

**OTSEGO COUNTY
ZONING BOARD OF APPEALS**

**AGENDA
May 31, 2016
6:00 PM**

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES: *From November 24, 2015 meeting*

CITIZEN COMMENT REGARDING ITEMS NOT ON THE AGENDA

PUBLIC HEARINGS:

1. *Interpretation of Comparable Use:
A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District
PZBA16-001 Freeman
080-036-400-005-09
2838 Wilkinson Rd Gaylord, MI*

NEW BUSINESS:

1. *Elections*
2. *Expiring Terms*
 - a. *Bono*
 - b. *McCarthy*

OLD BUSINESS

COMMUNICATIONS

ZBA MEMBER ITEMS

ADJOURNMENT

Otsego County Zoning Board of Appeals

Proposed Minutes for November 24, 2015

Call to Order: 6:00 pm by Vice-Chairperson Hoffman

Roll Call:

Present: Vice-Chairperson Hoffman, Secretary Alexander, Mr. McCarthy, Ms. Bono, Mr. Mang

Absent/Excused: Mr. Sagasser, Mr. Wagar

Staff Present: Mr. Schlaud, Ms. Boyak-Wohlfeil

Public Present: David M. Delaney, Edgewood Holdings LLC attorney, Randy Stults, Nora Corfis

Approval of Minutes from June 30, 2015:

Vice Chairperson Hoffman requested the roll call vote reflect how each member voted.

Motion made to approve minutes as corrected by Mr. Mang; Seconded by Mr. McCarthy.

Motion approved unanimously.

Citizen Comment Regarding Items not on the Agenda:

Mr. Stults stated a member had been appointed to fill Mr. Summerix's alternate position to the ZBA by the Board of Commissioners.

Public Hearing: None

New Business:

1. **PZBA15-002:**

Nature of request:

Interpretation of Article 4/Residential Zoning District

4.1.9 Structures for storage of the owner's personal possessions and non-commercial activities

Section 21.44 Unlisted Property Use

There was some question as to whether a public hearing should be held for the interpretation and if the applicant was requesting a variance.

Mr. Schlaud stated a public hearing was required for interpretations and variances along with township participation but it was his understanding this was a general interpretation and general interpretation meetings had been held before without a public hearing. If the ZBA wished a hearing be held, this could be tabled until township was notified and a hearing notice published.

Mr. Mang questioned the non-use application submitted by the applicant.

Otsego County Zoning Board of Appeals

Proposed Minutes for November 24, 2015

David Delaney, Edgewood Holdings LLC attorney, stated he understood if a public hearing with township notification was required, he wanted to clarify his request for the meeting. He went on to state there were multiple requests within the application. He was requesting a variance on property in a R1/Residential Zoning District and also an interpretation.

It was stated that since the ZBA did not have the authority to grant a use variance, the meeting focused on the request for interpretation as stated on the agenda.

Vice Chairperson Hoffman stated Mr. Delaney could go ahead with his presentation on non-specific parcels pertaining to the zoning ordinance.

Mr. Delaney stated this was a need factor. A R1 Zoning District was the most restrictive residential district and Crestwood Subdivision was more restrictive as far as what they allowed. Concerning storage, they did not allow detached storage buildings so they felt there was a need for this type of business in the area.

He referred to two (2) previous cases he had represented and sited Section 18.44 Unlisted Property Use. He stated a request for a special use permit for a residential subdivision in a R1 district had been disapproved for incompatibility and a case for a bridge, also in a R1 had been approved as a comparable use. He stated there were other commercial uses already listed in this district. Storage units, if done right could fit into a R1 and would fill a need.

Christa Bono questioned the need for storage units considering the brand new units built on Old 27. She felt there was a huge difference between storage for the owner's personal belongings versus commercial storage units on residential property.

Phil Alexander asked what Mr. Delaney specifically wanted interpreted.

Mr. Delaney stated he was looking for an interpretation on Section 18.44 Unlisted Property Use. (*It was stated this section had been renumbered and is currently Section 21.44.*) If you have comparable uses in a district but they are not listed, this section allows application for that use. He said precedent had been set by the Zoning Board of Appeals and the Planning Commission on a previous case; building a bridge in Guthrie Lakes. That was also an R1 Zoning District and the bridge had been approved by a special use permit; both Boards had considered it a comparable use suited for that district.

Mr. Mang stated the case for the bridge was confusing the matter and questioned exactly what he wanted interpreted from Section 21.44.

Mr. Delaney stated he wanted an interpretation of whether, under Section 21.44 storage units were comparable uses to existing uses already allowed in an R1 Zoning District but not listed.

Mr. Mang stated the use *was* listed as a use by right in an R1 District; *Structure for storage of the owner's personal possessions and non-commercial activities.*

It was stated the key word in that section was 'owner's'.

Mr. Delaney stated the question then becomes how many.

Mr. Mang stated they had heard the applicant and felt any further discussion should continue after the issue became an official case.

Otsego County Zoning Board of Appeals

Proposed Minutes for November 24, 2015

Vice Chairperson Hoffman encouraged the applicant to work with Land Use Services to determine how to move forward. Township input and a public hearing would follow as required.

Mr. Delaney thanked the Planning Commission and said he would be in contact.

Old Business: None

Communications: None

Adjournment: 6:45 pm by Vice Chairperson Hoffman

Mike McCarthy, ZBA Secretary

Christine Boyak-Wohlfeil, Recording Secretary

PROPOSED

**OTSEGO COUNTY
ZONING BOARD OF APPEALS**

**PZBA16-001 INTERPRETATION
FREEMAN**

Exhibit List

- Exhibit #1:* Application for case PZBA16-001 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended December 15, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 0542/713
- Exhibit #5:* Site Plan/PZBA16-001 submitted by Representative
- Exhibit #6:* Letter of representation dated April 26, 2016
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Email dated May 10, 2016 from Livingston Township Planning Commission
- Exhibit #9:* Maps/Dimensional, Aerial
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01309221
- Exhibit #12:* Finding of Fact/PZBA16-001
- Exhibit #13:*

Zoning Board of Appeals
Non-Use Variance Applicant



APPLICANT INFORMATION:

Name: Denny Freeman Owner/Agent/Other Interest
(Circle One)
Address: 2838 WILKINSON Rd
Phone: 989 732 3993 Fax: .
Email Address: FARMERD1@Frontier.COM

PROPERTY OWNERS INFORMATION: (If different from applicant)

Name: same Owner/Agent/Other Interest
(Circle One)
Address: _____
Phone: _____ Fax: _____
Email Address: _____

PROPERTY INFORMATION:

Address/Location: 2838 Wilkinson Rd
Parcel Number(s): 080-036-400-005-09
Zoning District: AR Livingston Current Use: Residence/Barn

ATTACHMENTS: Please submit the following items with the application:

- Site Plan showing the following:
 - Dimensions of property
 - Location and dimensions of any existing buildings and/or structures
 - Any unique natural features such as lakes, rivers, streams, wetlands, steep slopes
 - Location and dimensions of proposed building and/or structure
- Copy of deed(s) and accurate legal description of property
- You are encouraged to include photographs and illustrations to support your case

***You may use additional pages to explain any item that space does not allow.

NATURE OF REQUEST: (Clearly state the complete variance you are requesting)

Interpretation For use

LAND USE SERVICES USE ONLY

Permit Number:	<u>PZBA16-001</u>	Fee:	<u>\$400</u>	Date Received:	<u>5-10-16</u>	Date Complete:	<u>5-10-16</u>
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Zoning Board of Appeals Non-Use Variance Applicant



UTILITIES AVAILABLE ON SITE: *(Check all that apply)*

Water
 Well
 Sewer
 Septic

PROPERTY DESCRIPTION:

Area of Lot (*acres/square feet*): 26.86 Acres

Dimensions of Lot: see map

STRUCTURES:

	DESCRIPTION	HEIGHT	EXISTING	PROPOSED
Number of Buildings on Site:	<u>see site plan</u>	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Use, Area and Dimensions:
(Each building)

	DESCRIPTION	HEIGHT	EXISTING	PROPOSED
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Area of Other Structures:
(Decks, gazebos, steps, etc.)

	DESCRIPTION	HEIGHT	EXISTING	PROPOSED
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Percentage of Lot Coverage _____

APPLICATION SIGNATURE:

All correspondence and notices regarding the application will be transmitted to the applicant. By signing this application the applicant is indicating that all information contained in this application is complete and accurate to the best of his/her knowledge.

Dennis W. Freeman 5/12-16 Dennis Freeman
 (Signature) (Date) (Print Name)

I hereby grant permission for member of the Township Board, Township Planning Commission, Otsego County Zoning Board of Appeals and Otsego County officials, staff and consultants to enter the above described property for the purposes of gathering information related to the application.

Note to applicant/property owner: This permission is optional and failure to grant permission will not affect any decision on the applicant.

_____ _____ _____
 (Signature of Property Owner) (Date) (Print Name)

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
Property Address 2838 WILKINSON RD										
Owner's Name/Address FREEMAN, DENNIS ETUX 2838 WILKINSON RT 1 GAYLORD MI 49735										
Class: 102 Agricultural S zoning: AR (*) Building Permit(s) School: Gaylord Community P.R.E. 100% 02/05/2016 Qual. Ag. : 2016 Est TCV 295,600 (Value Overridden) Improved <input type="checkbox"/> Vacant <input checked="" type="checkbox"/>										
Land Value Estimates for Land Table . * Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value 26.86 Total Acres 26.860 Acres 0 100 Total Est. Land Value = 0										
Tax Description	2016 SPLIT FROM 080-036-400-005-03 PARCEL C: COMM AT THE SE COR OF SEC 36, TH N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 554.67FT TO POB; TH CONT N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 757.82FT TO THE E 1/8 LN OF SEC, TH N 00DEG 33MIN 20SEC E ALG SD E 1/8 LN 1300.17FT TO THE S 1/8 LN OF SEC, TH S 89DEG 22MIN 42SEC E ALG SD S 1/8 LN 764.00FT, TH S 00DEG 33MIN 20SEC W PARALLEL W/THE E 1/8 LN OF SEC 414.27FT, TH S 89DEG 22MIN 42SEC E PARALLEL W/THE S 1/8 LN OF SEC 358.37FT TO THE CENTERLINE OF SPARR RD, TH S 02DEG 32MIN 28SEC E ALG THE CENTERLINE OF SPARR RD 176.20FT, TH 179.16FT ALG SD CENTERLINE AND THE ARC OF A CURVE TO THE RIGHT SD CURVE HAVING A RADIUS OF 427.23FT, DELTA ANGLE OF 24DEG 01MIN 35SEC AND LONG CHORD OF S 09DEG 28MIN 19SEC W 177.85FT, TH S 21DEG 29MIN 07SEC W ALG SD CENTERLINE 172.04FT, TH N ***BALANCE OF DESCRIPTION ON FILE*** Comments/Influences									
	Public Improvements									
	Dirt Road									
	Gravel Road									
	Paved Road									
	Storm Sewer									
	Sidewalk									
	Water									
	Sewer									
	Electric									
	Gas									
	Curb									
	Street Lights									
	Standard Utilities									
	Underground Utils.									
	Topography of Site									
	Level									
	Rolling									
	Low									
	High									
	Landscaped									
	Swamp									
	Wooded									
	Pond									
	Waterfront									
	Ravine									
	Wetland									
	Flood Plain									
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
				2016	147,800	0	147,800			135,638C
				2015	0	0	0			0
				2014	0	0	0			0
				2013	0	0	0			0
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan										

*** Information herein deemed reliable but not guaranteed***

The Grantor(s) Lawrence D. Tuck and Thelma J. Tuck, husband and wife, whose address is 2660 Wilkinson Rd., Gaylord, MI 49735 convey(s) and warrant(s) to Dennis W. Freeman and Sandra K. Freeman, husband and wife

OTSEGO COUNTY MICHIGAN RECEIVED FOR RECORD 93 SEP 14 AM 8:12 EVELYN M. PRATT CLERK/REGISTER OF DEEDS

whose address is 2838 Wilkinson, Gaylord, Michigan 49735

the following described premises situated in the Township of Livingston, County of Otsego and State of Michigan:

Part of the SE 1/4 of Section 36, T31N, R3W, Commencing at the Southeast corner of said Section 36; thence N89°22'08"W, 355.09 feet along the South line of said Section 36 to the point of beginning; thence continuing N89°22'08"W, 935.37 feet along said South line and the centerline of Wilkinson Rd., thence N00°27'29"E, 1300.35 feet; thence S89°21'43"E, 1278.11 feet along the South 1/8 line of said Section 36 to the centerline of Sparr Road; thence Southerly along the centerline of said Sparr Road to the Point of Beginning. Subject to an existing right-of-way for road purposes across the easterly 33.00 feet thereof and across the Southerly 33.00 feet thereof. GRANTORS RESERVE UNTO THEMSELVES THEIR INTEREST IN OIL RIGHTS.

for the sum of NINETY SEVEN THOUSAND FIVE HUNDRED AND NO/100 * * * * (\$97,500.00) * * * subject to easements and building and use restrictions of record and further subject to all reservations of record. This Deed is given in fulfillment of a certain Land Contract dated 9/11/78, and any act or omissions which may have accrued from the date of that certain Land Contract of which this Deed is being given.

Dated this 8th day of September, 19 93

Signed in presence of:

Signed by:

Ava M. Purgiel (signature) * AVA M. PURGIEL Cheryl M. Alexander (signature) * CHERYL M. ALEXANDER

Lawrence D. Tuck (signature) * LAWRENCE D. TUCK Thelma J. Tuck (signature) * THELMA J. TUCK

STATE OF MICHIGAN. } SS. COUNTY OF Otsego

OTSEGO COUNTY REAL ESTATE * 9-14-93

The foregoing instrument was acknowledged before me this 8th day of September 19 93, by Lawrence D. Tuck and Thelma J. Tuck, husband and wife

OTSEGO COUNTY TREASURER'S OFFICE Gaylord, Mich., September 14, 1993 I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection. Erma Backlund (signature) COUNTY TREASURER

Cheryl M. Alexander (signature) * CHERYL M. ALEXANDER Notary Public, Otsego County, Michigan My commission expires: 8/1/95

County Treasurer's Certificate City Treasurer's Certificate

When Recorded Return To: GRANTEE (Name) (Street Address) (City and State) Send Subsequent Tax Bills To: GRANTEE Drafted By: M. Briolat/Attorney The Land Co. of America Business Address: 100 West Main Street Gaylord, Michigan 49735

Tax Parcel # 080-036-400-005-03 Recording Fee 10.00 Transfer Tax 107.25

* TYPE OR PRINT NAMES UNDER SIGNATURES.

APRIL 26, 2016

TO WHOM IT MAY CONCERN:

TODD SEIDEL HAS AUTHORITY TO ACT ON MY BEHALF.

THANK YOU,

A handwritten signature in black ink that reads "Dennis L. Freeman". The signature is written in a cursive style with a large initial 'D' and a long, sweeping underline.

DENNIS FREEMAN
2838 WILKINSON RD
GAYLORD, MICHIGAN 49735

**OTSEGO COUNTY
ZONING BOARD OF APPEALS**

PUBLIC HEARING NOTICE

May 31, 2016

The Otsego County Zoning Board of Appeals will hold a public hearing on Tuesday, May 31, 2016 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

The purpose of the public hearing will be to obtain citizen comment on the following:

An interpretation of whether a *wedding venue/banquet hall* is a comparable use to other uses listed in the AR/Agricultural Resource Zoning District.

Dennis Freeman owner, represented by Seidell Architects, is requesting an interpretation for his proposed wedding venue as a permitted use subject to special conditions in an AR Zoning District.

Parcel identification number: **080-036-400-005-09**
2838 Wilkinson Rd
Gaylord, MI 49735

Legal Description:

2016 SPLIT FROM 080-036-400-005-03

PARCEL C: COMM AT THE SE COR OF SEC 36, TH N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 554.67FT TO POB; TH CONT N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 757.82FT TO THE E 1/8 LN OF SEC, TH N 00DEG 33MIN 20SEC E ALG SD E 1/8 LN 1300.17FT TO THE S 1/8 LN OF SEC, TH S 89DEG 22MIN 42SEC E ALG SD S 1/8 LN 764.00FT, TH S 00DEG 33MIN 20SEC W PARALLEL W/THE E 1/8 LN OF SEC 414.27FT, TH S 89DEG 22MIN 42SEC E PARALLEL W/THE S 1/8 LN OF SEC 358.37FT TO THE CENTERLINE OF SPARR RD, TH S 02DEG 32MIN 28SEC E ALG THE CENTERLINE OF SPARR RD 176.20FT, TH 179.16FT ALG SD CENTERLINE AND THE ARC OF A CURVE TO THE RIGHT SD CURVE HAVING A RADIUS OF 427.23FT, DELTA ANGLE OF 24DEG 01MIN 35SEC AND LONG CHORD OF S 09DEG 28MIN 19SEC W 177.85FT, TH S 21DEG 29MIN 07SEC W ALG SD CENTERLINE 172.04FT, TH N 89DEG 23MIN 38SEC W PARALLEL W/THE S LN OF SEC 274.55FT, TH S 02DEG 09MIN 59SEC W 373.34FT TO POB. CONT 26.86 ACRES M/L SEC 36 T31N R3W.

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Christine Boyak-Wohlfeil

From: Steve Dipzinski <steven.a.dipzinski@gmail.com>
Sent: Tuesday, May 10, 2016 8:47 PM
To: Christine Boyak-Wohlfeil
Subject: Freeman Special use permit

The Livingston township planning commission made a motion as follows:

In reference to P25V15-008 Livingston township planning commission is of the opinion that this special use proposal is not a clearly defined listed permitted use subject to special conditions in an A.R. zone. The township therefore recommends that Article 9 of the zoning ordinance be reviewed by the zoning board of appeals (ZBA) and makes an interpretation as to whether the proposed use is listed in the zoning ordinance.

However, if the ZBA concludes that the proposed use is a listed and permitted use subject to special conditions then the Livingston township planning commission supports the proposed use.

After much discussion on this issue we support this idea as a whole but we just don't see it under 9.2.11 or 9.2.12 We do see the similarities within these but would like to see it more clearly defined. We were all in favor of the idea but going strictly by the book it is hard to say definitely that this is a permitted use. I know I spoke with Vern as did Richard or Mike but we all agreed that this is just something that should be sent to the ZBA for an interpretation. All that being said, this is just our recommendation and we would like to see this project move forward. Sorry if this is an inconvenience, we all think you do a great job of keeping us informed and we appreciate that. Thanks again

Steve Dipzinski
Livingston Township
P.C. Chairman

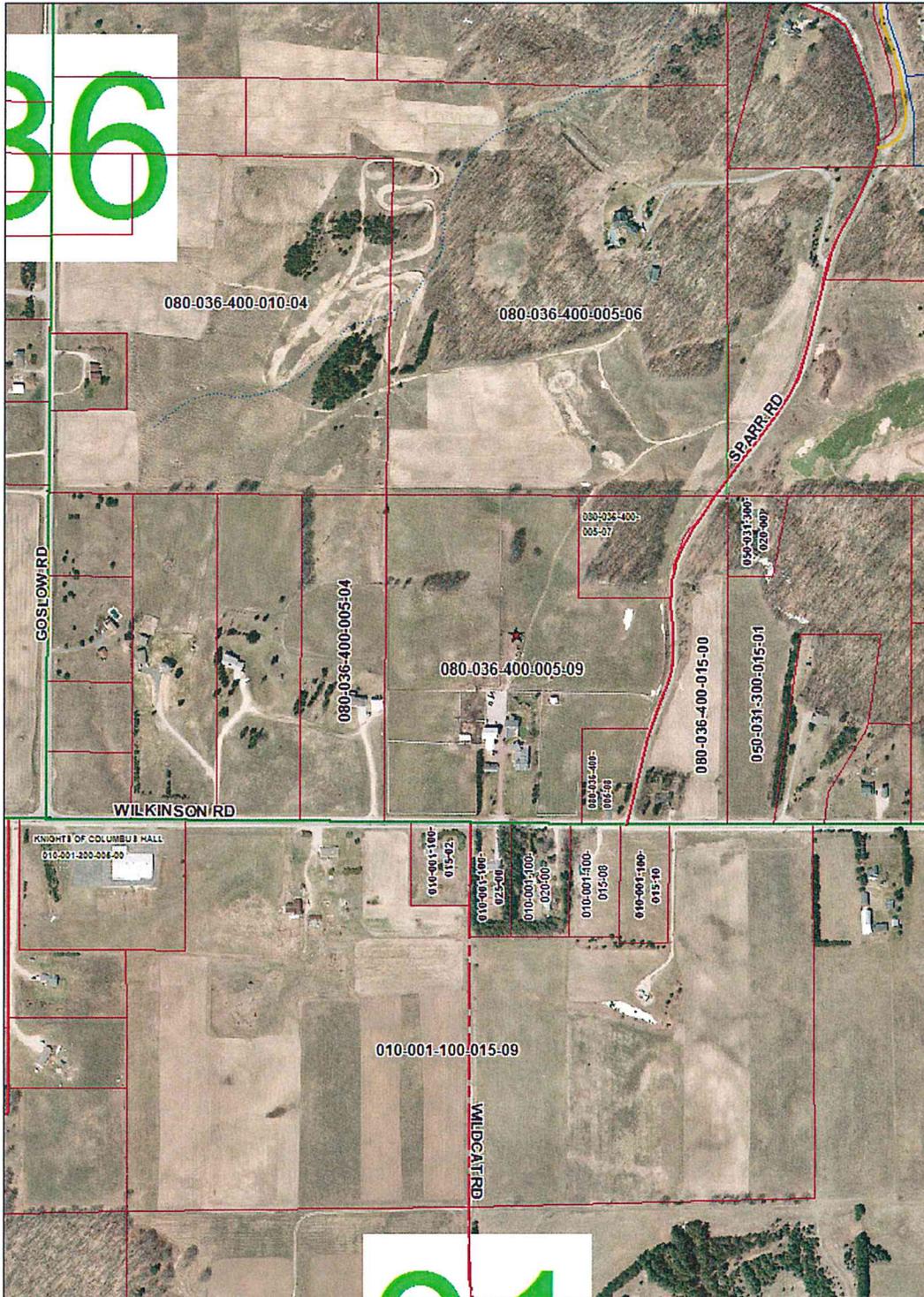
PZBA16-001 INTERPRETATION
FREEMAN



OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER ADDRESS	ZONING
010-001-100-015-02	2789 WILKINSON RD	NUTTER, RALPH N & MARGARET A	2789 WILKINSON RD	GAYLORD MI 49735-9726	AR
010-001-100-015-08	2829 WILKINSON RD	ELGART, DAVID A TRUST	PO BOX 145	GAYLORD MI 49734-0145	AR
010-001-100-015-09	2707 WILKINSON RD	HOLEWINSKI, WILLIAM & CHRISTINE	2707 WILKINSON RD	GAYLORD MI 49735-9726	AR
010-001-100-015-10		PARKER-MCDONALD-PARKER	22444 KELLY RD APT #12	EAST POINTE MI 48021-2600	AR
010-001-100-020-00	2855 WILKINSON RD	FAHLER, JOEL G & BONNIE Y	2855 WILKINSON RD	GAYLORD MI 49735-9727	AR
010-001-100-025-00	2823 WILKINSON RD	SUTHERLAND, CASH & AMELIA A	2823 WILKINSON RD	GAYLORD MI 49735-9726	AR
050-031-300-015-01		BEYER, THOMAS M & KARIN T	PO BOX 472	GAYLORD MI 49734	AR
050-031-300-015-03	3068 WILKINSON RD	OLSON, DAVID L ET UX TRUST	3068 WILKINSON RD	GAYLORD MI 49735	AR
050-031-300-020-00	205 SPARR RD	MARSHALL, WALTER F TRUST	205 SPARR RD	GAYLORD MI 49735	AR
080-036-400-005-04	2750 WILKINSON RD	GALL, JOHN J & LINDA J TRUST	2750 WILKINSON RD	GAYLORD MI 49735	AR
080-036-400-005-06	400 SPARR RD	FREEMAN, THOMAS C & THERESA M	400 SPARR RD	GAYLORD MI 49735	AR
080-036-400-010-04		FREEMAN, THOMAS C & THERESA M	400 SPARR RD	GAYLORD MI 49735	AR
080-036-400-005-07		FREEMAN, DENNIS ET UX	2838 WILKINSON RD	GAYLORD MI 49735	AR
080-036-400-005-08		FREEMAN, DENNIS ET UX	2838 WILKINSON RD	GAYLORD MI 49735	AR
080-036-400-015-00	2966 WILKINSON RD	FREEMAN, JESSICA	2966 WILKINSON RD	GAYLORD MI 49735	AR

PZBA16-001 INTERPRETATION
 FREEMAN



- | | |
|--------------------|--------------------|
| 010-001-100-015-02 | 080-036-400-005-04 |
| 010-001-100-015-08 | 080-036-400-005-06 |
| 010-001-100-015-09 | 080-036-400-010-04 |
| 010-001-100-015-10 | 080-036-400-005-07 |
| 010-001-100-020-00 | 080-036-400-005-08 |
| 010-001-100-025-00 | 080-036-400-015-00 |
| 050-031-300-015-01 | |
| 050-031-300-015-03 | |
| 050-031-300-020-00 | |

OTSEGO COUNTY LAND USE SERVICE
 1322 HAYES RD
 GAYLORD, MI 49735
 PH: 989-731-7400
 FAX: 989-731-7419
 INSPECTION LINE: 989-731-7401



Paid By:

FREEMAN, DENNIS ETUX
 2838 WILKINSON RD
 GAYLORD, MI 49735

RECEIPT NUMBER

01309221

05/12/2016

Type	Record	Category	Description	Amount
Permit	PZBA16-001	ADMIN ZONING	ZBA VARIANCE	\$ 400.00

Total	\$ 400.00
Cash	
Check	\$ 400.00
Credit	
Transferred	
Tendered	\$ 400.00
Change	\$ 0.00
To Overpayment	\$ 0.00

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

**OTSEGO COUNTY
ZONING BOARD OF APPEALS**

**PZBA16-001 INTERPRETATION
FREEMAN**

FINDING OF FACT

1. Livingston Township was presented with a case and is requesting an interpretation of the permitted use subject to special conditions; *Article 9 Section 9.2.12 Restaurants and/or taverns (without drive-through service)*, listed in the AR/Agricultural Resource Zoning District as a comparable use to the *proposed wedding venue* before making their recommendation to the Planning Commission. *Exhibit #8*
2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*
3. The proposed use is a lesser use than the permitted use and permitted uses subject to special conditions already listed in the AR/Agricultural Resource Zoning District. *Exhibit #3, Exhibit #5*
4. The proposed case is for a remodel and addition of an existing barn for a seasonal wedding venue. *Exhibit #1, Exhibit #5*
5. The property is 26.86 acres. *Exhibit #4*
6. The property is currently under the ownership of Dennis & Sandra Freeman. *Exhibit #4*
7. An existing banquet hall resides in the same zoning district west of the proposed property. *Exhibit #2*
8. The Public Hearing Notice was published in the Herald Times on May 17, 2016. *Exhibit #7*
9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
11. The application deemed complete by Land Use Services May 12, 2016. *Exhibit #1*
- 12.

ARTICLE 21 SPECIFIC REQUIREMENTS FOR CERTAIN USES

SECTION 21.44 UNLISTED PROPERTY USE

The County Zoning Board of Appeals shall have power on written request of a property owner in any Zoning District to classify a use not listed with a comparable permitted use in the District giving due consideration to the provisions of [Article 19](#) of this Ordinance when declaring whether it is a use permitted by right or by special permit. If there is a comparable use, then the procedures established in this ordinance for approval of a permit for that use must next be initiated in order for the applicant to apply for the necessary permit(s). If there is no comparable use then the applicant shall be so informed and an amendment to the text of the ordinance or a rezoning would be necessary prior to establishing requested use on the property.

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

INTENT

The Agricultural Resource District is intended to encourage the maintenance of productive farm and agricultural land for growing, raising or production of food stuffs. It is further intended that the productive agricultural land base of the County be maintained in agricultural activities. Other land uses and activities may be permitted if they meet the objective of retaining farmlands in an open land character.

SECTION 9.1 PRINCIPAL USES PERMITTED

No buildings or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

9.1.1 One (1) family dwelling unit

9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet.

9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:

9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.

9.1.3.2 The County Health Department approves the sanitary system.

9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock.

9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities

9.1.6 Buildings for storing or housing machinery, equipment, and/or livestock, including repair operations when accessory to agricultural and farm operations.

9.1.7 Experimental agricultural activities and uses related to farm research

9.1.8 Wildlife habitat and plant species preservation areas

9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines.

9.1.10 Bed and breakfast/tourist homes

9.1.11 Family and group care facilities

9.1.12 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities.

9.1.13 Fraternal lodges

9.1.14 Aircraft Landing Strips

9.1.15 Churches

9.1.16 Cemeteries [Permit criteria include [Article 21.4](#)]

9.1.17 Dwellings less than sixteen (16) feet wide [Permit criteria include [Article 21.22](#)]

9.1.18 Riding academies or stables [Permit criteria include [Article 21.35](#)]

9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of [Article 21.27](#) be observed.

9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]

9.1.21 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]

9.1.22 Home occupation

9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items.

9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space, character of the area, the rental shall not be made into commercial enterprises.

9.1.23.2 All applicable sections of the zoning Ordinance apply.

9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances.

9.1.24 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria include [Article 21.46](#)]

9.1.25 Structures for storage of the owner's personal non-farm possessions and non-commercial activities. These structures shall not be used as dwellings. Structures shall meet the size requirements of [Section 21.1.3](#).

9.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use.

9.1.27 WTG Small: Permitted as an accessory use to an allowed Principal Use.

9.1.28 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use.

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable Specific Requirements for Certain Uses, if any and [Article 23](#) for Site Plan Requirements.]

9.2.1 Public and private parks, recreational facilities, and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County.

9.2.2 Recreation farms, dude ranches (so called), and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.).

9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:

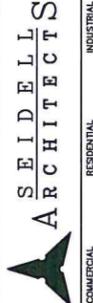
9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity.

- 9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
- 9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres.
- 9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.
- 9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment
- 9.2.6 Driving ranges
- 9.2.7 Game preserves
- 9.2.8 Gasoline stations with or without store
- 9.2.9 Detention facilities
- 9.2.10 Shooting ranges (outdoor)
- 9.2.11 Recreation camps, resorts or housekeeping units
- 9.2.12 Restaurants and/or taverns (without drive-through service)
- 9.2.13 Dog grooming and kennel facilities [Permit criteria include [Article 21.45](#)]
- 9.2.14 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 9.2.15 Hunt clubs (commercial)
- 9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).
- 9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 9.2.18 Travel trailer courts
- 9.2.19 Campgrounds (commercial)
- 9.2.20 Race tracks
- 9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height, or with lights [See [Article 21.46](#)]
- 9.2.22 WTG Large
- 9.2.23 Anemometer Tower [See [Article 21.47](#)]
- 9.2.24 Unlisted property uses if authorized under [Article 21.44](#).

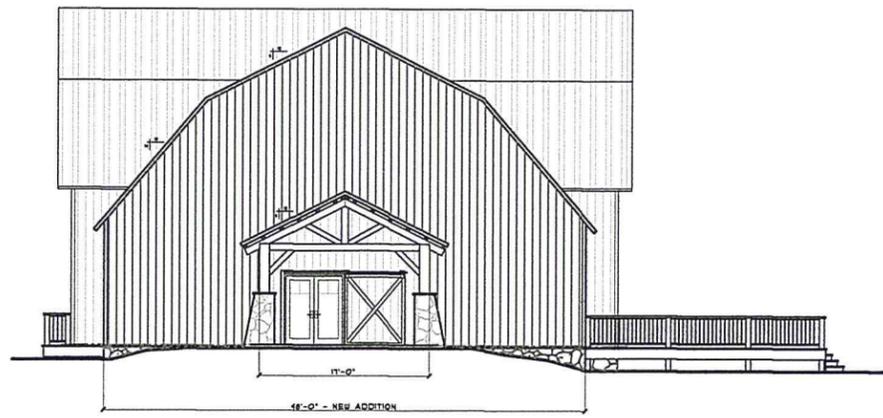


EXISTING OVERALL SITE PLAN

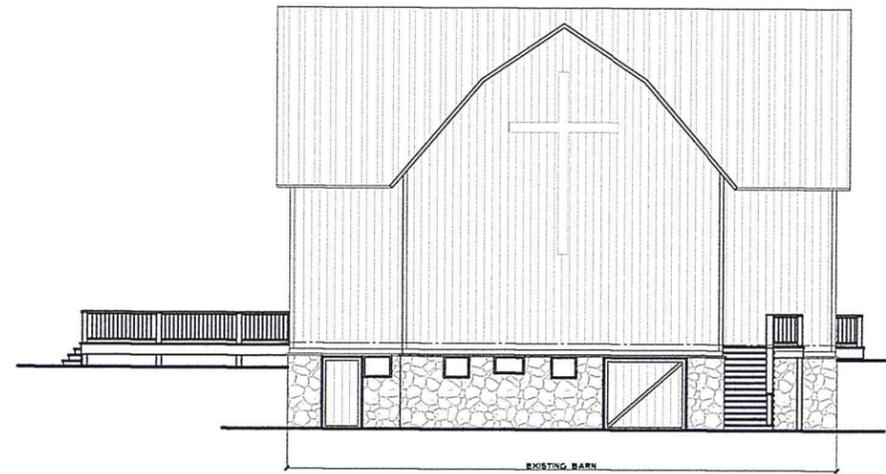
SCALE: NO SCALE

PROJECT WALK BY GRACE BUILDING RENOVATION 2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735			DRAWN BY S.E.H.	ISSUED 	DATE 4/18/14
	COMMERCIAL 114 N. COURT AVE., STE. 201 GAYLORD, MICHIGAN 49734 PHONE (888) 731-0332 FAX (888) 731-0332		CHECKED T.L.S.	ZONING REVIEW 	DATE 4/18/14
PROJECT NO. 15-310	SHEET 		APPROVED BY T.L.S.	PRINT DATE 	DATE
SHEET 	DATE 		DATE 	DATE 	DATE

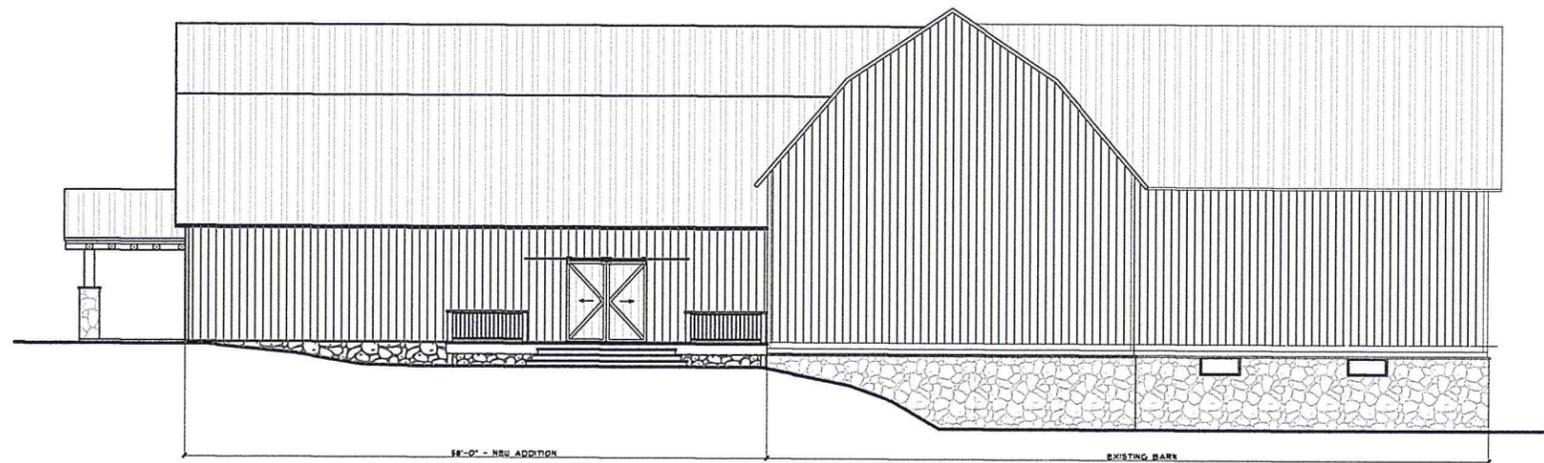
SP 2



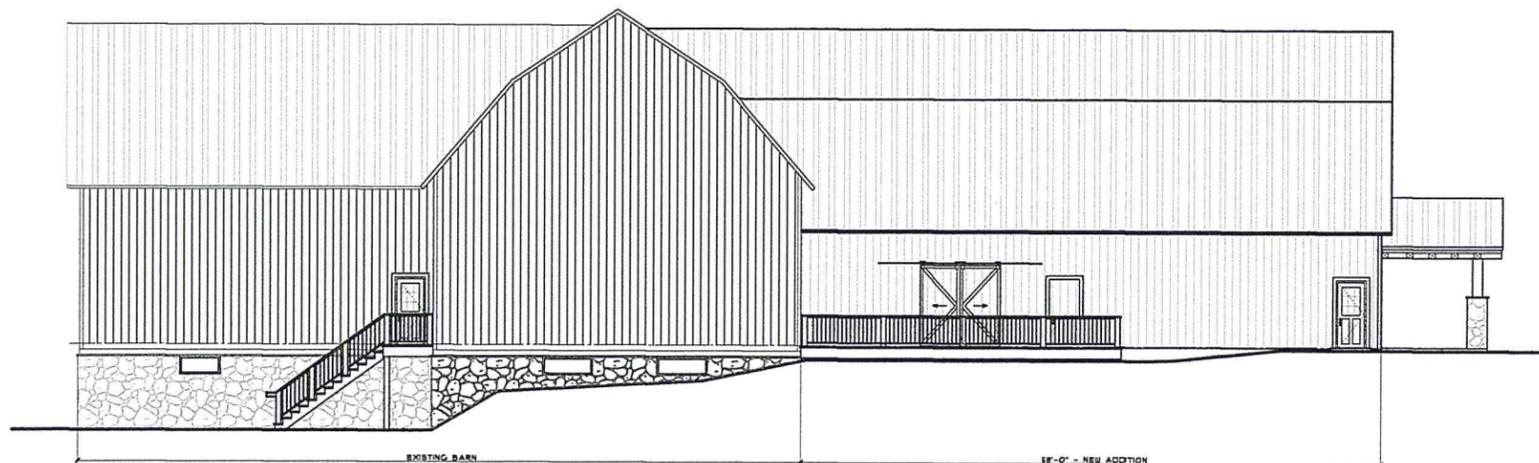
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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



EAST ELEVATION
SCALE: 1/8" = 1'-0"

DATE	DATE	DATE	DATE
	4/18/14		
ISSUED	ZONING REVIEW		
DRAWN BY	S.E.H.		
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SEIDELL ARCHITECTS
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PROJECT: **WALK BY GRACE BUILDING RENOVATION**
 2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735

PROJECT NO. 15-310

SHEET **A2**