

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

Thursday, August 17, 2023 @ 6:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

A G E N D A

ORDER OF BUSINESS

Call meeting to order
Pledge of Allegiance
Roll call of Board Members

1. Review and approval of the Agenda and declaration of a Conflict of Interest
2. Minutes – January 12, 2023
3. Public Hearings
 - a. A request made by Brad and Trina Jewett for a variance from Sections 611.A(2)(c) of the Garfield Township Zoning Ordinance to allow for a detached accessory building that exceeds the ground floor area of the existing principal dwelling. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 1745 N West Silver Lake Road with a property number of 05-030-008-25.
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.

Charter Township of Garfield
Zoning Board of Appeals Meeting

Thursday, January 12, 2023 @ 6:00pm

Chair Rick Smith called the meeting to order at 6:02pm.

Board Members Present: Rick Smith, Lynn Fricke, Kent Rozycki, Robert Fudge and Scott Swan

Staff Present: Zoning Administrator Michael Green

1. Review and Approval of the Agenda and Declaration of a Conflict of Interest

Fudge moved and Swan seconded to approve the agenda as presented.

Yeas: Swan, Fricke, Rozycki, Fudge, Smith

Nays: None

2. Election of Officers

Rozycki moved and Swan seconded to elect Rick Smith as Chair of the ZBA.

Yeas: Fricke, Swan, Fudge, Smith, Rozycki

Nays: None

Fricke moved and Rozycki seconded to elect Scott Swan as Vice Chair.

Yeas: Rozycki, Swan, Smith, Fricke, Fudge

Nays: None

Rozycki moved and Swan seconded to elect Lynn Fricke as secretary to the ZBA.

Yeas: Rozycki, Swan, Fudge, Fricke, Smith

Nays: None

3. Minutes – July 21, 2022

Fricke moved and Fudge seconded to approve the minutes of July 21, 2022 as presented.

Yeas: Swan, Rozycki, Fudge, Fricke, Smith

Nays: None

4. Public Hearings

None

5. Other Business

a. Approve 2023 Meeting Schedule

Rozycki moved and Fricke seconded to adopt the 2023 meeting schedule as presented.

Yeas: Fricke, Fudge, Rozycki, Swan, Smith

Nays: None

6. Items for next agenda

No items at this time.

7. Public Comment

None

8. Adjournment

Fudge moved and Fricke seconded to adjourn the meeting at 6:08pm.

Lynn Fricke, Secretary



Charter Township of Garfield

Grand Traverse County

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

ZONING BOARD OF APPEALS STAFF REPORT

Meeting Date:	Thursday, August 3, 2023
Case #: 2023-01	Sections 611.A(2)(c) maximum accessory building size variance request
Owner:	Brad and Trina Jewett
Applicant:	[same as owner]
Property ID #:	05-030-008-25
Property Location:	1745 N West Silver Lake Road
Zoning District:	R-1 One Family Residential

Parcel Overview and History

The parcel is generally located along the west side of West Silver Lake Road between Boone and Secor Roads. The property is zoned R-1 One Family Residential, and is located at 1745 N. West Silver Lake Road, with a property number of 05-030-008-25. Adjacent properties along N. West Silver Lake Road are also zoned R-1 One Family Residential. According to Township records and information supplied in the application, the property contains a dwelling with an attached garage along with a detached garage.

Request

A request has been made by the applicant/property owner for a variance from Sections 611.A(2)(c) of the Garfield Township Zoning Ordinance to allow for a detached accessory building that exceeds the ground floor area of the existing principal dwelling. If approved by the Zoning Board of Appeals, the applicant intends to build an addition to the existing detached accessory building resulting in a --- square foot building. Staff review has been provided in the following pages of this report.

Aerial view of subject parcel and adjacent properties
(subject property highlighted in light pink)



Aerial View of the subject property**Approval Criteria (Section 454.E)**

A variance may only be granted if the Zoning Board of Appeals finds that each of the Practical Difficulty standards under Section 454.E.1 are met, each of the General Criteria under Section 454.E.2 are met, and at least one of the Special Conditions or Circumstances are met. The applicant has provided a letter written by Dusty Christiansen of Mansfield and Associates with responses to each of the approval criteria below. In addition, I have provided you with recommended findings for each Practical Difficulty standard and General Criteria below. As stated in Section 454.E, a variance can be granted only if the Zoning Board of Appeals makes **at least one finding in favor of each of these standards**.

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all 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 in opposition:** Staff notes further in this report demonstrate that the subject property is bisected by a stream, meeting Special Conditions a) Physical Conditions and b) Significant Natural Features under Section 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;

- **Staff Response in opposition:** *The subject property in its current configuration was created by a land division in conformance with the current R-1 dimensional requirements. Therefore, there doesn't appear to be any preexisting hardships other than those stated in the application.*
- 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 in opposition:** *The strict application of the setback requirements of this Ordinance does not preclude the applicant from either a) Constructing additional detached accessory buildings or b) attaching the building to the dwelling through a breezeway or other addition, doing so would reclassify the building as part of the dwelling and would allow the newly classified building to be expanded as requested.*
- 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 in opposition:** *The applicant has failed to adequately demonstrate that a denial of their request would deprive them of rights enjoyed by other properties in the same zoning district.*
- 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 in favor:** *The applicant is not claiming a financial hardship.*

(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 in favor:** *The variance only relates to property under 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;
 - **Staff response in favor:** *The applicant is not asking for a variance based on any other nonconformities in adjacent properties or within 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 and welfare;
 - **Staff response in opposition:** *The requested variance for the addition to the existing dwelling does not meet the purpose statement found in Article 8, Section 800, which states, in part, that “Nonconformities shall not be enlarged upon, expanded or extended, except in compliance with this article [Article 8 – Nonconformity], nor shall they be used as grounds for adding other structures or uses prohibited by the underlying zoning district.”*
- (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 in favor:** *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 condition(s) necessitating the variance.

- **Staff response in opposition:** *The applicant has not adequately demonstrated that there is no reasonable alternative location on the parcel for the proposed improvements that wouldn't require a variance.*

(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of § 454.E.(1) shall include, but not 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.

- **Staff response in opposition:** *Other than possible slopes in the rear of the property, there are no known physical conditions that would reduce the buildable area of the lot.*

(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.

- **Staff response in opposition:** *Although there appear to be wetlands along the westerly property line, there are no known natural features listed above within the buildable area of the property.*

(c) Substandard Lots(s)

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

- **Staff response in opposition:** *The subject property is not considered a legal nonconforming lot.*

(d) Historic Resources

The proposed project site contains historical significance.

- **Staff response in opposition:** *There are no known historic designations for the subject property.*

(e) Neighborhood Character

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

- **Staff response in opposition:** *There are no known structures within the R-1 District with similar situations. The applicants are encouraged to report any situations that they may be aware of.*

Staff Comments

As you see in my staff findings for the Practical Difficulty standards and General Criteria, I was unable to make findings in favor of each standard based on information provided by the applicants. My analysis, however, is not meant to steer the Zoning Board of Appeals to deny the request or preclude the Zoning Board of Appeals from considering additional information provided by the applicant in support for each standard. I am including a chart below to assist you in reviewing the applicable standards prior to making a motion to grant or deny the request.

Review Standard	Staff Response	ZBA Determination/Comments
Practical Diff. (a)	Standard not met	
(b)	Standard not met	
(c)	Standard not met	
(d)	Standard not met	
(e)	Standard met – N/A	
Gen. Criteria (a)	Standard met – N/A	
(b)	Standard met – N/A	
(c)	Standard not met	
(d)	Standard met – N/A	
(e)	Standard not met	

Possible Motion

Upon review of each finding, the Zoning Board of Appeals may consider a motion to take one of the following actions:

Motion to **GRANT** the request for variance from Sections 611.A(2)(c) of the Garfield Township Zoning Ordinance to allow for a detached accessory building that exceeds the ground floor area of the existing principal dwelling based on findings for each Practical Difficulty standard and General Criteria for granting such request being met.

Motion to **DENY** the request for variance from Sections 611.A(2)(c) of the Garfield Township Zoning Ordinance to allow for a detached accessory building that exceeds the ground floor area of the existing principal dwelling based on findings for each Practical Difficulty standard and General Criteria for granting such request NOT being met.

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

Sincerely,

Michael Green, Zoning Administrator
Charter Township of Garfield

Attachments:

- A. ZBA Application and site plan.
- B. Article 6, Section 611 – Accessory Uses and Structures (with highlighted text)
- C. Apex sketch plan showing size and dimensions of existing buildings from Assessing Department

ATTACHMENT "A"

Case # ZBA-2023-01



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PHONE: 231-941-1620 * FAX: 231-941-1588

ZONING BOARD OF APPEALS APPLICATION

Applications and fees shall be submitted 30 days prior to the regular scheduled ZBA hearing date.

1. Owner Name:

Brad & Trina Jewett

Address:

1745 N. West Silver Lake Rd.

City, State, Zip Code:

Traverse City, MI 49685

Owner Phone Number:

231-633-9421

Applicant Name:

Brad Jewett

Address:

1745 N. West Silver Lake Rd.

City, State, Zip Code:

Traverse City, MI 49685

Applicant Phone Number:

231-633-9421

2. Property Information:

a. Property Address: 1745 N. West Silver Lake Rd. Traverse City, MI 49685

b. Property Location: 1/4 South of Secor Rd on West Side of N. West Silver Lake Rd

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

d. Parcel ID# 28-05- 030 - 008 - 25

e. Current Zoning: R-

f. Current Use: Single Family Residential

3. Purpose For Request:

Variance X Appeal _____ Interpretation _____ Review _____

Other _____ Please explain request / list section(s) related to request: Dimensional Variance I would like to

add an addition to my existing garage. I only have 32' to the north property line so putting up a completely new building is

not an option as we do not have enough room to accommodate a completely new structure. I would like this

addition so I can keep my things inside and out of the elements and also to keep my property looking neat and tidy,

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/are 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

06/06/2023

Date



Applicant Signature

06/06/2023

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.

A. Applicability – Dimensional 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.

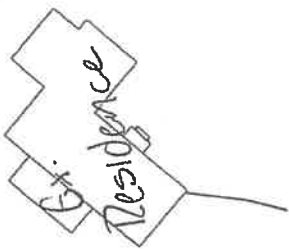
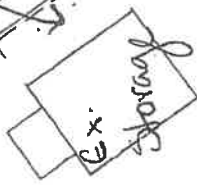
10/10/19
SFS

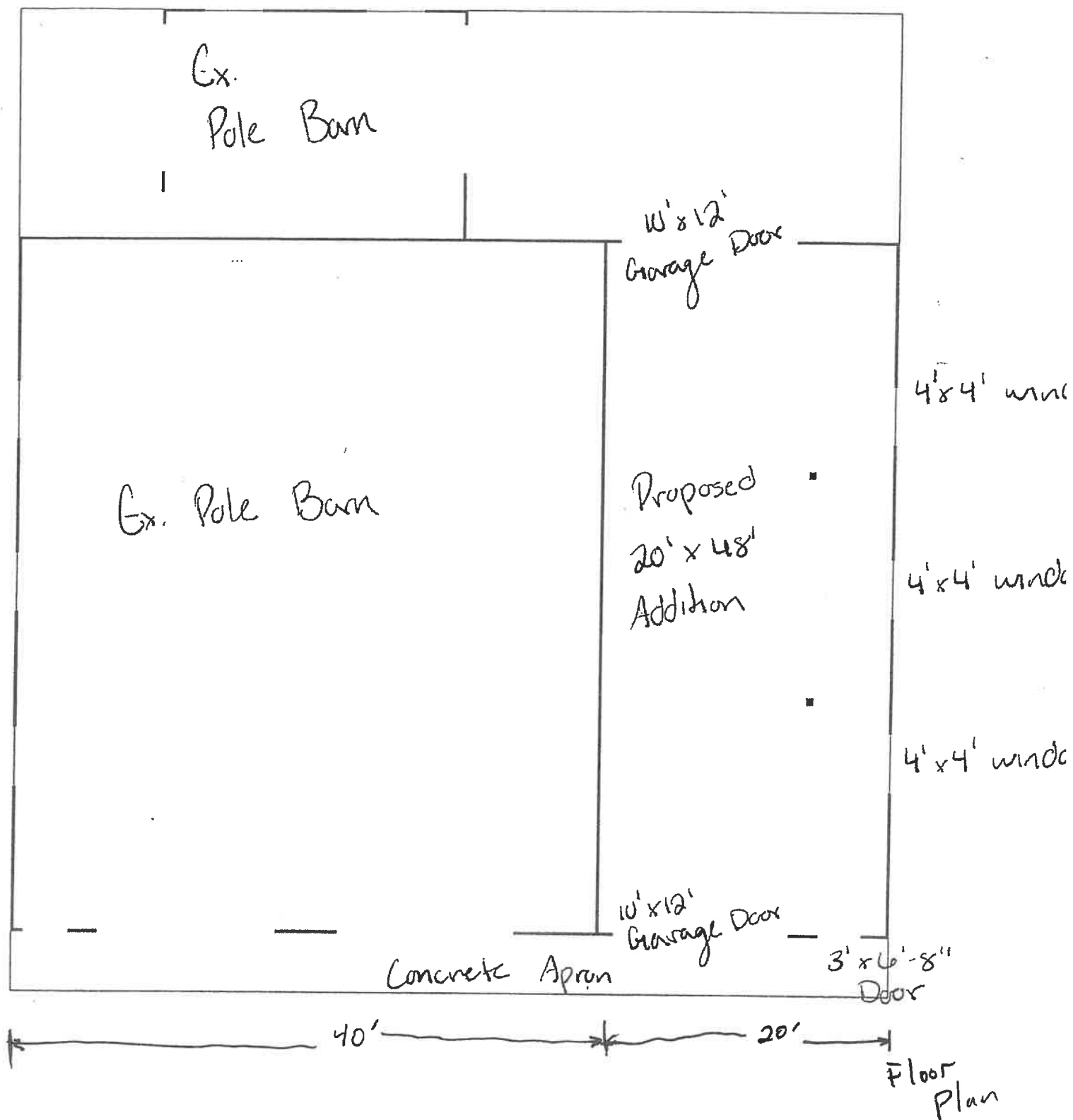
West Silver Lake Road

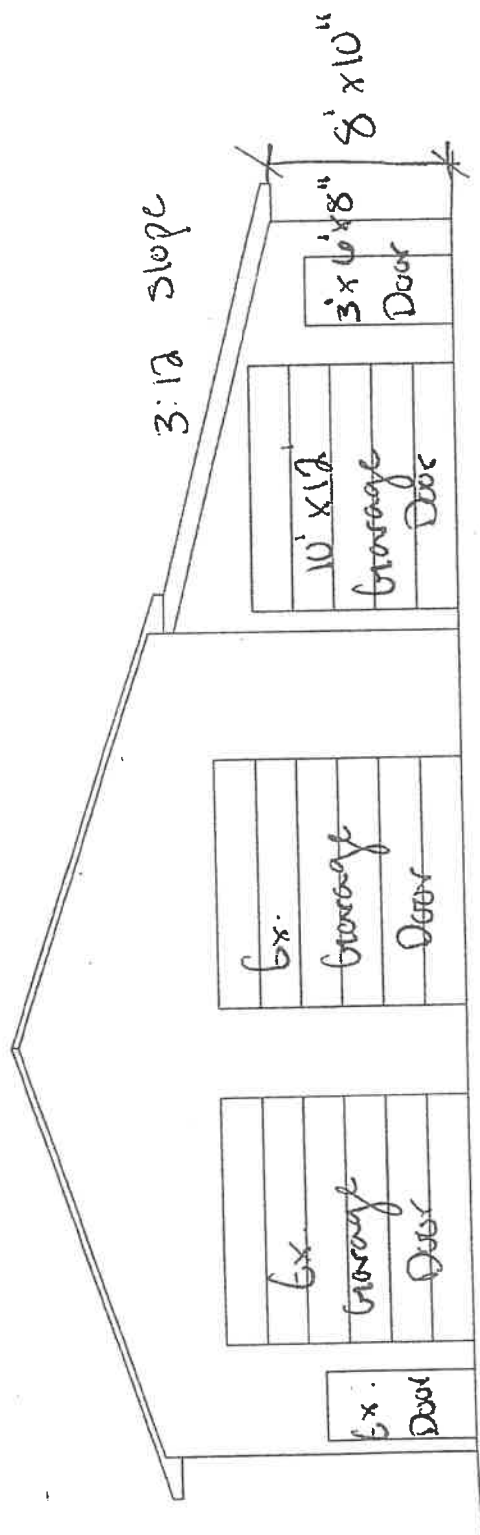
10'0" Setback

Property Line

Proposed Storage







Front Elevation

ATTACHMENT "B"

SECTION 611 ACCESSORY USES AND STRUCTURES

Accessory uses and structures may be established provided the following standards are met:

A. Regulations and Conditions

- (1) WITHIN ALL DISTRICTS EXCEPT "R-1," "R-2," "R-R" AND "A" DISTRICTS: A use may be regarded as accessory if it is incidental or insubstantial in and of itself or in relation to the principal use. The accessory use or structure shall comply with the various development standards of this ordinance such as setbacks, clear vision areas, landscaping, height, lighting, etc. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
- (2) WITHIN THE "R-1," "R-2," AND "R-R" DISTRICTS: Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building.

An accessory building not attached and not made a part of the principal building shall be permitted provided that:

- (a) The structure is located a minimum of ten (10) feet from any other separate structure on the same lot;
 - (b) The structure meets the minimum side yard setback, is not located in any front yard, does not exceed more than twenty-five percent (25%) of a required rear yard, and is located a minimum of 10-feet from the rear yard property line;
 - (c) The structure shall not exceed a size equal to the ground floor area of the principal building and shall not exceed one (1) story or eighteen (18) feet in height; and
 - (d) The structure may not be placed closer to the side street lot line than the side yard setback of the principal building on a corner lot.
- (3) WITHIN THE "A" AGRICULTURAL DISTRICT:
 - i. Lots measuring less than two (2) acres: subject to the standards of Paragraph (2), above.
 - ii. Lots of two (2) acres or more: subject to the dimensional standards of § 325 A Agricultural (See Attached Dimensional Standards).

ATTACHMENT "C"

