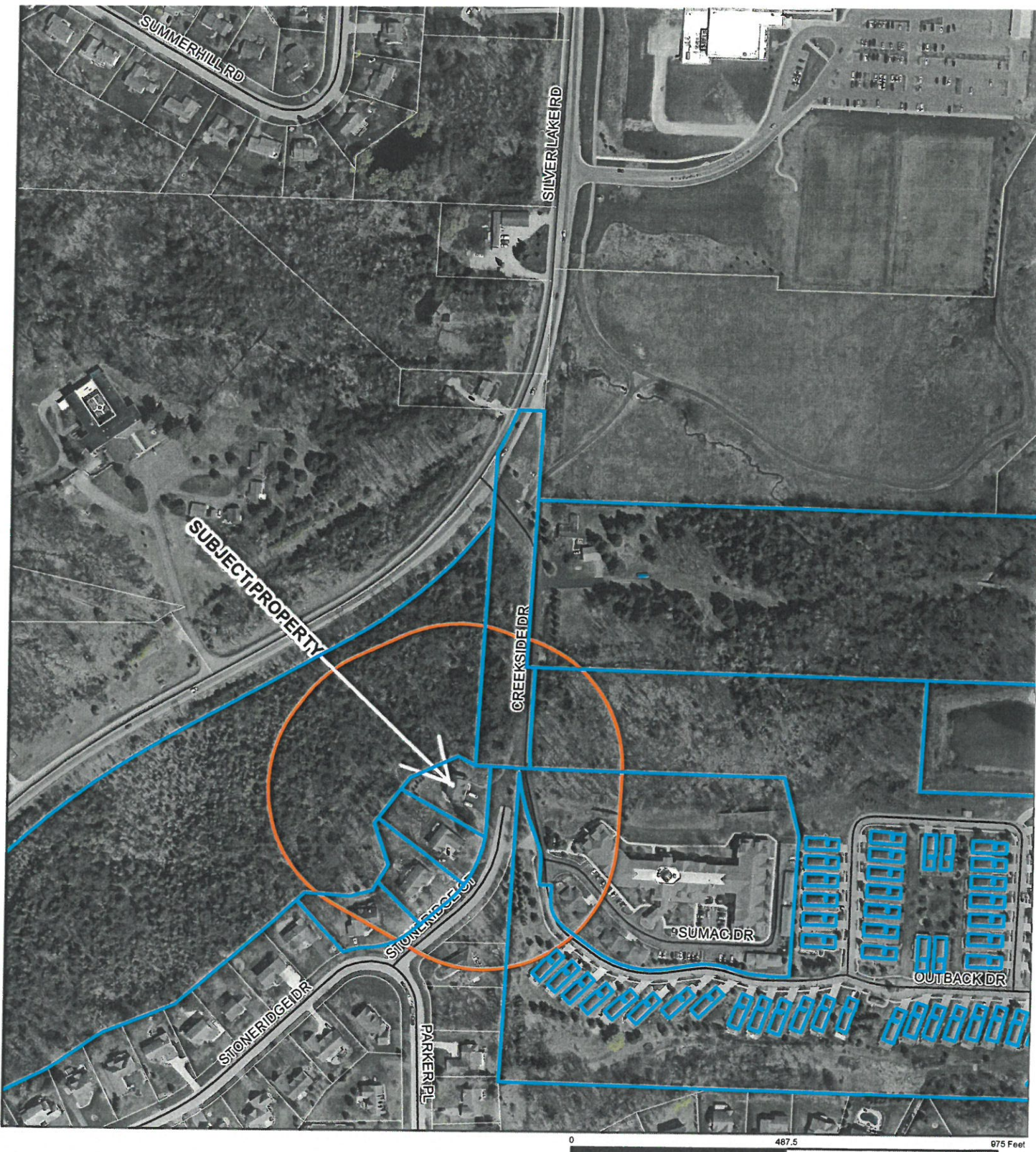
500 GAL
PUMP CHAMBER

136'

50'-0"



34'

43'



Notice Map

Legend

-  300 Ft Buffer
-  Parcels 2017

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 Planning Dept: 8/31/2017

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 public hearings at their regular meeting on September 20, 2017 at 6:00 pm. The hearings will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The following requests will be heard:

1. A request made by Bay Meadows Family Golf for a variance from Section 749 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 200' to 84'. The property is zoned R-1 and is a use permitted by special conditions.

The subject property is located at 5550 Bay Meadows Drive, Traverse City, MI with a property I.D. # of 05-006-001-50.

2. A request made by Tara Hochstetter for a variance from Section 313 of the Garfield Township Zoning Ordinance to reduce the rear setback from 30' to 20'.

The subject property is zoned R-1 and is located at 4541 Stone Ridgecourt, Traverse City MI with a property I.D # of 05-306-022-00.

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

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

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

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.

* * * * *

SCHMUDE MARY JO A TRUST
4040 CREEKSIDE DR
TRAVERSE CITY, MI 49684-7180

CREEKSIDE CONDO ASSOC OF TC INC
3835 OUTBACK DR
TRAVERSE CITY, MI 49684

HOLDEN REX K & JILL T
4523 STONERIDGE CT
TRAVERSE CITY, MI 49684

CHARTER TWP OF GARFIELD
SILVER LAKE RD
TRAVERSE CITY, MI 49684

WALSH ERICA C TRUST
4487 STONERIDGE CT
TRAVERSE CITY, MI 49684

CORNELIUS ASHER D & CATHI R
4492 STONERIDGE CT
TRAVERSE CITY, MI 49684

CHARTER TWP OF GARFIELD
STONERIDGE CT
TRAVERSE CITY, MI 49684

TRAVERSE CITY RESIDENCE LLC
3950 SUMAC DR
TRAVERSE CITY, MI 49684-7009

WEST MI CONFERENCE OF UNITED
METHOD
4505 STONERIDGE CT
TRAVERSE CITY, MI 49684

HOCHSTETLER BRADLEY S & TARA N
4541 STONERIDGE CT
TRAVERSE CITY, MI 49684



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

Tara Hochstetler
 Owner:
4541 Stone Ridge Court
 Address:
Traverse City MI 49684
 City, State, Zip Code
231-620-0765
 Phone Numbers

Tara Hochstetler
 Applicant:
4541 Stone Ridge Ct
 Address:
Traverse City MI 49684
 City, State, Zip Code
231 620 0765
 Phone Numbers

2. Property Information:

- a. Property Address: 4541 Stone Ridge Court
- b. Property Location: _____
- c. Lot # _____ Subdivision Name: Stone Ridge
- d. Parcel ID# 28-05- 306 - 022 - 00
- e. Current Zoning: R-1
- f. Current Use: _____

3. Purpose For Request:

Variance X Appeal _____ Interpretation _____ Review _____

Other _____ Please explain request / List section(s) related to request: 3a

The shape of our property is unusual
as compared to others in our subdivision. Because
it is nearly triangular in shape, we are
unable to extend our deck near the edge
of our home without encroaching on the
30 ft rear setback, especially because
the house crosses the setback line. 06/2015

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.

Tara Hodsett
Owner signature

August 23, 2017
Date

Tara Hodsett
Applicants signature

August 23, 2017
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.

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231) 946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 08/31/17 10:27 by dling

Acct #: 5508

Ad #: 474025

Status: N

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 public hearings at their regular meeting on September 20, 2017 at 6:00 pm. The hearings will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The following requests will be heard:

1. A request made by Bay Meadows Family Golf for a variance from Section 749 of the Garfield Township Zoning Ordinance to reduce the front yard setback from 200' to 84'. The property is zoned R-1 and is a use permitted by special conditions.

The subject property is located at 5550 Bay Meadows Drive, Traverse City, MI with a property I.D. # of 05-006-001-50.

2. A request made by Tara Hochstetter for a variance from Section 313 of the Garfield Township Zoning Ordinance to reduce the rear setback from 30' to 20'.

The subject property is zoned R-1 and is located at 4541 Stone Ridgescourt, Traverse City MI with a property I.D # of 05-306-022-00.

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

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

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

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.

September 3, 2017-1T

474025

HOCSTETLER SITE PLAN

1" = 20'-0"

