

**City of Beaverton**  
**Zoning Board of Appeals Agenda**  
Monday, September 21, 2020  
**6:00 pm**

Mayor – Ray Nau  
Member – Terry McCartney  
Member – Kevin Neville  
Member – Tim Danielak  
Member – Nellie List  
Member – Nila Frei  
Member – Brooke Werth

1. Roll Call 6:00 pm
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment: *This is an opportunity for persons to address the Council on issues relevant to City business but not on the meeting agenda. Please state your name and address.*
5. Adoption of Meeting Minutes: Regular meeting on March 16, 2020
6. Public Hearing: Variance Requests
7. Agenda Items:
  - A. Consideration of Variance Request for 316 Glidden Road  
**Summary:** Please review the attached analysis completed by the City's Planner (Doug Piggott from Rowe Engineering). Doug outlines the issues and gives options for the City to consider.
  - B. Consideration of Variance Request for 228 Lakeview Court  
**Summary:** Please review the attached analysis completed by the City's Planner (Doug Piggott from Rowe Engineering). Doug outlines the issues and gives options for the City to consider.
8. Adjournment

MINUTES OF ZONING BOARD OF APPEALS

March 16, 2020

Meeting was called to order by Mayor Ray Nau at 6:02 pm

Present: Council members, Nellie List, Terry McCartney, Nila Frei, Tim Danielak, Brooke Werth

Absent: Kevin Neville

Also Present: Mayor Ray Nau, City Manager Heath Kaplan, City Clerk Janelle Keen

Pledge of Allegiance was recited by all present

Approval of Agenda: Motion by Frei, second by McCartney. All voting aye, motion approved

Public Comment: none

Adoption of Meeting Minutes: Regular meeting September 26, 2018. Motion by Frei, second by Danielak to approve minutes. All voting aye, motion approved

Public Meeting: Variance Request from MBRR (A&W); Motion by Frei, second by Danielak to open public meeting at 6:05pm. Kaplan explained why variance request was needed. 7 signs are needed to meet franchise regulation for A&W.

Motion by Danielak, second by McCartney to close public meeting at 6:08pm

Agenda Items: Motion by Danielak, second by McCartney to approve Zoning Administrator's recommendation to grant variance to MBRR to allow for 7 signs. All voting aye, motion approved.

Adjournment: Motion by McCartney, second by Frei to close meeting at 6:10pm. All voting aye, meeting closed at 6:10pm

Respectfully submitted,

Janelle Keen  
City Clerk



# ROWE PROFESSIONAL SERVICES COMPANY

*Large Firm Resources. Personal Attention.™*

August 4, 2020

Mr. Heath Kaplan, City Manager  
City of Beaverton  
124 West Brown Street  
Beaverton, MI 48612

RE: Variance Request for property at 316 Glidden Road (PID: 160-007-300-066-01)

Dear Mr. Kaplan:

ROWE Professional Services Company has completed a review for the above referenced variance request. The property is a split-zoned parcel that is zoned R-1 Residential in the northern half and IND in the southern half, and has two single-family residences, one detached garage, and one detached shed all in the R-1 half. The property is one of the only of its kind, where other residences in the area have only one home on the property. With this in mind, the applicant, Robin Smith Martin applying on behalf of S&S Rental Properties LLC, intends to divide the property so both houses occupy their own parcel. The houses are offset; while the western house is relatively in the centerline of the property, the eastern house is offset to the east, set back 4 to 4.1 feet from the east property line. We are assuming that the property will be divided to maximize the side yard setback between houses, which is currently 18.6 feet, to be 9.3 feet from each building.

The applicant is requesting the following variances.

Section 5.131.01(D) *Minimum Side Yards in the R-1 District* of the zoning ordinance establishes the minimum side yard setback at 10 feet. The proposed lot split will result in two side yard setbacks of 9.3 feet, and thus the applicant would need a 0.7 foot variance for each property.

Section 5.131.01(E) *Minimum Lot Width in the R-1 District* of the zoning ordinance establishes the minimum lot width at 80 feet. The current lot width for the property is 132 feet. Applying the assumption of the parcel division mentioned previously, the split would result in the eastern property being 31.9 feet wide. As a result, the applicant request a 48.1 foot variance from the provision to divide the property.

The zoning ordinance does not provide any standards of approval for variance requests; however, section 125.3604(7) *Zoning board of appeals; procedures* of the Michigan Zoning Enabling act provides some limitations on the granting of variances.

**125.3604(7):** If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.

Nonuse variance requests must therefore be necessitated by a practical difficulty, consistent with the spirit of the zoning ordinance, pose no risk to public safety, and provide justice to the applicant in order to be approved.

Engineering | Surveying | Aerial Photography/Mapping | Landscape Architecture | Planning

Corporate: The ROWE Building, 540 S. Saginaw Street, Ste. 200 • Flint, MI 48502 • O (810) 341-7500 • F (810) 341-7573

With Offices In: Farmington Hills, MI • Grayling, MI • Kentwood, MI • Lapeer, MI • Mt. Pleasant, MI • Myrtle Beach, SC

[www.rowepsc.com](http://www.rowepsc.com)

Mr. Heath Kaplan, City Manager

August 4, 2020

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Although the zoning ordinance does not include any standards for approving a nonuse variance, the zoning application includes five standards that are often referred to as the "National Boatland Standards" from the Michigan Court of Appeals case they came from. For the purpose of this review, we are using these standards in our analysis.

The attached checklist identifies the five standards included in the application. It includes findings that would support granting the variance and those that support its denial. There is room to include any arguments by the applicant (they did not provide us with any) and a place to note the points made by the public at the hearing.

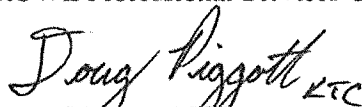
The analysis shows that the three key issues are the side yard setbacks after the division being below the minimum for both homes, the fact that the property is the only one with two houses in the surrounding area, and the lot width of the proposed divided parcel being below the minimum.

Any motion to approve or deny the variances requested must be based on findings of fact.

I hope this analysis is helpful to the ZBA in your review of this request. If you have any questions, please contact us at (810) 341-7500.

Sincerely,

ROWE Professional Services Company



Doug Piggott, AICP

Senior Planner

Attachment: Variance Analysis Checklist

R:\Projects\18C0101\Docs\ZBA\Variances\316 Glidden Road - Smith Lot Split\316 Glidden Rd Letter Smith Lot Split.docx

**City of Beaverton**  
**Robin Smith Martin – S&S Rental**  
**316 Glidden Road**

<b>Variance Standards</b>		
Standard	Required	Requested Variances
<b>Section 5.131.01(D-E)</b> <b>Minimum Side Yard Setback and Minimum Lot Width in the R-1 District</b>	Residential structures in the R-1 District shall have a minimum side yard setback of 10 feet and a minimum lot width of 80 feet.	<ol style="list-style-type: none"> <li>1. Request for two 0.7 foot variances to permit two 9.3 foot side yard setbacks for both houses after the division.</li> <li>2. Request to allow a 48.1 foot variance for the east house's lot width (a lot width of 31.9').</li> </ol>

<b>FACTS</b>
<ol style="list-style-type: none"> <li>1. The subject property is split-zoned, with the northern 328 feet of the property abutting the right-of-way zoned R-1 Residential and the southern 330 feet of the property zoned IND Industrial.</li> <li>2. The two homes are within the R-1 portion of the property, the adjacent parcels to the south are zoned IND Industrial, and the adjacent parcels to the east, north, and west are zoned R-1 Residential.</li> <li>3. The applicant intends to divide the property so that the two dwellings occupy their own parcels. Because the distance between the buildings is 18.6 feet, both buildings can be set back a maximum of 9.3 feet from the proposed property line.</li> <li>4. If trying to meet setbacks as closely as possible, the west house would have a lot width of 100.1 feet and the east house would have a lot width of 31.9 feet.</li> <li>5. The western house currently meets all setbacks from the property line, while the eastern house is set back 4 feet from the east property line.</li> <li>6. Based on aerial imagery interpretation, this is the only property in the surrounding area with two dwelling units on one property.</li> <li>7. Neither house is accessory to the other and thus are considered two separate dwelling units.</li> </ol>

**STANDARDS FOR APPROVAL OF VARIANCES**  
**As indicated on the application**

To grant a variance for one of the conditions specified above, all of the following standards must also be met:

STANDARDS	Does Site Meet Requirements?		
	Yes	No	N/A
<b>1. Strict compliance with area, setbacks, frontage, height, bulk, density or other nonuse standards would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.</b>			
<b>STAFF FINDINGS IN SUPPORT:</b> <i>The side yard setback between the two homes is already under the required minimum, and the position of the eastern house cannot be reasonably changed without maintaining or increasing the nonconformities. The lot cannot be divided without the proposed parcel for the eastern house having less than the minimum lot width or conforming side-yard setbacks.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> <i>The property can be used in its current state without increasing the nonconformity. Additionally, the eastern house could be altered to become compliant with lot width and setback requirements for the zoning district.</i>		
APPLICANTS COMMENTS IN SUPPORT: N/A			
PUBLIC/PC COMMENT IN SUPPORT:	PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS	Does Site Meet Requirements?		
	Yes	No	N/A
<b>2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.</b>			
<b>STAFF FINDINGS IN SUPPORT:</b> <i>The subject property is the only one in the neighboring vicinity that has two dwelling units. The parcel division will create two properties that better reflect the one-home-per-property character of neighboring residences.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> N/A		
APPLICANTS COMMENTS IN SUPPORT: N/A			
PUBLIC/PC COMMENT IN SUPPORT:	PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.</b>				
<b>STAFF FINDINGS IN SUPPORT:</b> <i>The houses were built before the applicant purchased the property. The conditions creating the hardship were not self-created.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> <i>The property owner is choosing to divide the property, and the means of doing so will create side yard nonconformities for each house and create a lot with a nonconforming width.</i>			
APPLICANTS COMMENTS IN SUPPORT: N/A				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>4. The requested variance would do substantial justice to the applicant as well as to other property owners in the same zoning district and a lesser relaxation would not give substantial relief and be more consistent with justice to others.</b>				
<b>STAFF FINDINGS IN SUPPORT:</b> <i>If the applicant were allowed to split the property and keep it as-is, density and overall character of the neighborhood would remain unchanged. Nearby properties appear to have similar difficulties with side yard setbacks and are nearby to or on their property lines. Other nearby properties have lot widths that are less than the minimum required in the R-1 District.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> <i>The parcel division will increase the number of nonconforming lots in this Zoning District.</i>			
APPLICANTS COMMENTS IN SUPPORT: N/A				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>5. In granting this variance the ZBA will ensure that the spirit of this chapter is observed, public safety secured, and substantial justice done.</b>				
<b>STAFF FINDINGS IN SUPPORT:</b> <i>Public health, safety, and welfare do not appear to be affected by the existing properties, or the proposed lot division, as there are no proposed changes to the buildings themselves.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> <i>The lot division will create a very narrow lot area for the eastern house, that if new construction were required would permit a front width of 11.9 feet, which is 9.1 feet under the minimum 20 feet width for a single-family home.</i>			
<b>APPLICANTS COMMENTS IN SUPPORT: N/A</b>				
<b>PUBLIC/PC COMMENT IN SUPPORT:</b>		<b>PUBLIC/PC COMMENT IN OPPOSITION:</b>		



**Sample motion to approve:**

I make a motion to approve the requested side yard setback and lot width variances for the proposed divided property on 316 Glidden Road based on the following findings of fact:

- It complies with Standard 1 based on the notion that the property cannot be changed at all without either maintaining or extending the existing nonconformities between the two houses.
- It complies with Standard 2 based on the property being the only one among neighboring parcels to have two single-family homes on a single property.
- It complies with Standard 3 based on the houses having not been built by the property owner and thus not being a self-created hardship.
- It complies with Standard 4 based on density and character of the neighborhood remaining unchanged, and several nearby properties appearing to have lot widths that are less than the minimum.
- It complies with Standard 5 based on the public health, safety, and welfare being protected as there are no changes being made to the houses themselves.

**Sample motion to deny:**

I make a motion to deny the requested side yard setback and lot width variances for the proposed divided property on 316 Glidden Road based on the following findings of fact:

It does not comply with Standard \_\_\_ based on .....

It does not comply with Standard \_\_\_ based on .....



Date: 3/12/2020  
Application Number: \_\_\_\_\_  
Review Fee: \$ \_\_\_\_\_

### CITY OF BEAVERTON VARIANCE APPLICATION

**Applicant Information**

Name: Robin Smith Martin - S + S Rental  
Street Address: 126 W Bimoun St.  
City: Beaverton Zip: 48612 Home Ph: (989) 435-4751 Day Ph: \_\_\_\_\_

**Property Owner (if different from applicant; if more than 1 list on separate sheet)**

Name: Same  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ Home Ph: \_\_\_\_\_ Day Ph: \_\_\_\_\_

**Property for which variance is requested (if applicable)**

Street Address: 3116 Gliciden Beaverton MI 48612  
Nearest Crossroads: M-18 and Industrial Dr.  
Tax Parcel ID#: 1120-007-300-0126-01 Zoning District: \_\_\_\_\_

**Brief description of zoning ordinance requirement for which variance is being requested:**

Current property has two homes, splitting property into 2 as well as a second water line. City requirements for lot width is not enough.

A. Attach a signed written statement stating how you feel this variance request complies with the following standards:

1. Strict compliance with area, setbacks, frontage, height, bulk, density or other nonuse standard would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district;  
The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property;
3. The requested variance would do substantial justice to the applicant as well as to other property owners in the same zoning district and a lesser relaxation would not give substantial relief and be more consistent with justice to others; and
4. In granting this variance the ZBA will ensure that the spirit of this chapter is observed, public safety secured and substantial justice done.

*see attached drawing*

B. Attach a plot plan which shows dimensional relationships of all elements on the parcel and adjacent parcels, including boundaries, structures, parking areas and landscaping.

I hereby affirm that the above information is correct to the best of my knowledge.

Robin Smith Martin  
Signature of Applicant

Robin L. Smith - Martin  
Print/type name

3/12/2020  
Date

\_\_\_\_\_  
Signature of Property Owner  
(if different from applicant)

\_\_\_\_\_  
Print/type name

3/12/2020  
Date

(See reverse)

**FOR OFFICE USE ONLY**

\_\_\_\_\_ Date notice of ZBA meeting published.  
\_\_\_\_\_ Date notice of ZBA meeting mailed to residents and property owners within 300' of subject parcel.  
Attach copy of published notice and list of property owners sent notice.

**ZBA Decision**       Variance approved     Variance denied       Variance approved w/Conditions  
Date of ZBA meeting (minutes attached): \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS FOR FILING FOR BOARD OF APPEALS HEARING**

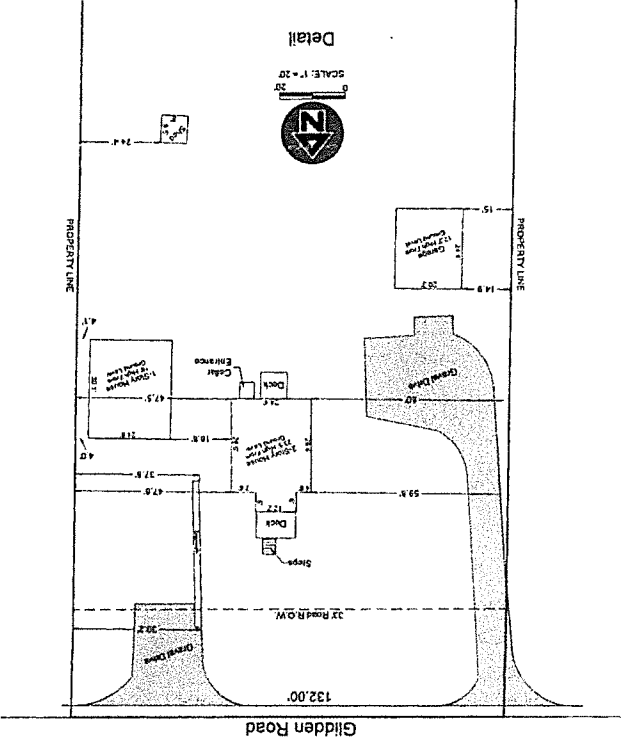
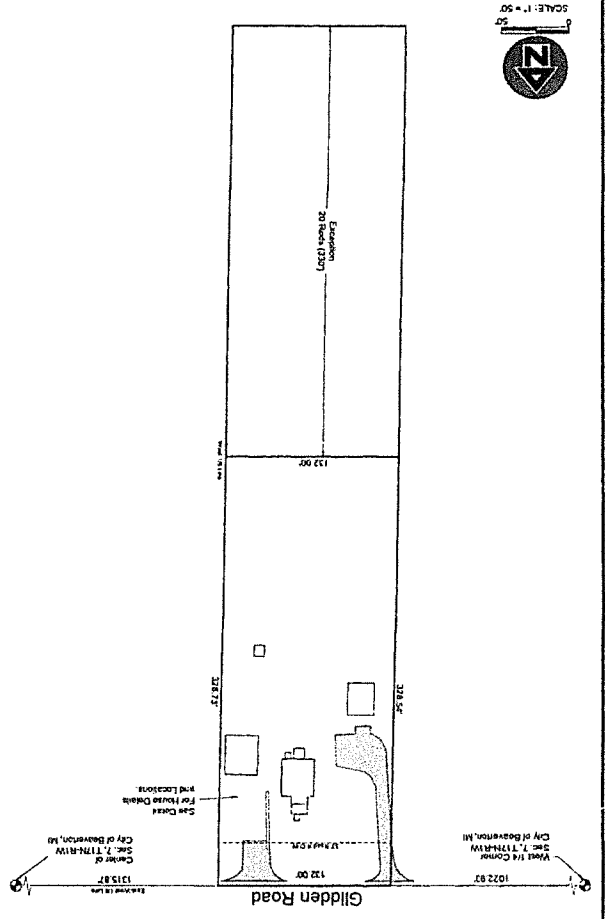
**ZONING BOARD OF APPEALS HEARINGS** are held as needed at the City Hall. Due to the notice requirements it is normally at least 3 weeks after a complete application is filed before the ZBA can meet.

HEARINGS WILL NOT BE SCHEDULED UNLESS **ALL** INFORMATION IS SUBMITTED AND FEE PAID

Applicant must attend the City Planning Commission meeting or be represented by a person with written approval to act on behalf of applicant. Said written approval **must be notarized** and left on file with the City.

THE FOLLOWING MUST BE SUBMITTED BY THE APPLICANT:

1. Application to the Zoning Board of Appeals on reverse side of this sheet.
2. Proof of ownership of the property – DEED
3. Site plan with all the required information noted on it (see attached sample)
  - The exact dimensions of the parcel.
  - All abutting streets, alleys or easements.
  - The size, position and height of all existing and proposed buildings or structures on the property, including their setback from lot lines.
  - Location, capacity and surfacing of all existing and proposed parking.
4. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance
5. A list of the variances being requested.
6. Application fee (\$100)



Property Description - as supplied:  
 The East 8 Rods of Beaveron, Michigan, Merigan, except the South 20 Rods thereof.  
 117N-R1W, City of Beaveron, MI

**Sheet 1**

**LAPHAM ASSOCIATES**  
 ENGINEERING PLANNING ENVIRONMENTAL SURVEYING  
 116 South 3rd Street  
 West Branch, MI 48861  
 P (989) 345-5030  
 F (989) 345-7202  
 www.laphamassoc.com  
 ©2007 LAPHAM ASSOCIATES  
 UNREGISTERED PROFESSIONAL ENGINEER

**Property Sketch**

**Robin Smith Martin**

PROJECT NUMBER:	2007012
DRAWN BY:	JL GUN
DATE:	MARCH 13, 2007
SCALE:	AS SHOWN
REVISED DATE:	
REVISED DATE:	
REVISED DATE:	
FIGURE:	
SHEET:	1 OF 1

13

2217

**S&S RENTAL PROPERTIES LLC**  
PO Box 524, 125 W Brown Street  
Beaverton, MI 48612

**MFCU**  
MEMBERS FIRST CREDIT UNION  
MIDLAND, MI 48641-2165  
74-8284/2724

3/12/2020

PAY TO THE  
ORDER OF City of Beaverton

\$ \*\*100.00

One Hundred and 00/100\*\*\*\*\*

SECURITY FEATURES INCLUDED



DOLLARS

MEMO  
City of Beaverton  
PO Box 477, City Hall  
Beaverton, MI 48612

IP

⑈002217⑈ ⑆27248284⑆ ⑆1010015291300⑈

**S&S RENTAL PROPERTIES LLC**

City of Beaverton

Date 3/12/2020  
Type Reference  
Bill

2217

3/12/2020	Discount	100.00
	Balance Due	100.00
	Original Amt.	100.00
	Check Amount	100.00
	Payment	100.00

MFCU

100.00



# ROWE PROFESSIONAL SERVICES COMPANY

*Large Firm Resources. Personal Attention. <sup>sm</sup>*

August 4, 2020

Mr. Heath Kaplan, City Manager  
City of Beaverton  
124 West Brown Street  
Beaverton, MI 48612

RE: Variance Request for an accessory structure in the front yard at 228 Lakeview Court

Dear Mr. Kaplan

ROWE Professional Services Company has completed a review for the above referenced variance request. The property in question is a single-family home located along the waterfront. The applicant is requesting permission to construct a pad and "portable storage shed" in the front yard due to the fact that the size of the parcel and the location of the existing home render conformity with the zoning ordinance burdensome.

The zoning ordinance does not provide any standards of approval for variance requests, however, section 125.3604(7) *Zoning board of appeals; procedures* of the Michigan Zoning Enabling Act provides some limitations on the granting of variances.

**125.3604(7):** If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.

Nonuse variance requests must therefore be necessitated by a practical difficulty, consistent with the spirit of the zoning ordinance, pose no risk to public safety, and provide justice to the applicant in order to be approved.

Although the zoning ordinance does not include any standards for approving a nonuse variance, the zoning application includes five standards that are often referred to as the "National Boatland Standards" from the Michigan Court of Appeals case they came from. For the purpose of this review, we are using these standards in our analysis. Under "National Boatland" an applicant must demonstrate compliance with all five standards.

The attached checklist identifies the five standards included in the application. It includes findings that would support granting the variance and those that support its denial. There is room to include any arguments by the applicant and a place to note the points made by the public at the hearing.

The analysis shows that the applicant has significant impediments to place an additional accessory building on his property without a variance. Is it a hardship for the applicant not to be able to have an accessory building on their lot in addition to their attached garage and is the request modest enough so it's location in the front yard will not impact the residential character of the area?

Any motion to approve or deny the variances requested must be based on findings of fact.

Mr. Heath Kaplan, City Manager

August 4, 2020

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I hope this analysis is helpful to the ZBA in your review of this request. If you have any questions, please contact us at (810) 341-7500.

Sincerely,

ROWE Professional Services Company



Doug Piggott, AICP

Senior Planner

Attachment: Variance Analysis Checklist

R:\Projects\18C0101\Docs\ZBA\Variances\228 Lakeview Court - Accessory Bldg\Shreeve Variance Letter.docx

**City of Beaverton  
Michael Shreeve  
228 Lakeview Court**

<b>Variance Standards</b>		
Standard	Required	Requested Variances
<b>Section 5.113(d)</b>	No part of any required yard except a rear yard shall be occupied for any accessory use or structure or for the storage of vehicles.	1. Variance request to permit an accessory structure in the front yard
<b>Section 5.131.01(b)</b>	Minimum front yard setback of 25 feet.	2. Variance request to permit a structure in the front yard setback

<b>FACTS</b>
<ol style="list-style-type: none"> <li>1. The property is zoned R-1 low-density residential.</li> <li>2. The current owner of record is Michael Shreeve and Chun Shreeve.</li> <li>3. The property is adjacent to R-1 low-density residential zoned parcels to the east, north, and south and is adjacent to Ross Lake on the west.</li> </ol>

<b>STANDARDS FOR APPROVAL OF VARIANCES</b> As indicated on the application			
To grant a variance for one of the conditions specified above, all of the following standards must also be met:			
STANDARDS	Does Site Meet Requirements?		
	Yes	No	N/A
<b>1. Strict compliance with area, setbacks, frontage, height, bulk, density or other nonuse standards would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.</b>			
<b>STAFF FINDINGS IN SUPPORT:</b> <i>The size of the parcel and its location along the waterfront renders compliance with the zoning ordinance unnecessarily burdensome. There is limited space in the backyard and anywhere an accessory structure is placed will hinder the view enjoyed by the subject property and, potentially, adjacent parcels.</i>	<b>STAFF FINDINGS IN OPPOSITION:</b> <i>The applicant has an existing garage.</i>		
<b>APPLICANTS COMMENTS IN SUPPORT:</b>			
<b>PUBLIC/PC COMMENT IN SUPPORT:</b>	<b>PUBLIC/PC COMMENT IN OPPOSITION:</b>		



STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.</b>				
STAFF FINDINGS IN SUPPORT: <i>The parcel is very shallow and the house is within several feet of the rear lot line.</i>	STAFF FINDINGS IN OPPOSITION: <i>There are several parcels in area that have similar characteristics</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.</b>				
STAFF FINDINGS IN SUPPORT: <i>The applicant did not create the lot.</i>	STAFF FINDINGS IN OPPOSITION:			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>4. The requested variance would do substantial justice to the applicant as well as to other property owners in the same zoning district and a lesser relaxation would not give substantial relief and be more consistent with justice to others.</b>				
STAFF FINDINGS IN SUPPORT: <i>Granting this variance will allow the applicant to use their property in the same way that other similarly zoned parcels are able to be used.</i>	STAFF FINDINGS IN OPPOSITION:			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:	PUBLIC/PC COMMENT IN OPPOSITION:			

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
<b>5. In granting this variance the ZBA will ensure that the spirit of this chapter is observed, public safety secured, and substantial justice done.</b>				
STAFF FINDINGS IN SUPPORT: <i>The variance requests appear to be generally consistent with the spirit of the zoning ordinance. They do not appear to pose any threat to the health, safety, and general welfare of the people.</i>	STAFF FINDINGS IN OPPOSITION: <i>The request is for a relatively modest size pad for a temporary accessory building.</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:	PUBLIC/PC COMMENT IN OPPOSITION:			

**Sample motion to approve:**

I make a motion to approve the requested variance based on the following findings of fact:

- It complies with Standard 1 based on the fact that the size of the parcel and its location along the waterfront renders compliance with the zoning ordinance unnecessarily burdensome. There is limited space in the backyard and anywhere an accessory structure is placed will hinder the view enjoyed by the subject property and, potentially, adjacent parcels.
- It complies with Standard 2 based on the fact that the parcel is very shallow and the house is within several feet of the rear lot line.
- It complies with Standard 3 based on the fact that the applicant did not create the lot.
- It complies with Standard 4 based on the fact that granting this variance will allow the applicant to use their property in the same way that other similarly zoned parcels are able to be used.
- It complies with Standard 5 based on the fact that the variance requests appear to be generally consistent with the spirit of the zoning ordinance. They do not appear to pose any threat to the health, safety, and general welfare of the people.

**Sample motion to deny:**

I make a motion to deny the requested variance based on the following findings of fact:

It does not comply with Standard \_\_ based on .....

It does not comply with Standard \_\_ based on .....





Date: 7/21/2020  
Application Number: \_\_\_\_\_  
Review Fee: \$ \_\_\_\_\_

### CITY OF BEAVERTON VARIANCE APPLICATION

**Applicant Information**

Name: Michael Shreeve  
Street Address: 228 Lakeview Ct  
City: Beaverton Zip: 97005 Home Ph: 904-403-0803 Day Ph: 904-403-0803  
(Cell)

**Property Owner (if different from applicant; if more than 1 list on separate sheet)**

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ Home Ph: \_\_\_\_\_ Day Ph: \_\_\_\_\_

**Property for which variance is requested (if applicable)**

Street Address: 228 Lakeview Ct  
Nearest Crossroads: Seeley St & Lakeview Drive  
Tax Parcel ID#: 26160-250-000-012-00 Zoning District: Ordinance 86

**Brief description of zoning ordinance requirement for which variance is being requested:**

\_\_\_\_\_

- A. Attach a signed written statement stating how you feel this variance request complies with the following standards:
1. Strict compliance with area, setbacks, frontage, height, bulk, density or other nonuse standard would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
  2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district;
  3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property;
  4. The requested variance would do substantial justice to the applicant as well as to other property owners in the same zoning district and a lesser relaxation would not give substantial relief and be more consistent with justice to others; and
  5. In granting this variance the ZBA will ensure that the spirit of this chapter is observed, public safety secured and substantial justice done.

B. Attach a plot plan which shows dimensional relationships of all elements on the parcel and adjacent parcels, including boundaries, structures, parking areas and landscaping.

**I hereby affirm that the above information is correct to the best of my knowledge.**

Michael Shreeve  
Signature of Applicant

Michael Shreeve  
Print/type name

7/21/2020  
Date

Michael Shreeve  
Signature of Property Owner  
(if different from applicant)

Michael Shreeve  
Print/type name

7/21/2020  
Date

(See reverse)

**FOR OFFICE USE ONLY**

\_\_\_\_\_ Date notice of ZBA meeting published.

\_\_\_\_\_ Date notice of ZBA meeting mailed to residents and property owners within 300' of subject parcel.

Attach copy of published notice and list of property owners sent notice.

ZBA Decision       Variance approved       Variance denied       Variance approved w/Conditions  
Date of ZBA meeting (minutes attached): \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS FOR FILING FOR BOARD OF APPEALS HEARING**

**ZONING BOARD OF APPEALS HEARINGS** are held as needed at the City Hall. Due to the notice requirements it is normally at least 3 weeks after a complete application is filed before the ZBA can meet.

HEARINGS WILL NOT BE SCHEDULED UNLESS **ALL** INFORMATION IS SUBMITTED AND FEE PAID

Applicant must attend the City Planning Commission meeting or be represented by a person with written approval to act on behalf of applicant. Said written approval **must be notarized** and left on file with the City.

THE FOLLOWING MUST BE SUBMITTED BY THE APPLICANT:

1. Application to the Zoning Board of Appeals on reverse side of this sheet.
2. Proof of ownership of the property – DEED
3. Site plan with all the required information noted on it (see attached sample)
  - The exact dimensions of the parcel.
  - All abutting streets, alleys or easements.
  - The size, position and height of all existing and proposed buildings or structures on the property, including their setback from lot lines.
  - Location, capacity and surfacing of all existing and proposed parking.
4. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance
5. A list of the variances being requested.
6. Application fee (\$100)

July 21, 2020

Michael Shreeve; 228 Lakeview Ct., Beaverton, MI 48612

Attachment A., Variance Request Compliance to Standards

The following statements are presented in response to and in compliance of Standards 1. Through 5., Paragraph A. of the City of Beaverton Variance Application

Standard 1.: The proposed location of a "portable" outbuilding (storage shed), as requested, is within property setbacks and area according to the Mallard Point Condominiums Bylaws, Section 14., Paragraphs A., C., G., H., and J. Any location other than shown on Attachment B., would not permit any other location of an outbuilding due to property setbacks and guidelines described in the association bylaws. Consequently, I could not use my property necessary for storing lawn equipment, dock panels an associated equipment.

Standard 2.: Location of our home on this property is quite unique in that construction of this home is at a peculiar angle to Ross Lake. As a result, the front door (access) to our home is on the lake side, not applicable to any other home in the Mallard Point Community. Actually, the only other access to our home is through the garage. Due to the specific location of our home and distance to the lake, the only "backyard" is adjacent to the road on Lakeview CT. No other home in the community is similar to ours, in that they have a "front" door entry to their homes directly from Lakeview CT, each having a "backyard" adjacent to Ross Lake.

Standard 3.: Design and construction of our home on this property was performed by the builder in year 2007. While an outbuilding or shed is deemed permissible according to community guidelines established in year 2002, specific placement of our home on the property, adversely affects placement of an outbuilding and full use of my property.

Standard 4.: This request for variance will permit storage capability not realized otherwise. This request is unique to my property and does not apply to or affect other properties in the community.

Standard 5.: I can assure you a great deal of thought has resulted in my request for variance. As the owner of this home and property, I really don't have another option than that described herein. Your consideration and approval of this variance is greatly appreciated and will ensure that our family is able to enjoy and fully utilize our new home.

Very respectfully,



Michael Shreeve  
904-403-0803

7/21/2020

Attachment B.

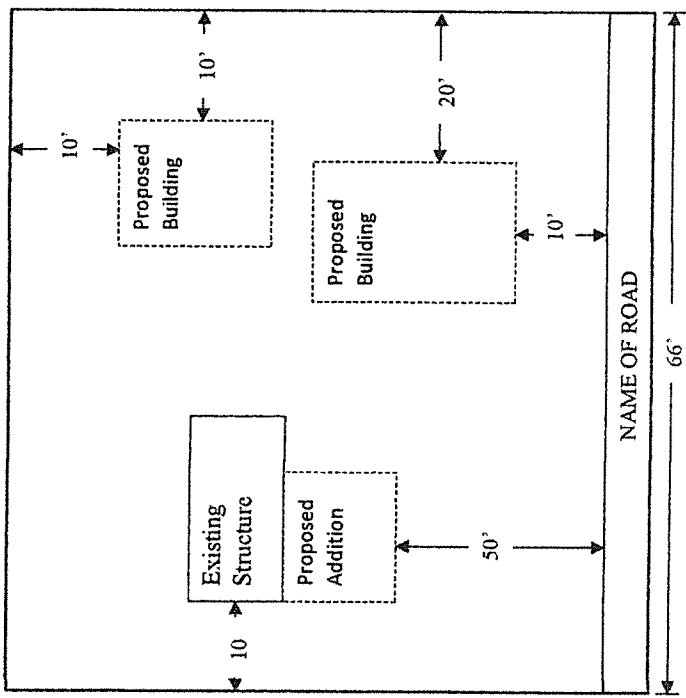
### City of Beaverton HOW TO MAKE YOUR SITE PLAN

1. Review Example drawing to left.
2. Give name of road- width of road and the road right of way (Right of way is usually 66')
3. Locate any easements (Power company, Phone company right of way, etc.)
4. Draw and label all existing building.
5. Draw and label your proposed construction.
6. Show all measurements (Distance from lot lines, buildings, lot size, etc.)

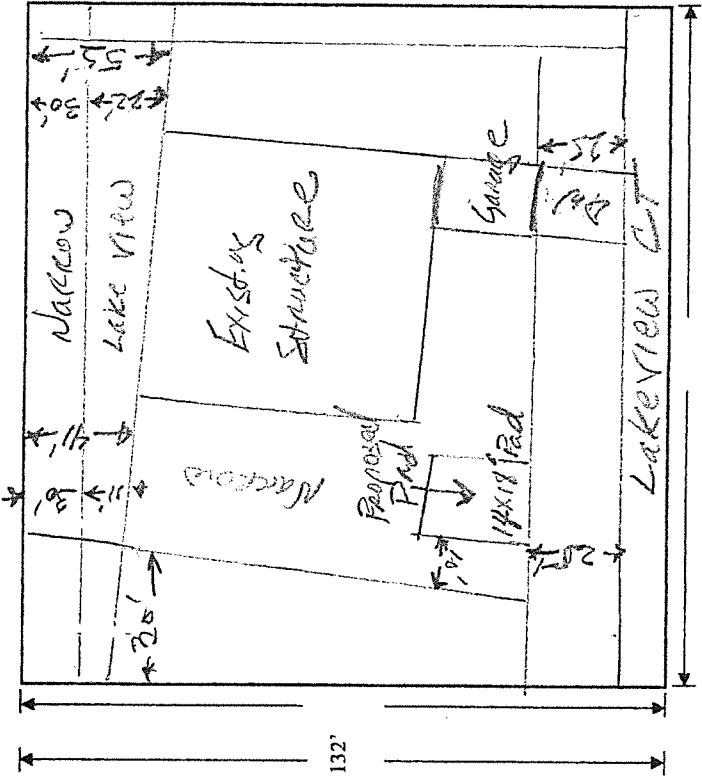
124 W. Brown St.  
 P.O. Box 477  
 Beaverton, MI 48612-0477 Phone:  
 989.435.3511  
 Fax: 989.435.3223  
 www.beavertonmi.org  
 beavertonmanager@beavertonmi.org

Applicants Name Michael Shreeve  
 Applicants Address 328 Lakeview Ct.  
 Applicants Property Description Unit 12, Mallard Point Condominiums  
 Purpose of Building Permit Store Pool for Portable Outbuilding (Shed)

#### RESIDENTIAL EXAMPLE DRAWING



#### YOUR DRAWING



**FOR OFFICIAL USE ONLY**

Variance Required  Yes  No

Reason for Variance:

Variance Granted:  Yes  No Date: \_\_\_\_\_

Conditions of Variance:

As Zoning Administrator for the City of Beaverton, I hereby state that this application complies with Ordinance 86.

Date \_\_\_\_\_ Zoning Administrator \_\_\_\_\_



**Liber: S5 Page: 368**

STATE OF MICHIGAN - GLADWIN COUNTY  
RECORDED



Ann Manning-Clayton - REGISTER OF DEEDS  
12/20/2019 9:22 AM

Receipt #: 124038 Page: 1 of 1  
30.00 SURVEY

# CERTIFICATE OF SURVEY

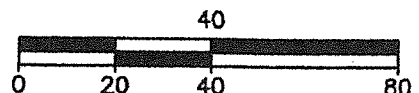
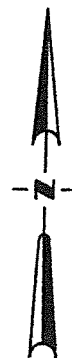
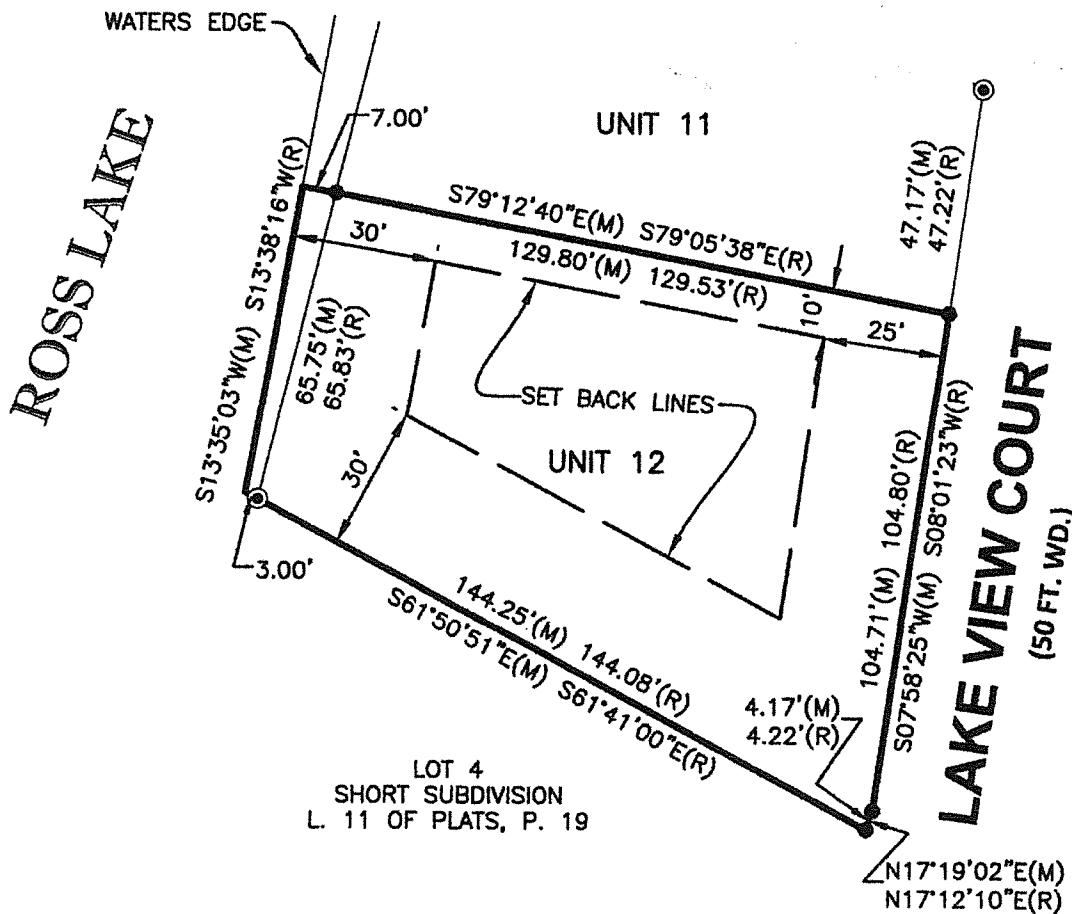
MALLARD POINT SITE CONDOMINIUMS  
CITY OF BEAVERTON.,  
GLADWIN CO., MICHIGAN

## LEGAL DESCRIPTION: AS PROVIDED

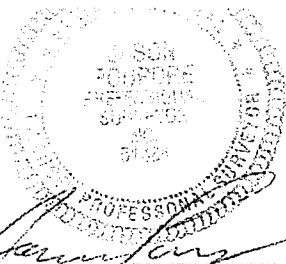
Unit 12 of Mallard Point Site Condominiums, according to the Master Deed recorded in Liber 643, Pages 764/810 and Agreement recorded in Liber 618, Pages 342/347, Gladwin County Records and designated Gladwin County Subdivision Plan No. 17, together with rights in general and limited common elements as set forth in said Master Deed and amendment as described in Act 59, Public Acts of 1978, amended.

## BEARING REFERENCE:

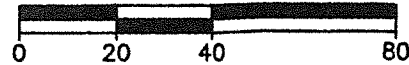
Bearings are based on Michigan Coordinate System 1983, Central Zone, NAD83.







40



I HEREBY CERTIFY that I have surveyed and mapped the land above platted and/or described on 10/12/2019, and that all of the requirements of P.A. 132, 1970, as amended, have been complied with, and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1 in 10,000.

JASON POUPPORE P.S. No. 51484

# STATEWIDE SURVEYING PLLC., PROFESSIONAL LAND SURVEYORS

CLIENT:

**MICHAEL SHREEVE**

1223 W. HUGHITT ST.,  
IRON MOUNTAIN, MI 49801  
OFFICE (906) 396-6500

3050 SCHMIDT RD.,  
GLADWIN, MI 48624  
OFFICE (989) 426-3553, (989) 426-1617

EMAIL: STATEWIDESURVEYING@LIVE.COM  
WEB: STATEWIDESURVEYING.NET



- (M) - Measured Dist. (R) - Recorded Dist.
- ⊙ MON - Found Concrete Monument
- FIR/P - Found Iron Rod/Pipe
- SIR - Set Iron Rod
- △ MAG - Set Magnetic Nail
- P.O.B./E. - Point of Beginning/Ending
- \*-\*-\* - Fence

	DATE: 11/21/2019	DR. BY: BW	CHK: JP
SCALE: 1" = 40'	SHEET: 1 of 1	FILE : 19-213_BNDY	JOB No. 19-213

I hereby certify that I have searched the records in my Office relating to the description of lands in the within instrument and from such examination it appears that The taxes have been fully paid for five years preceding The date of said instrument.

Gladwin, MI *Christy VanTiem*  
Gladwin County Treasurer

JUN 10 2020

Except for current taxes due & payable in the Township & Cities. Subject to notification of Homestead Tax Deed



Liber: 1180 Page: 751

STATE OF MICHIGAN - GLADWIN COUNTY  
RECORDED



Ann Manning-Clayton - REGISTER OF DEEDS  
6/10/2020 3:17 PM

Receipt #: 127020 Page: 1 of 2  
35.00 WARRANTY DEED

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Michael D. Shreeve and Chun C. Shreeve** whose address is 228 Lakeview Ct., Beaverton, MI 48612, convey and warrant, to **MICHAEL DELYNNE SHREEVE and CHUN CHUAN SHREEVE**, Trustees of the **SHREEVE FAMILY TRUST**, dated March 16, 2020 whose address is 228 Lakeview Ct., Beaverton, MI 48612

the following described premises situated in the City of Beaverton, County of Gladwin, State of Michigan:

**Unit 12, Mallard Point Site Condominiums, City of Beaverton, Gladwin County, Michigan, according to the Master Deed recorded in Liber 643, Page 764, as amended, and designated as Gladwin County Condominium Subdivision Plan No. 17, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.**

Commonly known as: 228 Lakeview Ct., Beaverton, MI 48612  
Parcel Address: 160-250-000-012-00

for no consideration <sup>(MS)</sup> ~~(\$1.00)~~ **ONE DOLLAR AND NO CENTS**

The Grantor grants to the Grantee the right to make ( ) divisions under section 108 of the land division act, Act 288 of the Public Act of 1967.

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Subject to easements, reservations and restrictions of record.

Received on 6/10/2020 at 11:59 AM

Dated: 6-8-2020

Michael D. Shreeve  
Michael D. Shreeve

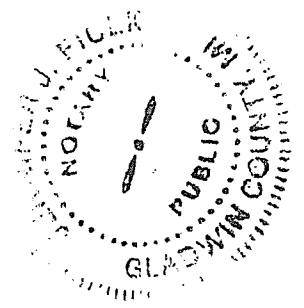
Chun C. Shreeve  
Chun C. Shreeve

STATE OF MICHIGAN  
COUNTY OF GLADWIN

Acknowledged by Michael D. Shreeve and Chun C. Shreeve before me on the 8th day of June, 2020.

Signature Jennifer J. Ficek  
Printed name Jennifer J. Ficek  
Notary public, State of Michigan, County of Gladwin  
My commission expires 05-13-2023

JENNIFER J. FICEK  
Notary Public, State of Michigan  
County of Gladwin  
My Commission Expires May 13, 2023  
Acting in the County of Gladwin



Drafted by:  
Michael D. Shreeve  
228 Lakeview Ct., Beaverton, MI 48612

After Recording Return To:  
Michael Delynne Shreeve and Chun Chuan Shreeve, Trustees  
228 Lakeview Ct., Beaverton, MI 48612