

Berlin Charter Township Planning Commission
Rezoning Application

Applicant Information:

Name: William Roberts

Address: 7923 N Dixie Hwy

Telephone: (734) 845-6804

Newport, MI 48166

Fax: _____

Engineer/Architect Information:

Name: N/A

Address: _____

Telephone: _____

Fax: _____

Legal Council:

Name: N/A

Address: _____

Telephone: _____

Property Information:

See Attachment

**It is requested that the property
be rezoned**

from _____ to _____

Legal Description: _____

Application Fee:

Base Fee \$560 + Escrow Fee \$2,510

Amount Paid: \$3,070

Date Paid: 4/15/24

Intent: Berlin Charter Township recommends that the applicant check off each item below as it is completed. This will assist in avoiding missing a required submittal item that could require resubmittal. The provisions below are intended to only be an outline of the requirements of the Ordinance. The application is not intended to be comprehensive. The appropriate sections of the Ordinance should be reviewed when developing the required information.



Signature. I, have reviewed Zoning Ordinance Section 18-421 of Berlin Charter Township and have submitted all documents, data and other information as required; and further depose that this Application and accompanying documents, data and other information are true and accurate, and further grant permission to Berlin Charter Township to enter the above-described property for the purposes of gathering information related to this application. I also herby confirm that I am the fee holder for the property identified on this application.



Signature of Applicant/Property Owner

4/15/24
Date

PROPERTY INFORMATION

IT IS THE REQUESTED THAT THE PROPERTY BE REZONED

FROM

BS&A Online – B2

Official Zoning Map – C

Existing Land Use Map – Office

TO

Residential – R1 or R2

LEGAL DESCRIPTION

PART OF THE NW 1/4 OF SEC 7, T6S,R10E, COM AT THE NW COR OF SEC 7; TH N 88-36-08 E 2633.84 FT; TH N 87-45-21 E 1040.18 FT; TH S 31-52-089 W 342.26 FT TO THE POB; TH S 34-52-08 W 69.42 FT AND 92.08 FT ALONG THE ARC OF A 516.17 FT RAD CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10-13-18 AND A CHORD BEARING S 26-45-29 W; TH N 86-24-10 W 195.87 FT; TH N 01-28-56 W 139.00 FT; TH N 88-31-04 E 278.68 FT TO POB CONT .75 AMOL

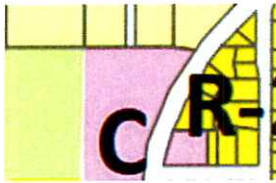
CONSIDERATIONS OF THE REQUEST

1. Are there substantial reasons why the property cannot be reasonably used as currently zoned?

Functionally speaking, the property can be reasonably used as zoned. However, current zoning does place limitations on the property. Current zoning causes issues with both insuring the property and obtaining financing. Both issues cause undue financial hardship and effect the value of the property and the ability to transfer ownership with financing.

2. Would a change of the present zoning district boundaries be compatible with existing land uses in the area? Will it adversely affect property values?

Changing the zoning would be compatible with existing land uses in the area. There is a large amount of R-1 property to the North as well as a large area of R-2 property to the East. I have heard the term "spot zoning". When looking at the piece of land across the street from the subject property, it appears as though we a very similar land mix (in opposite proportions) if the subject property was rezoned to R-2.



Rezoning the subject property would not adversely affect property values. Rezoning the property would increase the value of the subject property by matching it to its intended use. Its obvious by looking at the property that it's intended to be residential and that can be backed up by how it has been used for decades. I could also point out that having someone living in the property and making repairs is better for the business directly next to the subject property (Masserant Storage). Since the business is run without employees being there 24/7, having an occupied house next door deters would be vandals and thieves.

3. Has there been a recent change in conditions that would support the proposed rezoning?

I'm not sure when this property was split off from the larger parcel, but it should have been rezoned when that occurred. Zoning Ordinance 4.12-C states that a commercial property is to be a minimum of 1 acre or 15,000 square feet. This property does not meet either of these requirements.

Property Transfer Affidavit

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

| | | |
|---|---|--|
| 1. Street Address of Property 7923 N. DIXIE HWY. | 2. County MONROE | 3. Date of Transfer (or land contract signed) MARCH 19, 2024 |
| 4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input type="checkbox"/> City <input checked="" type="checkbox"/> Township <input type="checkbox"/> Village Township of Berlin | 5. Purchase Price of Real Estate \$130,000.00 | |
| 7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN: This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice. 58-03-007-058-20 | 6. Seller's (Transferor) Name SECRETARY OF VETERANS AFFAIR, AN OFFICER OF THE UNITED STATES OF AMERICA | |
| | 8. Buyer's (Transferee) Name and Mailing Address WILLIAM P. ROBERTS 18328 BeGonia Dr. Rockwood MI 48173 | |
| | 9. Buyer's (Transferee) Telephone Number 734-845 6804 | |

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.

| | | |
|---|--|----------------------------|
| 10. Type of Transfer: <u>Transfers</u> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____ | | |
| 11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No | 13. Amount of Down Payment |
| 14. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No | 15. Amount Financed (Borrowed) | |

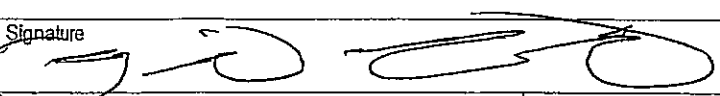
EXEMPTIONS

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- Transfer from one spouse to the other spouse
- Change in ownership solely to exclude or include a spouse
- Transfer between certain family members *(see page 2)
- Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor ** (see page 2)
- Transfer to effect the foreclosure or forfeiture of real property
- Transfer by redemption from a tax sale
- Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- Transfer resulting from a court order unless the order specifies a monetary payment
- Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- Transfer to establish or release a security interest (collateral)
- Transfer of real estate through normal public trading of stock
- Transfer between entities under common control or among members of an affiliated group
- Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- Transfer of land with qualified conservation easement (land only - not improvements)
- Other, specify: _____

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

| | | |
|---|------------------------|----------------|
| Printed Name | | |
| Signature  | Date 3/19/24 | |
| Name and title, if signer is other than the owner | Daytime Phone Number | E-mail Address |

COVENANT DEED

This Indenture, made on the 17 day of March, 2024 by and between the Secretary of Veterans Affairs, an Officer of the United States of America, whose address is Department of Veterans Affairs, 810 Vermont Ave. N.W., Washington, DC 20420, hereinafter referred to as Grantor, and William P. Roberts, whose address is 18328 Begonia Dr., Rockwood, Michigan 48173, as Grantee, and states as follows:

The Grantor hereby conveys to Grantee for consideration in the amount of One Hundred Thirty Thousand and 00/100 Dollars (\$130,000.00), the following described premises situated in the Charter Township of Berlin, County of Monroe, in the State of Michigan, legally described as:

SEE ATTACHED EXHIBIT "A"

Property Address: 7923 N Dixie Hwy, Newport, Michigan 48166
Tax ID No: 03-007-058-20

together with all and singular rights, privileges, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same unto the said Grantee(s) and Grantee(s)'s heirs and assigns, subject to all restrictions, easements and reservations in the chain of title, or of record, or which would be disclosed by an accurate land survey or inspection of the premises and such taxes and assessments that have become a lien against the property, but are not yet due and payable; said conveyance being exempt from transfer tax pursuant to MCL 207.505 (h)(i) and MCL 207.526 (h)(i).

Grantor grants to the Grantee the right to make all division(s), bonus divisions and redivisions of the property that Grantor may have under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices that may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Grantor covenants that Grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the premises or any part of them to be charged or encumbered in title, estate, or otherwise.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

THE SECRETARY OF VETERANS AFFAIRS,
An officer of the United States of America
by the Secretary's duly authorized property
management contractor, Vendor Resource Management,
pursuant to a delegation of authority found at 38 C.F.R. 36.4345(f)

[Signature]
Printed Name: Jeff Gordon
Title: MR

STATE OF TEXAS)
Benton COUNTY)

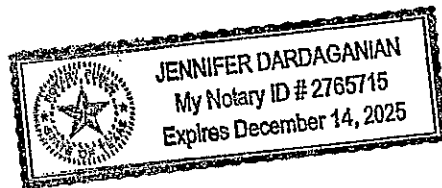
On this date, before me personally appeared Jeff Gordon, pursuant to a delegation of authority contained in 38 C.F.R. 36.4345(f), to me known to be the person who executed the foregoing instrument on behalf of the Secretary of Veterans Affairs, and acknowledged that he executed the same as the free act and deed of said Secretary.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the

State of Texas aforesaid, this 12 day of March, 2024.

[Signature]
Notary Public
My term expires: _____

When recorded send to Grantee:
William P. Roberts
7923 N Dixie Hwy.
Newport, MI 48166

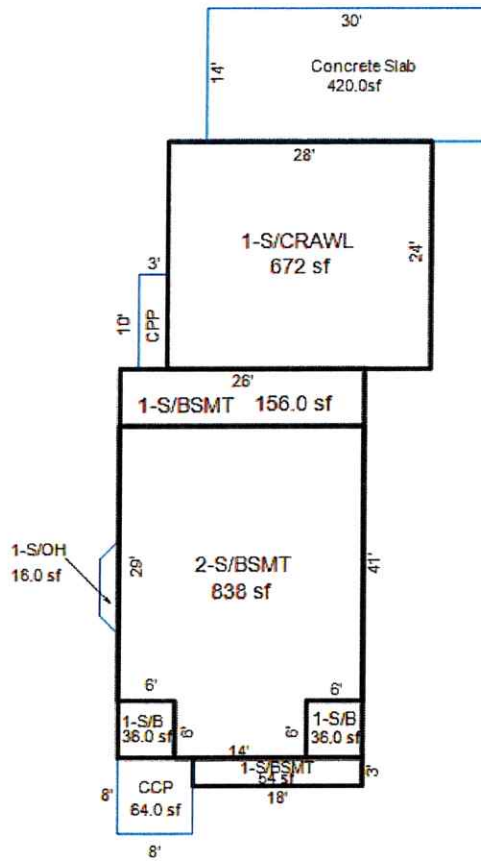


Drafted without opinion by:
Nathan S. Welch, Esq.
MI Bar # P77530
Bowen, Radabaugh & Milton, P.C.
100 E. Big Beaver Rd., STE 350
Troy, MI 48083
(248) 641-8000

This deed was prepared by Nathan S. Welch, Esq., Michigan Bar No. P77530, who certifies that it is in a form that is in accordance with applicable local, state and federal law.

Tax Parcel _____ Recording Fee _____ Transfer Tax _____

Image/Sketch for Parcel: 03 007 058 20



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Imagery ©2024 Maxar Technologies, Map data ©2024 50 ft

Measure distance

Total area: 27,600.66 ft² (2,564.18 m²)

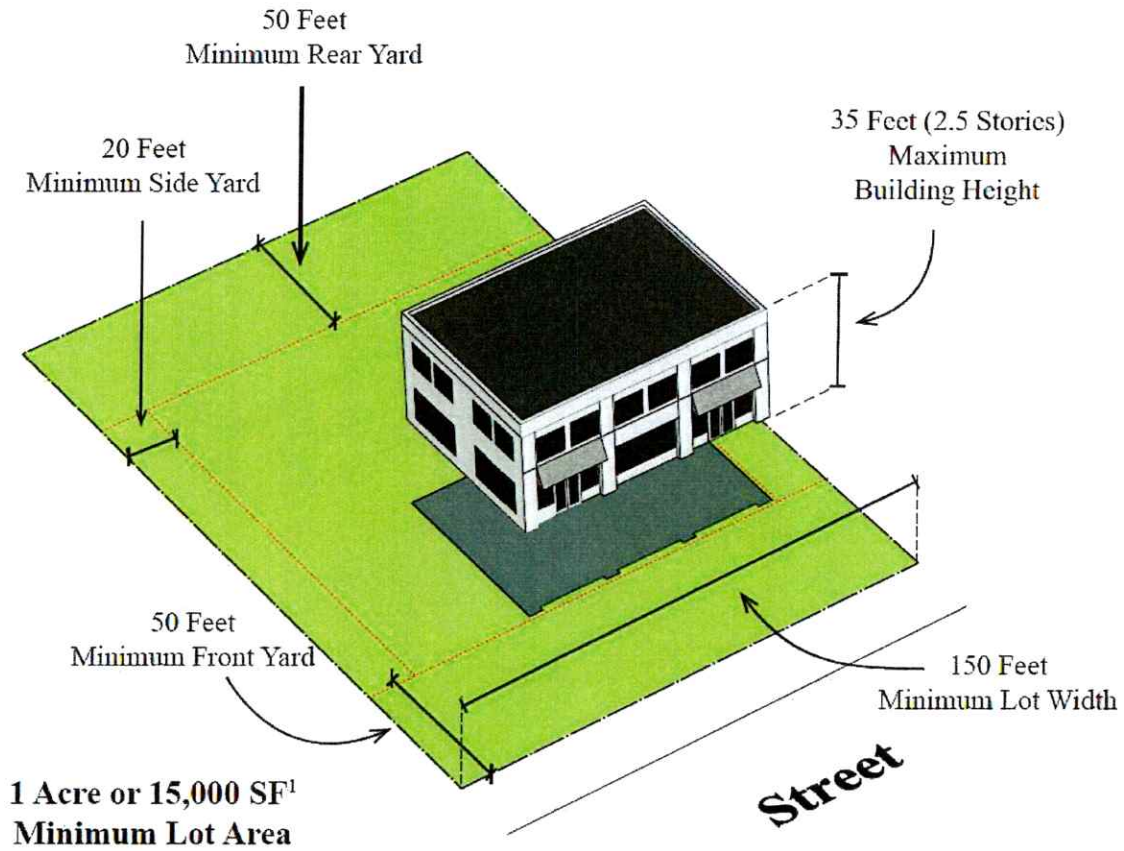
Total distance: 703.35 ft (214.38 m)

Image/Sketch for Parcel: 03 007 058 20



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Figure 4.12-C. C Commercial District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 4.12.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Minimum interior side yards may not be required when two (2) or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
3. Site plan review is required in accordance with Article 6.
4. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 8.04.

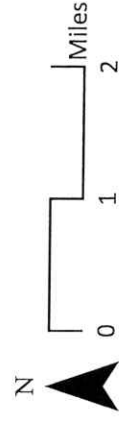
Zoning Districts

- RC Recreation Conservation
- AG Agricultural
- R-1 Single-Family Rural Non-Farm Residential
- R-2 Single-Family Suburban Residential
- RM Multiple-Family Residential
- MH Manufactured Housing Community
- C Commercial
- MU Mixed Use
- PUD Planned Unit Development
- I Industrial
- WM Waterfront Marina

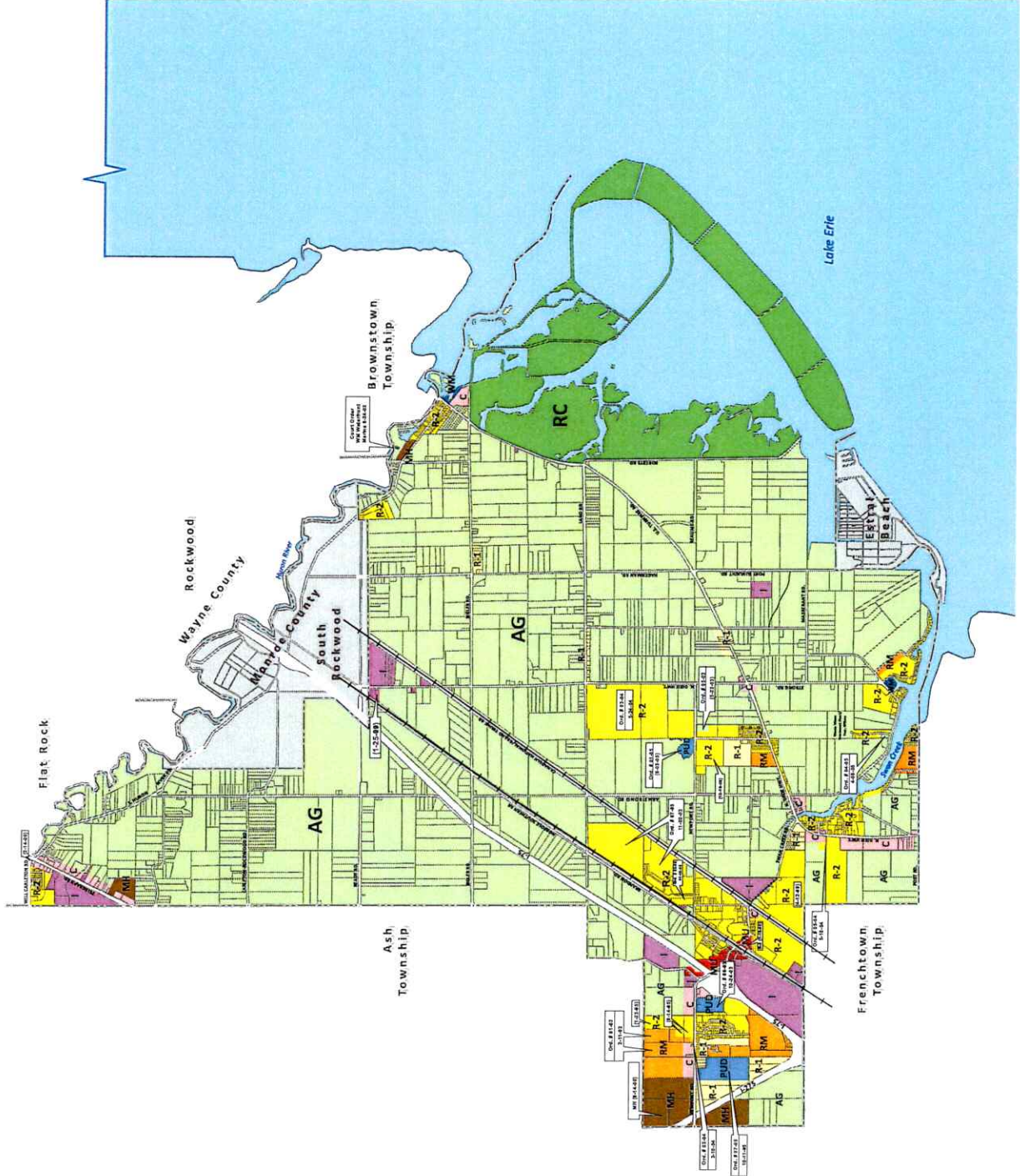
ZONING DISTRICTS MAP

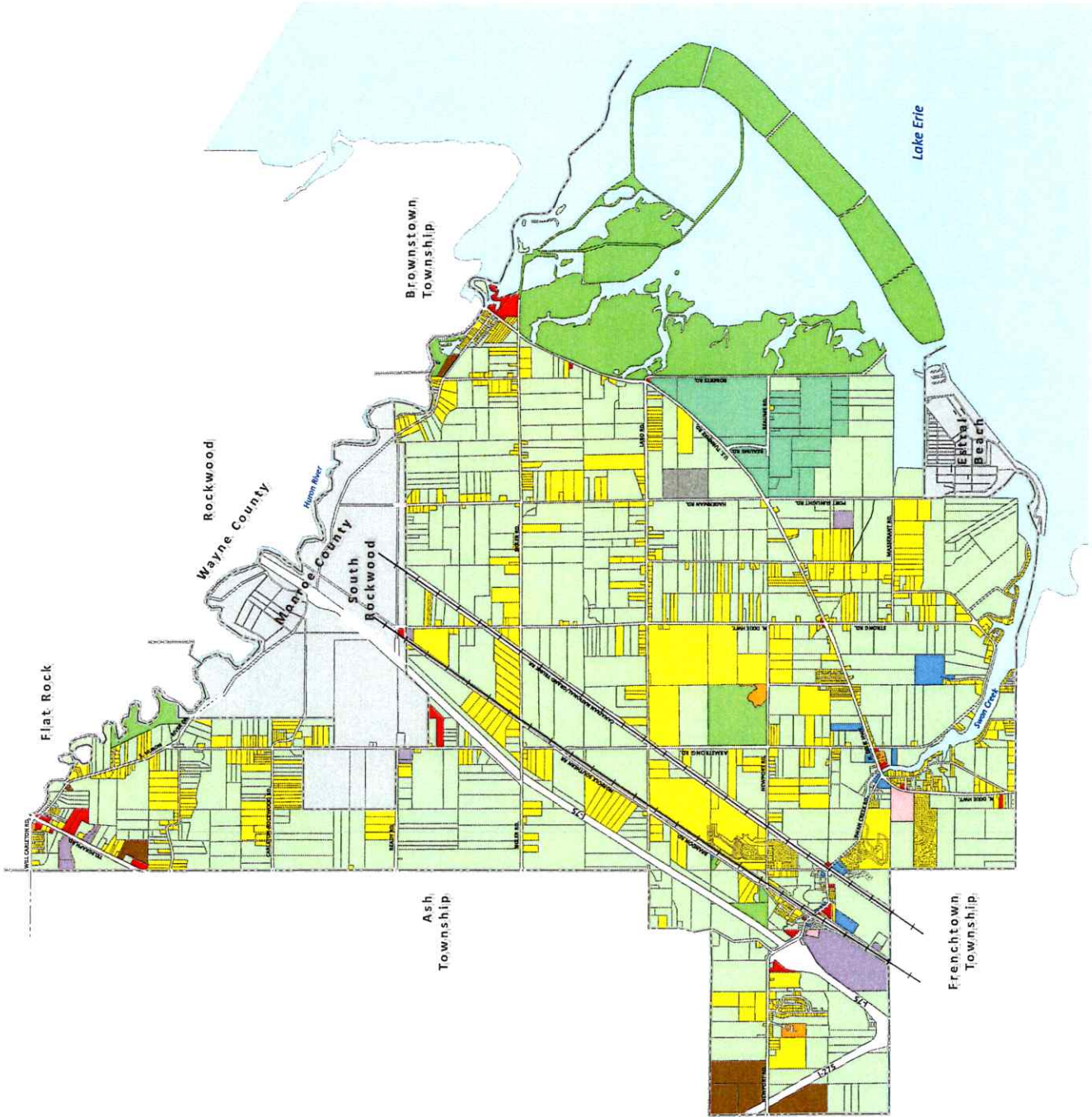
DRAFT

Berlin Charter Township
Monroe County



12-18-19
Carlisle/Wortman Associates, Inc.
Ann Arbor, Michigan



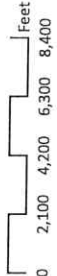


- Agricultural
- Single Family Residential
- Multiple Family Residential
- Manufactured Housing Park
- Office
- Commercial
- Industrial
- Quarry/Landfill
- Institutional
- Recreation/Open Space
- Utility
- Waterfront Marina

Figure 3

EXISTING LAND USE

Berlin Charter Township
Monroe County



Basemap Data Source: Monroe County Planning



9-17-14
Carrislie/Wortman Associates, Inc.
Ann Arbor, Michigan

Wroberts 63 63@gmail

$$\begin{array}{r} \text{Base} \quad 550 \\ \quad \quad 10 \\ \hline \quad \quad 65 \end{array}$$

$$\begin{array}{r} \text{Escrow} \quad 2510 \\ \quad \quad \quad 560 \\ \hline \quad \quad 3070 \end{array}$$

BERLIN CHARTER TOWNSHIP

NEWPORT, MICHIGAN 48166

**TRUST & AGENCY FUND
TREASURERS RECEIPT**

Date 4/15/20 24

Received of William Roberts

Address 7923 N. Dixie

AMOUNT

\$ 3070 -

Three Thousand Seventy Dollars

DESCRIPTION 7923 N. Dixie Hwy

Protonus

Trade Fee \$560

ESCROW Fee \$2,510

4199

RECEIVED BY [Signature]

No 7718

DETROIT TRUST



**WILLIAM ROBERTS
TAMARA ROBERTS**
18328 BECONIA
GIBRALTAR, MI 48173

9-80/720
DATE 4/15/24 4199

Three Thousand Seventy Dollars

BANK OF AMERICA

FOR Robert

⑆072000805⑆ 00540148889⑆ 4199

[Signature]

TMALBP 2015