

# Applicant Responses

Case #: 2023-01

## Approval Criteria (Section 454.E)

- We (Brad and Trina Jewett are the applicants and will be referred to as the applicants throughout the following responses.
- The applicants, are not sure who staff is referring to when they state that the applicant has provided a letter written by Dusty Christiansen of Mansfield and Associates.

### (1) Practical Difficulty

- **(a)** Staff states that the property is bisected by a stream, meeting Special Conditions a) Physical Conditions and b) Significant Natural Features under Section 454.E(3).
- **Applicant Response:** Subject property is NOT bisected by a stream but, the west side of the property does border a wetland. Applicant feels based on dimensions that the proposed addition would meet neighborhood character and would fit in well with the neighborhood.
- **(b)** The special conditions and circumstances to this parcel were not created by the applicant.
- **Applicant Response:** The West side of the property drops off significantly and also allows natural drainage of the property towards the existing wetland. Therefore making it very difficult, if not impossible, to construct a building in surrounding area. The subject property was split prior to the applicant purchase of the property and the applicant had recently adjusted some property lines to make better use of and layout of the property.
- **(c)** The topography, natural drainage, and utilities buried under the make it impossible to construct an additional detached accessory building(s).
- **Applicant Response:**  
Attaching the existing detached garage to the existing house / attached garage would NOT be characteristic to the neighborhood and could possibly be unable to

accomplish since all the underground utilities are buried between the two structures the existing structures do not align properly to make attaching the two structures appear to have a characteristic that would match the neighboring structures / neighborhood.

- **(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 the same zoning district.
- **Applicant Response:**  
Applicant has not had an opportunity to demonstrate that a denial of their request would deprive them of rights enjoyed by other properties in the same zoning district.
- **(e)** Practical difficulty shall not exist because an applicant would incur additional cost to achieve full compliance or could receive additional income with less than full compliance with the ordinance. Staff states that the applicant is not claiming a financial hardship.
- **Applicant Response:**  
This is not an income property. By not allowing this variance there would be a financial hardship on the applicant. Applicant would not be able to financially be able to do any other accessory building because of the increased cost of attempting to try to locate an additional accessory building at a different location on the property. Applicant also could possibly not be able to locate another accessory building elsewhere on the property due to the topography and the natural drainage of the property. Staff never once asked about any financial hardships.

## **(2) General Criteria**

- **(a)** The requested variance shall relate only to property that is under the control of the applicant.
- **Applicant Response:** Applicant agrees with staff that all property is under the control of the applicant.
- **(b)** No nonconforming neighboring lands, building, 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.

- **Applicant Response:** Applicant agrees with staff that applicant is not asking for a variance based on any other nonconformities in the adjacent properties or with the R-1 District.
- **(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, or welfare.
- **Applicant Response:** Nowhere in Article 8, Section 800 does applicant find anything pertaining to public health, safety, and welfare. Applicant feels this addition would be in harmony with the general purpose and intent of this ordinance.
- **(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.
- **Applicant Response:** Applicant agrees with staff that the requested variance would NOT cause a noticeable effect on neighboring properties beyond what is permitted by right.
- **(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 conditions(s) necessitating the variance.
- **Applicant Response:** Applicant disagrees with staff stating that there is no other reasonable alternative location on the parcel for the proposed improvements that wouldn't require a variance. The parcel is very restricted to the west, south and east sides of the property due to topography to allow for natural drainage of runoff to the existing wetland. To the north the next parcel property line is only 32' from the existing detached garage and would make utilizing the property the best with the currently proposed 20' wide addition. Especially knowing that the other 3 sides (west, south, and east) property are naturally sloped to facilitate runoff into the existing wetland.

- **(3) Special Conditions and Circumstances**

- **(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.

- **Applicant Response:** Applicant disagrees with staff when staff states there are no known physical conditions that would reduce the buildable area of the lot. As state above the west, south, and east sides of the property naturally sloped to facilitate runoff to the wetland to the west which part of the wetland is on the applicants property. Altering the property on the west, south, and east side could have detrimental effects on the existing structures when in comes to trying to change the course of the natural runoff.

- **(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 Plane.

- **Applicant Response:** There are numerous hardwood and conifer trees planted on the property that assist in soaking up the runoff from water events and snow runoff. The trees are natural features within the buildable area of the property. By eliminating these trees and natural vegetation it could cause water runoff to create excessive washing out events causing damage to the applicant property and causing damage to the wetland that is partially on the applicant property.

- **(c) Substandard Lot(s)**

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

- **Applicants Response:** Applicant agrees with staff that the property is not considered a legal nonconforming lot.

- **(d) Historic Resources**

The proposed project site contains historical significance.

- **Applicant Response:** Applicant agrees with staff that the subject property has no know historical significance.

- **(e) Neighborhood Character**

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

- **Applicant Response:** Applicant agrees with staff in regard to applicant not knowing of similar situations within the R-1 District. Applicant does not know which properties within Garfield Township fall within the R-1 District or what properties could be grandfathered in as district have changed over the years.

**Applicant is asking for the variance be granted, as the applicants property would still visually fall within what is considered to be in harmony with the neighborhood. How the proposed addition would be attached to the garage, the detached garage would have a visual affect of not being bigger than the applicants house due to the angle of how the detached garage currently sits and would continue to sit once the addition is done. Once the notice went out to applicants neighbors, applicant has talk to 3 of the neighbors, and all 3 neighbors had stated to applicant the the proposed addition would fit well with the property and that they would not oppose it. In fact, a couple of the neighbors had stated that they would attend the ZBA meeting or send a letter of support into the ZBA.**

**Thank you for your consideration.**

**Brad and Trina Jewett**

**8/15/232**

*Brad L Jewett*

*Trina Jewett*