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Tuesday, June 7, 2022

Village of Bancroft
Village Council
Planning Commission
PO Box 97
Bancroft, MI 48414-0097

RE: Opinion of Zoning Administrator on WHV's Property

To Whom It May Concern:

In May, Jeff Brands, on behalf of WHV, submitted a sketch of the floor plan for two proposed units at the WHV facility to the Village's Zoning Administrator, Doug Piggott. It is my understanding that WHV may have sought approval that the unit(s), as outlined in the sketch, constituted a "dwelling unit" under the language of the Village's Zoning Ordinance. That sketch is attached to this letter as Exhibit A. On June 6th the Zoning Administrator issued an opinion, via email, declaring (based upon the proposed layout in the sketch):

A dwelling unit is defined as: "A building or portion thereof designed exclusively for residential occupancy by one (1) family and having cooking facilities."

-The site plan excerpt shown on the most recent submission of the Welcome Home Vets project showed a sample unit with a fridge and a microwave and a single bed -

Family is defined as "An individual or two (2) or more persons related by blood, marriage or adoption, or a group not to exceed two (2) persons not related by blood or marriage, occupying a premises.."

-A fridge and a microwave would appear to meet the requirement for cooking facilities and a single person would constitute a "family" under the ordinance. Based on that it would appear that each proposed "unit" would constitute a dwelling and therefore the project would meet the definition of a multi-family dwelling project.

[See email opinion attached as Exhibit B.]

As you are aware, under the Stipulated Order that resolved the recent lawsuit brought by WHVP against the Village of Bancroft:

WHVP is permitted to construct up to 34 Dwelling Units (Apartments) within the existing building, provided the newly constructed Dwelling Units otherwise comply

with all other laws, including but not limited to, the Village Zoning Ordinance, applicable Building Codes, Country and State of Michigan Health, Drain, and Sewer Codes, applicable Fire Codes, Village's Municipal Water Ordinance, and any other applicable Federal, state and local statutes, or ordinances. [See Stipulated Order Section 4.4.]

This opinion from the Zoning Administrator can be appealed by “any person aggrieved by any officer . . . of the Village” to the Zoning Board of Appeals under Section 5.3.2 of the Zoning Ordinance within thirty (30) days after the date of the mailing of the decision. As the opinion was emailed on June 6th, any appeal would need to be filed by July 6, 2022 with the Secretary of the Zoning Board of Appeals and served upon the Zoning Administrator. Any appeal must specify the grounds upon which the appeal is based.

This opinion indicates that these units constitute “dwelling units” under the Village’s Zoning Ordinance. WHV has not yet (to the best of my knowledge) filed for site plan approval by the Planning Commission, nor submitted sealed blue prints for approval of the project as complying with state building, plumbing or other codes. I bring this matter to your attention because many of you, as well as many of the members of the public, might be interested in this decision and may not have notice that this opinion was being sought by WHV, nor was decided by the Village’s Zoning Administrator.

If you have any questions, please contact me.

Sincerely,

Christopher S. Johnson

Christopher S. Johnson
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Attorneys for the Village of Bancroft