

APPLICATION FOR ZONING PERMIT
Almira Township Zoning & Planning
Township of Almira, Benzie County
7276 Ole White Dr. Lake Ann, MI 49650
(231) 275-6346 Fax (231) 275-7164
E-mail almirazoning@centurytel.net

Application No: 11-02

Fee Received: 30.00

Applicant

Owner: LEROY A & CLAUDIA M. NOWAK Agent: _____
Address: 9941 E. HARBOR HILLS DR. Address: _____
City, State, Zip: TRAVERSE CITY, MI 49684 City, State, Zip: _____
Phone: 231-947-1961 Phone: _____
Property Parcel # 10-01-440-002-00 Property Address: 5248 BIRCH GLEN ROAD
Present classification 401 Lot size UNIT 2 (< 1 ACRE)
Location N / S of LAKE ANN and E / W of BIRCH GLEN ROAD. Lot # 2

- Application for a Zoning Permit is hereby made by the undersigned to:
 Use Land Construct new building(s) Add / construct deck
 Add to existing building(s) Alter existing building(s) Move / reconstruct
Description of project: EXTEND BUILDING 4' TO WEST TO ACHIEVE 725 FT
-OR- ADD 88 FT TO NW CORNER - NOW OCCUPIED BY DECK
- A plot plan showing existing and proposed buildings and structures for the said property shall be submitted with this application, including distance from the lot lines to the new structure.
- It is the responsibility of the **Permit holder** to notify the Zoning Administrator with 48 hours notice after the trenches are dug and **PRIOR** to footing construction, for setback inspection. After an approved inspection, the Zoning Administrator will affix an **Approved** sticker to the posted permit. **NO WORK** on the footings is to be started until after this inspection is complete. In case of a failure to notify and where there exists any violation of the setback requirements, the footings shall be removed and re-poured. **Failure to comply with this stipulation shall result in revocation of the Zoning Permit, a \$100.00 additional fee and up to a \$500.00 Fine.**

Applicant(s) Initials LN

I hereby depose and say, under the penalties of perjury, that all of the statements and/or information contained herein or submitted with this application are true. If any statements and/or information are found at a later date to be false, this permit shall become null and void. Also, I agree to notify the Zoning Administrator of Almira Township for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of Almira Township, Benzie County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that there is a maximum percentage of lot coverage in our districts: 20% in Forest/Recreation and Agriculture, and 35% in R-1, R-2, and C-1.

Applicant(s): Leroy A. Nowak Date: 04/08/11
Signature

ZONING PERMIT

A Zoning Permit for the proposed use of said property is hereby: Granted Written denial issued

Date: 4-5-11 Zoning Administrator: Perry Stoy

Special Restrictions: _____

This permit does not allow occupancy. New buildings, additions to existing buildings, altered and/or reconstructed buildings shall not be occupied until a Certificate of Occupancy is issued. This instrument does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all other local permits, or complying with other applicable state statutes.

This permit shall be posted at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration. All work shall be completed in accordance with the plans and specifications submitted on the application. The Zoning Administrator shall be notified and shall approve of any modifications in the permitted work prior to the start of such work. This permit does not prejudice or limit the right of a land owner to institute proceedings in any circuit court of this state against any person when necessary to protect his rights. Work specified herein shall be initiated and completed not later than one year from the date of issue.

The applicant seeks to put an addition on the west side of an existing building at 5248 Birch Glen Rd. Unit 2 of Birch Glen Resort Site Condo. This addition would include closing in an existing 8'x11' deck on the northwest corner and then adding a 4' by 25' addition to the whole west side of the building. This would bring the square footage of the building to 725 square feet, which would then conform to our ordinance requiring a minimum of 720 square feet for a dwelling. However, approximately a 4' by 4' section of the addition would be within the required 10' side setback, which would increase the current non-conformity. Currently, 2.5' to 3.5' of the south side of the building is within the side setback. The result is a violation of Section 6.07, Schedule of Regulations, regarding setbacks, and Section 4.02.D.4, Non-Conforming Structures, but would eliminate the violation of Section 6.07.G, regarding minimum dwelling size.

As a second option the applicant would seek to close in the existing deck and not do the 4' by 25' addition. There would not be the 4' by 4' violation of the setback requirement, but would still result in a violation of Section 4.02.D.4 and also a violation of Section 6.07.G.

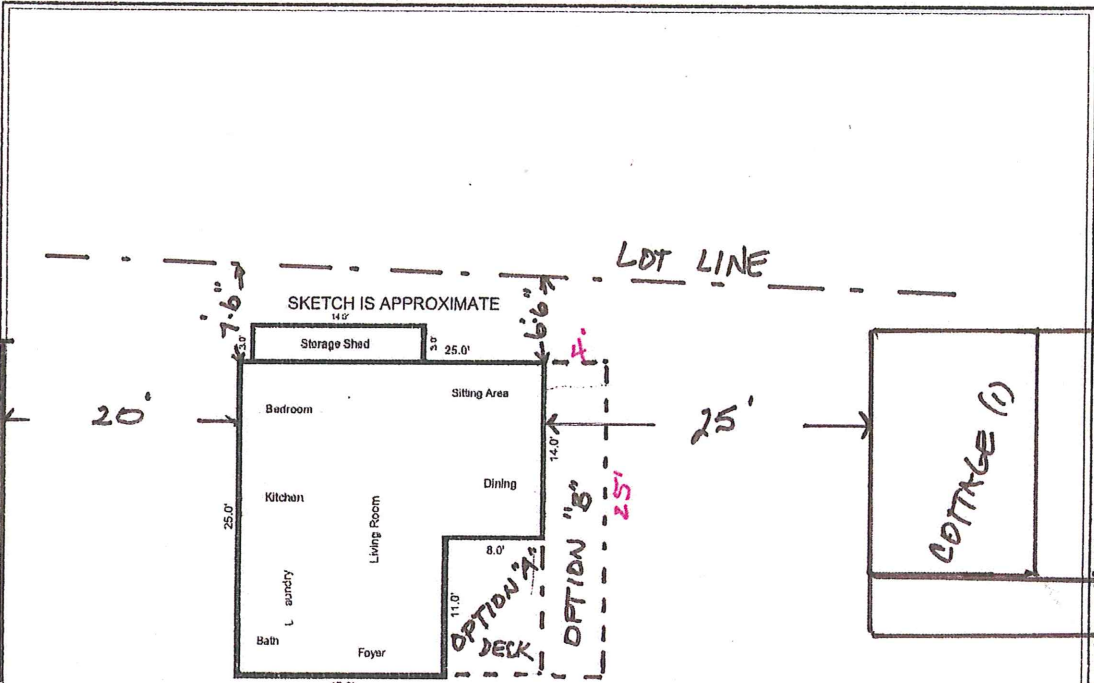
"SNOEK"

FLOORPLAN

LEE NOWAK
9941 E. HARBOR HILLS DR.
TC, MI 49684

Client: Lee Nowak	File No.: 10100347
Property Address: 5248 Birch Glen	Case No.:
City: Lake Ann	State: MI Zip: 49650

231-947-1961



OPTION "A" ADDS 884' OPTION "B" ADDS 1884'

Sketch by Apex IV Windows™

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Totals
GLA1	First Floor	537.00	537.00
OZH	Storage	42.00	42.00
TOTAL LIVABLE (rounded)			537

LIVING AREA BREAKDOWN		
Breakdown	Subtotals	
First Floor		
17.0 x 25.0	425.00	
8.0 x 14.0	112.00	
2 Areas Total (rounded)	537	

PROPOSED ADDITION TO 5248 BIRCH GLEN ROAD

This cottage was built in the early 1960's by Edward Palarski as the second of six cottages in what was to become Birch Glen Resort. The cottage was named, the *Snoek*, after the first people who stayed there. In the mid 80's, the Palarski's sold the resort. It continued to be operated as such through two or three owners. In 1997, in the ownership of a realtor, Mr. Stireman, it became a private association and each cottage became a condominium.

The previous owner of this cottage, Cecelia Droz, owned the cottage for 10 years and lived it year 'round. It was her home. During the time she owned it, she added on a room. We bought it from her in December of 2010. Since it was built by my wife's father and she spent many a happy years on the property as a young girl, and because three of her nieces now own three other of the original cottages, we felt good about bringing it back into the family.

Our own intention is to use it as a summer cottage again and perhaps rent it out for a few weeks in the summers to help pay for taxes and expenses. After all these years it is need of updating and, hopefully, adding on as have several of the other original cottages as well as the owner of the main house.

We would like to expand it from its current 537 square feet to 725 square feet. This would bring it up to the minimum size for a dwelling as defined by the Benzie County Building Department. As a second option, we would convert the deck area and make it part of the existing cottage which would add 88 square feet. This option would simply "square out" the cottage outline.

In either of these options the only direction we can expand is to the west. We can't go north, since it would interfere with the driveway and obstruct the lake view for other condominium owners to the east. We can't go east, because we are already 20 feet, 7 inches from the cottage to the east. We can't go south because the cottage is already inside the 10 foot setback. We can't go up because the foundation probably won't take the extra weight and it would interfere with lake view for the two cottages above and to the east of us. The only direction is west where we are 25 feet from the cottage to the west.

We are confident that the rest of the association owners will agree with either of the above options, "A" or "B". Thank you for your consideration.

Written Denial for permit #11-02

April 5, 2011

Lee Nowak
9941 E Harbor Hills Dr
Traverse City MI 49684

Mr. Nowak,

In regards to your request for a zoning permit, permit number 11-02, I am unable to grant the permit. Section 4.02.D.4 of the Almira Township zoning ordinance states; "A nonconforming building or structure or a building that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not increase the degree or extent of any nonconformity on both the horizontal and vertical planes." Your application requests to put an addition onto the west side of your existing building at 5248 Birch Glen Rd. A portion of addition would be within the required rear yard setback, thereby increasing its nonconformity. This would result in a violation of our zoning ordinance and is the reason for my denying your application.

Sincerely,

Gary Florip

A handwritten signature in cursive script, appearing to read "Gary Florip".

Almira Township Zoning Administrator

Demand for Appeal Form

Almira Township
P.O. Box 85
Lake Ann, MI 49650
(231) 275-6346

Applicant

Name: LEREY A. NOWAK
Address: 994 F. HARBOR HILLS DR.
City, State, Zip: TRAVERSE CITY MI
Phone: (HOME) 231-947-1961
(WORK) 231-935-8659

Office Use Only:

Application Number: 2011-1
Date Received: 4-2-11
Fee Received: 350.00
Hearing Date: _____

Applicant's standing (interest) in the appeal:

() Property Owner
() Other. Explain: _____

**Property Owner's (of land subject to appeal) name, address & phone
(if not the applicant)**

LEREY NOWAK
5248 BIRCH GLEN ROAD
LAKE ANN, MI 49650

Address of land subject to appeal (if known):

5248 BIRCH GLEN ROAD, LAKE ANN, MI 49650
(If new construction, an address will not be known yet. An address is obtained after a building permit is issued)

Parcel number of property subject to appeal: 10-01-440-002-00

Property location for land subject to appeal:

Street & Number (if available): 5248 BIRCH GLEN RD. LAKE ANN, MI 49650
Between SOUTH LAKE ANN and W OF LAKE ANN street/road _____
Subdivision _____ Lot # _____

Zoning District of property subject to appeal: _____

ACTION REQUESTED: (check one)

() To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.

The Section is: _____

() To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach details of the map if applicable):

() To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).

Specify the section and specific regulations a variance is being sought from:

() To overturn an action of the Zoning Administrator. The Administrator erred (did not issue a permit, issued a permit, enforcement): _____

RULING SOUGHT:

What is the sought ruling by the Almira Township Zoning Board of Appeals?

APPROVAL OF STIPULATED OPTIONS
"A" &/OR "B" OF ATTACHED DRAWINGS & REQUEST

(attach sheets if necessary)

() attached

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

State specifically the reason for this demand for appeal request:

SEE ATTACHED LETTER FOR PERTINENT EXPLANATION

(attach sheets if necessary)

() attached

ATTACHMENTS REQUIRED:

() Four copies of a plot plan, as submitted with the Application for Land Use Permit

() Copy of the initial application concerning this issue and the Zoning Administrator's (or Planning Commission's) written ruling on this issue

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree, any Appeals Board ruling and subsequent permit that may be issued is with the understanding all applicable sections of the Almira Township Zoning Ordinance will be complied with. Also, I agree to notify the Zoning Administrator for the Township of Almira for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of Almira Township, Benzie County, State of Michigan to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: Gray A. Nowell Date: April 5, 2011
(Applicant)

When completed, send two copies to:
Almira Township Zoning Administrator
P.O. Box 85
Lake Ann, MI 49650

Almira Township Zoning Board of Appeals ruling:

Date of hearing: _____

Action taken by Board:

Signed: _____ Date: _____
(Chairperson, Almira Township Zoning Board of Appeals)

Section 4.02 Nonconformities

D. Regulations concerning Class A Nonconformities. The following regulations shall apply to all Class A nonconforming uses, buildings, and structures:

4. A nonconforming building or structure or a building that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not increase the degree or extent of any nonconformity on both the horizontal and vertical planes.

Section 6.07 Schedule of Regulations *

Zoning District	District Name	Minimum Lot Area (See Footnotes B,C,E,F,G,J)		Maximum Height of Structure (See Footnote D)	Minimum Yard Setbacks (See Footnote A)			Minimum D.U. Width	Maximum % Of Lot Coverage
		Area	Width		Feet	Front	Side		
A	Agricultural	5 Acres	300'	35'	40'	10'	40'	20'	20%
F/R	Forest/ Recreation	5 Acres	300'	35'	40'	10'	40'	20'	20%
R-1	Residential	2 Acres	200'	35'	40'	10'	40'	20'	35%
R-2	Residential	1 Acre	150'	35'	40'	10'	40'	14'	35%
C-1	Commercial	1 Acre	150'	35'	40'	10'	40'	20'	35%
I	Light Industrial	S.I.-5 Ac I.P.-40 Ac	200'	35'	40'	20'	40'	N/A	----- -----

- Subject to footnotes

Footnotes to Schedule of Regulations:

- A. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be forty (40) feet from the ordinary high water mark. See footnote "J." below.
- B. In cases where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the setback line is equal to (or greater than) the specified lot width for that District.
- C. The minimum lot size shall be used as the basis for determining the density. The allowable Density, except as noted in **Section 11.02.B.4**, shall be calculated by dividing the parcel size by the minimum lot area allowed in the specific zoning district. The resulting number shall be rounded down to the whole number for the maximum number of dwelling units allowed.
- D. Height restrictions in this Article do not apply to telecommunication towers and facilities, alternative tower structures, wireless communication antenna, commercial WECS (both individually and within commercial WECS farms), noncommercial WECS, commercial anemometer towers, and noncommercial anemometer towers located in accordance with this Ordinance.
- E. Any waterfront lot in any district shall have a minimum of one hundred twenty-five (125) feet of frontage on a watercourse, and a minimum of twenty-five thousand (25,000) square feet total area. See footnote "J." below.
- F. All common use waterfront property is also subject to the dimensional requirements provided in **Section 8.03.D Common Use Lake or Stream Frontage Property**.
- G. The minimum size of a dwelling shall not be less than seven hundred twenty (720) square feet on one story buildings and six hundred (600) square feet on the main level of buildings containing more than one level, excluding basements and garages.
- H. For corner lots, as defined in this ordinance, the street sides shall be considered "front" lot line" for setback purposes and both opposite sides shall be considered "side lot lines" for setback purposes.
- I. Every part of a required yard set back shall be open to the sky, unobstructed by a building, except for ordinary projections of sills, cornices, and ornamental features not to exceed twelve (12) inches. Eaves may project into a required side yard set back not more than eighteen (18) inches.
- J. In the interest of preservation of natural features and in cooperation with neighboring Long Lake Township, the following special regulations shall apply to lots in Almira Township which border Bellows Lake:
 1. Lots which border Bellows Lake shall have a minimum setback on the waterfront side of one hundred (100) feet from the ordinary high water mark.
 2. Waterfront lots on Bellows Lake shall have minimum of two hundred (200) feet of water front.
 3. Common use frontage on Bellows Lake shall have a ratio of one (1) single family dwelling unit per two hundred (200) feet.

**Property Owners within 300 feet of
5248 Birch Glen Rd**

Kenneth Sisco
5290 Birch Glen Rd
Lake Ann MI 49650

Palarski Family Cottage, LLC
9941 E Harbor Hills Dr
Traverse City MI 49684

David Anderson
8696 Peninsula Dr
Traverse City MI 49686

Joanne Keskey
5196 Birch Glen Rd
Lake Ann MI 49650

Jeffrey Grey
3930 Hall St
Grand Rapids MI 49544

Mark Ireland
17760 Christine Blvd
Clinton Township MI 48038

Patrick Ahart
6507 Mission Ridge
Traverse City MI 49686

Gregory Palarski
5383 Windstream Ct
Commerce Township MI 48382

Timothy Palarski
15010 Red Bud Leaf Ln
Cyprus TX 77429

David Anderson
4609 Forestview Dr
Midland MI 48642-3963

John Berryman
17 Victoria Ln
Lincolnshire IL 60069

Annette Harland
9631 Walkabout Ln
Traverse City MI 49684

L Pieniasek
490 N Douglas
Villa Park IL 60181

Debra Kraniak
1257 Lake Shore Blvd
Lake Orion MI 48362

Christopher Wedeven
3464 Jeffery Spur
Hamilton MI 49419

Gardner Klaasen
1165 Celtic Ln
Suttons Bay MI 49682

Christopher Hall
5908 16th Ave
Hudsonville MI 49426

John Martin
20138 W Whipple
Northville MI 48167