

Peninsula Township Planning & Zoning Department  
**EXHIBIT LIST**

ZBA Request #- 864

Physical Address of Subject Property: 625 Edmar Dr., Traverse City, MI 49686

Date: April 12, 2018

---

**EXHIBIT LIST**

1. Peninsula Township Master Plan
2. Peninsula Township Zoning Ordinance
3. Request for Variance from the required 25 foot front yard setback to a 20 foot front yard setback for a proposed 12'x22' addition to an existing 22'x30' garage.
4. Photo's provided by the property owner
5. Staff report from Peninsula Township Director of Zoning

## LEGAL NOTICE

### PENINSULA TOWNSHIP ZONING BOARD OF APPEALS NOTICE OF HEARING

**PLEASE TAKE NOTICE** that the Peninsula Township Zoning Board of Appeals will hold a regular meeting on April 12, 2018, at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, Michigan 49686 (231) 223-7322.

#### THE FOLLOWING APPLICANT WILL BE HEARD:

**1. REQUEST NO. 864, Zoning R-1C**

Applicant and Owner: Andrea M. Elliot Trust, 625 Edmar Dr., Traverse City, MI 49686

**Property Address:** 625 Edmar Dr., Traverse City, MI 49686

**Request:** A variance from the required 25 foot front yard setback to a 20 foot front yard setback to construct a 12 ft by 22 ft (12x22) addition to an existing 22 ft by 30 ft (22x30) garage.

**Parcel Code No. 28-11-590-007-00**

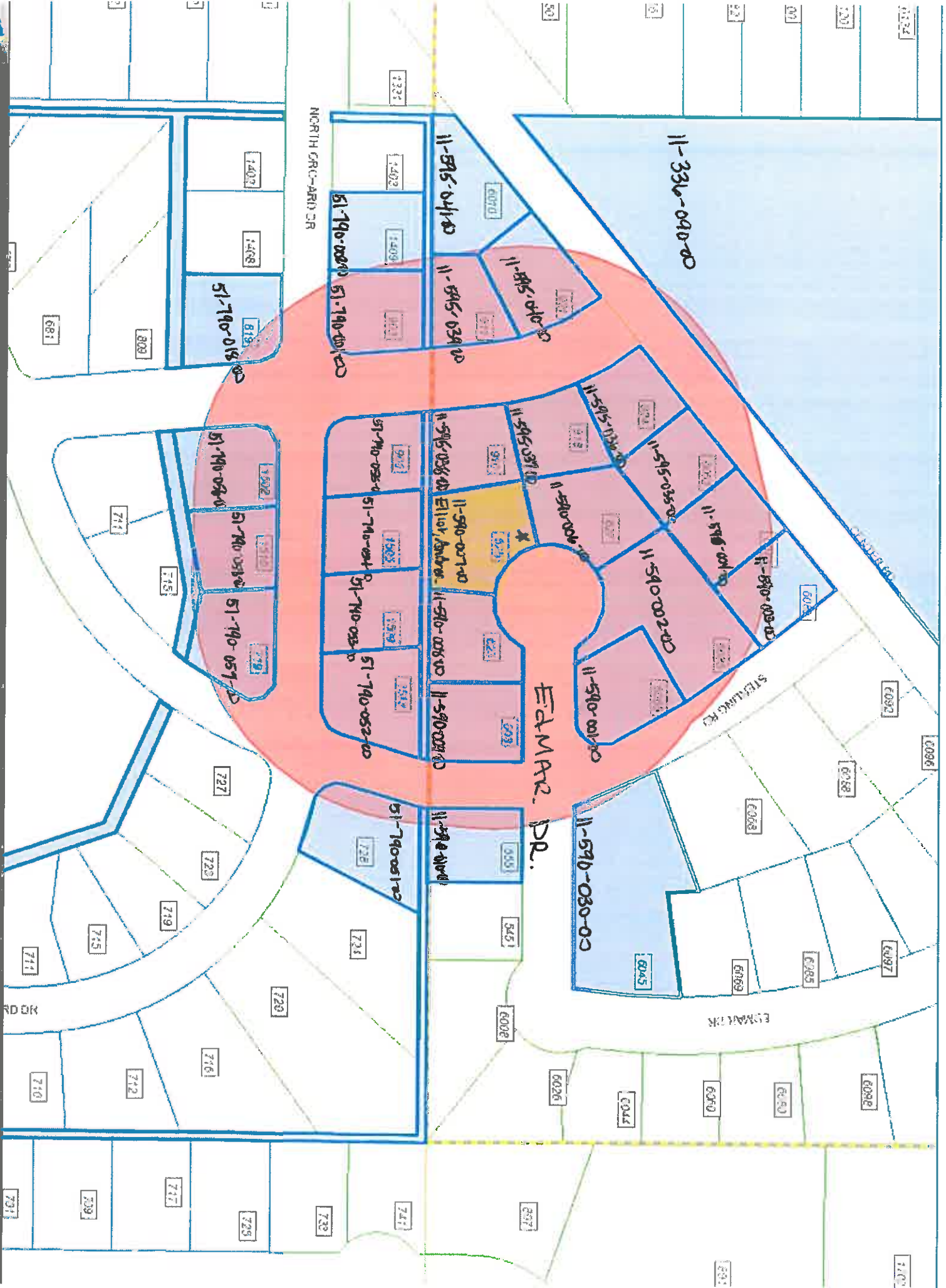
Please be advised that the public may appear at the hearing in person or by council.

Written Comments may be submitted to Peninsula Township Planning and Zoning Departments at 13235 Center Road, Traverse City, MI 49686, no later than 4:30 p.m. on the date of the scheduled hearing.

If you are planning on attending the meeting and are disabled and require any special assistance, please notify the Planning and Zoning Department at (231) 233-7322 or TDD at (231) 9222-4766.

#### SUBJECT SITE





11-330-090-00

11-595-040-00

11-595-041-00

11-595-039-00

51-190-000-00 51-190-001-00

NORTH GRO-ARD DR

51-190-015-00

11-595-036-00

11-595-035-00

11-595-041-00

11-590-003-00

11-590-002-00

11-590-001-00

EDMAR DR.

11-590-030-00

11-595-038-00

11-590-007-00

11-590-008-00

11-590-009-00

11-590-010-00

51-190-035-00

51-190-034-00

51-190-033-00

51-190-032-00

51-190-031-00

51-190-024-00

51-190-023-00

51-190-021-00

51-190-020-00

51-190-019-00

51-190-018-00

51-190-017-00

51-190-016-00

51-190-015-00

51-190-014-00

51-190-013-00

51-190-012-00

51-190-011-00

51-190-010-00

51-190-009-00

51-190-008-00

51-190-007-00

6092

6093

6094

6095

6096

6097

6098

6099

6100

6082

6083

6084

6085

6086

6087

6088

6042

6043

6044

6045

6046

6047

6048

6002

6003

6004

6005

6006

6007

6008

7202

7203

7204

7205

7206

7207

7208

7162

7163

7164

7165

7166

7167

7168

7122

7123

7124

7125

7126

7127

7128

7082

7083

7084

7085

7086

7087

7088

6842

6843

6844

6845

6846

6847

6848

6802

6803

6804

6805

6806

6807

6808

6094

6095

6096

6097

6098

6099

6100

6082

6083

6084

6085

6086

6087

6088

6042

6043

6044

6045

6046

6047

6048

6002

6003

6004

6005

6006

6007

6008

7202

7203

7204

7205

7206

7207

7208

7162

7163

7164

7165

7166

7167

7168

7122

7123

7124

7125

7126

7127

7128

7082

7083

7084

7085

7086

7087

7088

6842

6843

6844

6845

6846

6847

6848

6802

6803

6804

6805

6806

6807

6808

6094

6095

6082

6083

6042

6043

6002

6003

7202

7203

7162

7163

7122

7123

7082

7083

6842

6843

6802

6803

Peninsula Township Planning & Zoning Department  
**STAFF REPORT**

ZBA Request # 864  
Physical Address of Subject Property:  
Date:

---

**To: Peninsula Township Zoning Board of Appeals**

**From: Christina Deeren, Zoning Administrator**

**RE: Request No. – 864 / Andrea M. Elliott Trust**

**Hearing Date: April 12, 2018– 7:00 PM**

**Applicant: Andrea M. Elliott Trust**

**Site: 625 Edmar Dr., Traverse City, MI 49686**

**Tax IDs: 28-11-590-007-00**

**Information:**

- Parcel 28-11-590-007-00 is approximately .353 acres in size.
- The property is zoned Suburban Residential Single and Two-Family (R-1C); the surrounding area is also zoned Suburban Residential Single and Two-Family (R-1C).
- The lot was created after the adoption of the Peninsula Township Zoning Ordinance, and is considered legal conforming.
- The lot approximately 15,376.68 square feet and the minimum area for a parcel in the R-1C zoning district is 20,000 square feet.
- There is a building envelope located on the lot.
- There is no current Architectural Committee active in this sub-division
- Determination by the ZBA that the continued use will be substantially the same as the previous conforming use.

**Action**

**Requested:** (1) Request a variance from the required 25 foot front yard setback to a 20 foot front yard setback in order to construct a 12 ft by 22 ft (12'x22') addition to an existing 22 ft by 30 ft (22'x30') garage structure.

**Mailing:** Twenty (29) surrounding property owners were notified.

**Applicant**

**Statement:** Please see the enclosed application submitted by Andrea M. Elliott, property owner.

**Staff Comments:**  
Request #1

The applicant is requesting variances from the required 25 foot front yard setback to a 20 foot front yard setback in order to construct an addition of 12'x22' to an existing garage.

The structure was built in 1993 after the adoption of the Peninsula Township Zoning Ordinance.

The existing structure conforms with the setback requirements for a parcel zoned R-1C.

Background

The existing house and garage were built in 1993 and conform with the Townships current setback requirements. There is a building envelope on the property. There is currently no Architecture Committee active for this sub-division.

The existing structures conform to relevant zoning standards for minimum lot setbacks of the front, rear, and side yard setbacks. No variance is requested for setback requirements.

R-1C Standards (Section 6.8)	Required	Proposed Garage	Variance	Conforms to Standard?
Minimum Front Setback	25'	20'	NA	No
Minimum South Side Setback	15'	15'	NA	Yes
Minimum North Side Setback	15'	15'	NA	Yes
Minimum Rear Setback	30'	30'	NA	Yes
Minimum OHWM Setback	NA	NA	NA	NA

**The applicant requests (1) A variance to reconstruct an addition to an existing conforming garage which is located on the property.**

**SECTION 5.7.3 VARIANCES:** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied:

1. Basic Conditions: That any variance from this Ordinance:
  - a. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - b. Shall not permit the establishment within a district any use which is not permitted by right, under special conditions, or by special use permit within that zone district, or any use or dimensional variance for which a conditional use permit is required.
  - c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
- e. Will relate only to property that is under control of the applicant.

2. Special Conditions: When ALL of the foregoing basic conditions can be clearly Demonstrated:

- a. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance, these hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the sue of a particular parcel of land.
- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
- c. Where the lot or parcel of land was of legal record or had been laid out by a registered surveyor prior to the effective date of this Ordinance.
- d. Where such variation is necessary for the preservations of a substantial property right possessed by other properties in the same zoning district.

3. Rules: The following rules shall be applied in the granting of variances:

- a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- b. Each variance granted under the provisions of this Ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within sex (6) months after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
- c. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

**The subject property, zoned R-1C, was created after the effective date of the Ordinance and considered conforming. The property is located in the Park Ridge Manor sub-division.**

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 864**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: April 12, 2018

Request: Variance front yard setback

Applicant: Andrea M. Elliott  
Owner: Andrea M. Elliott Trust  
Address: 625 Edmar Dr., Traverse City, MI 49686

Parcel No.: 11-590-007-00

Request: Applicant petitioned the Zoning Board of Appeals on this date for a variance from the required 25 foot front yard setback to a 20 foot front yard setback in order to construct an addition of 12 feet by 22 feet (12'x22') to an existing 22 feet by 30 feet (22'x30') garage.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

Board Action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Peninsula Township Variance Application

## General Information

A fully completed application form, fee, and all related documents must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the Zoning Board of Appeals meeting. **10 copies are required.**

### Applicant Information

Applicant: Name Andrea Elliott Trust  
Address Line 1 625 Edmar Dr.  
Address Line 2 Traverse City, MI 49686  
Phone \_\_\_\_\_ Cell 231 649 0583  
E-mail Andi4342@gmail.com

Owner: Name Andrea Elliott Trust  
Address Line 1 625 Edmar Dr.  
Address Line 2 Traverse City, MI 49686  
Phone \_\_\_\_\_ Cell 231 649 0583  
E-mail Andi4342@gmail.com

*(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)*

### Property Information

Parcel ID 11-590-007-00 Zoning Residential  
Address Line 1 625 Edmar Dr. Traverse City, MI 49686  
Address Line 2 Lot # 7 Park Ridge Manor

### Type of Request

Indicate which Ordinance requirement(s) are the subject of the variance request:

- Front Yard Setback     Side Yard Setback     Rear Yard Setback  
 Width to Depth Ratio     Lot Coverage     Off-Street Parking  
 Signage     Height/Width     Non-Conformity Expansion  
 Other: Please Describe: \_\_\_\_\_

### Attachments

- \$375 Fee  
 Basic Conditions Worksheet  
 Site plan drawn to scale showing the following:  
    a. Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any;  
    b. All existing and proposed structures including decks and roof overhangs;  
    c. Setbacks for existing and proposed structures (varies by zoning district).  
 Front elevation diagram drawn to scale.



# Peninsula Township Variance Application

## Basic Conditions Worksheet

In order for a variance to be justified, the Applicant must meet **all of the Basic Conditions**, as defined in Section 5.7.3(1) of the Peninsula Township Zoning Ordinance. The Applicant must answer the following questions pertaining to the Basic Conditions in detail. Please attach a separate sheet if necessary and label comments on the attached sheet with corresponding number/letter on application.

**Section 5.7.3(1) Basic Conditions:** The Board shall have the power to authorize, upon an appeal specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, **provided all of the Basic Conditions listed herein can be satisfied.**

**(1) BASIC CONDITIONS:** The applicant must meet ALL of the following Basic Conditions. That any variance from this Ordinance:

- a) **That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.**

Is this condition met? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b) **The need for the variance is not the result of actions of the property owner (self-created) or previous property owners.**

Is this condition met? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c) **That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)**

Is this condition met? Please explain: \_\_\_\_\_

---

---

---

---

---

---

---

**d) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**

Is this condition met? Please explain: \_\_\_\_\_

---

---

---

---

---

---

---

**e) That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.**

Is this condition met? Please explain: \_\_\_\_\_

---

---

---

---

---

---

---

**f) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.**

Is this condition met? Please explain: \_\_\_\_\_

---

---

---

---

---

---

---

## Peninsula Township Variance Application

### Applicant & Owner

Andrea Elliott Trust  
625 Edmar Dr  
Traverse City, MI 49686  
231-649-0583  
[andi4342@gmail.com](mailto:andi4342@gmail.com)

### Property Information

Parcel ID # 11-590-007-00  
Zoning Residential  
625 Edmar Dr  
Traverse City, MI 49686  
Lot #7 Park Ridge Manor

Request for Front Yard Setback Variance

#### (1) Basic Conditions

- a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.

**Explanation: The home is located on the end of a culdesac, making it a 5 sided lot. This, along with the inward arcing front setback line, make the proposed 12' garage addition partially encroach on the front yard setback. Extending the garage to the rear would require removing a large concrete patio and several large mature cedar trees. The overhead power service and the electric panel service for the house would also would have to be moved - if that was even possible. The forward projection would not involve removing any trees or utilities.**

- b) The need for the variance is not the result of actions of the property owner (self created) or the previous property owners.

**Explanation: The way the home was placed on the lot when it was built in 1993 appears to have been done in a way that squared it up to the arch of the culdesac. It looks nice but makes driveway entrance and exit difficult and a front addition very limited. The rear addition possibilities are more limited due to the existing power lines, concrete and landscape.**

**(1) Basic Conditions - continued**

c) That strict compliance with area, setback, frontage, height, bulk, density, or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

**Explanation: The home is a tri level with no basement storage, only a shallow crawl space with limited access. The addition would provide the storage and functional space we need. The improved visual appearance and inside storage space will be an appealing benefit to the neighbors.**

**To make the proposed improvements to the structure in a architecturally pleasing and structurally functional size and design, the forward projection needs to be 12'. That would extend a small wedge shaped section of the left front of the garage into the 25' front setback.**

d) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or wether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

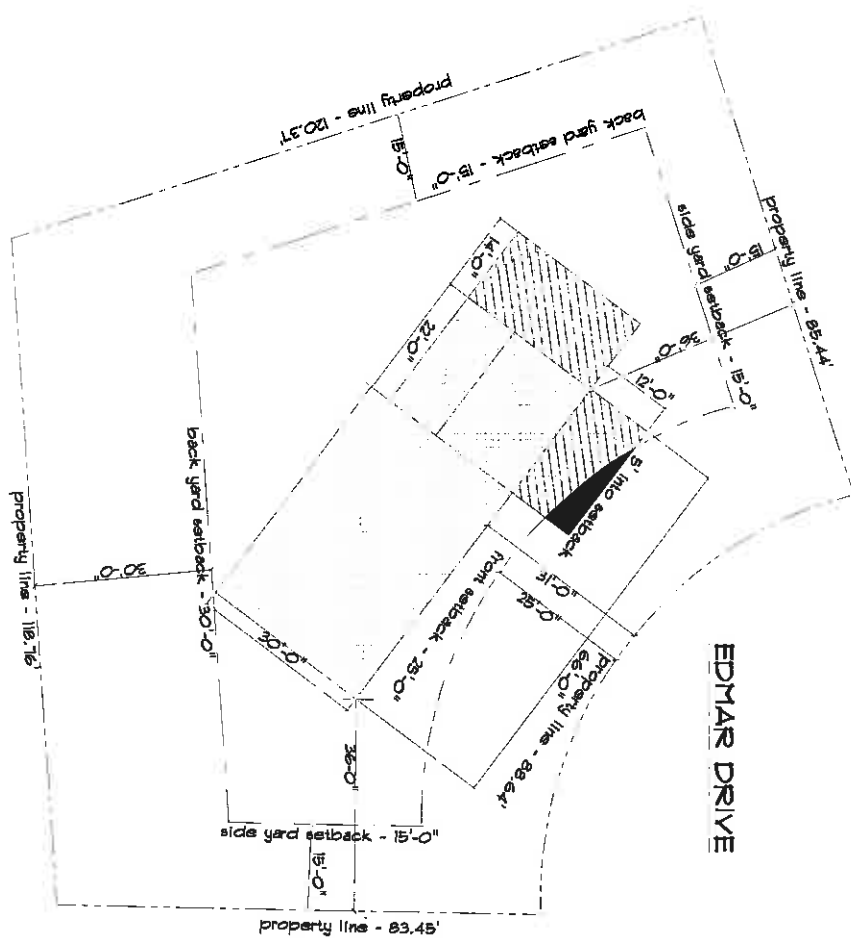
**Explanation: The main garage projection is part of an overall improvement plan to update the home. The impact on the neighborhood will be positive as it will be a dramatic improvement to the curb appeal of the home while providing the necessary space to keep a tidy appearance by storing cars, toys and seasonal items inside. The additional depth of the garage will provide an indoor space for our kids and grandkids to practice sports and activities in the winter months.**

e) That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.

**Explanation: Having adequate space to keep our automobiles, bikes, toys and other items stored neatly inside will be a functional improvement for us and an aesthetic improvement for the neighborhood. There is no front facing neighbors affected by the forward addition and the views that will be seen by the side yard neighbors will be an improvement therefore there is no adverse impact or enjoyment by the other properties in the area.**

f) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

**Explanation: If granted, this variance will allow us to proceed with obtaining all the necessary permits to construct a permanent, permitted structure improvement.**



EDMAR DRIVE

ELLIOTT - GARAGE ADDITION  
 SCALE: 1/8" = 1'-0"  
 625 Edmar Drive  
 Traverse City, Michigan 49686  
 Peninsula Township  
 Grand Traverse County  
 TAX ID # 281580-007100



**5100**  
 SITE PLAN

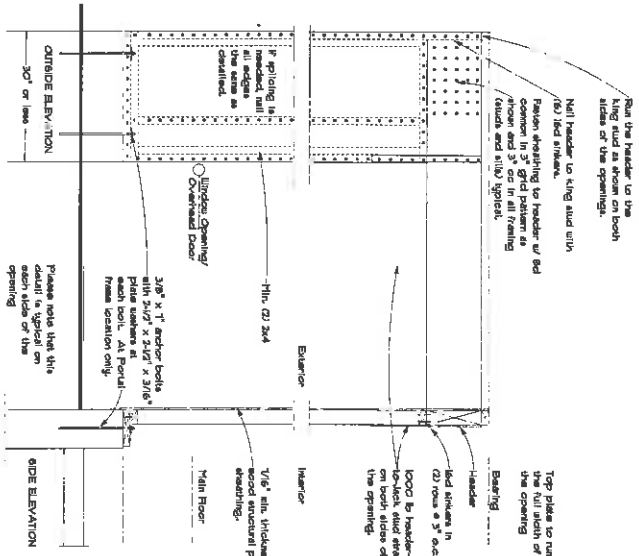
NEW HOME:  
**ELLIOTT - GARAGE ADDITION**  
 625 Edmar Street  
 Traverse City, Michigan 49686  
 Peninsula Township - Grand Traverse County

BUILDING

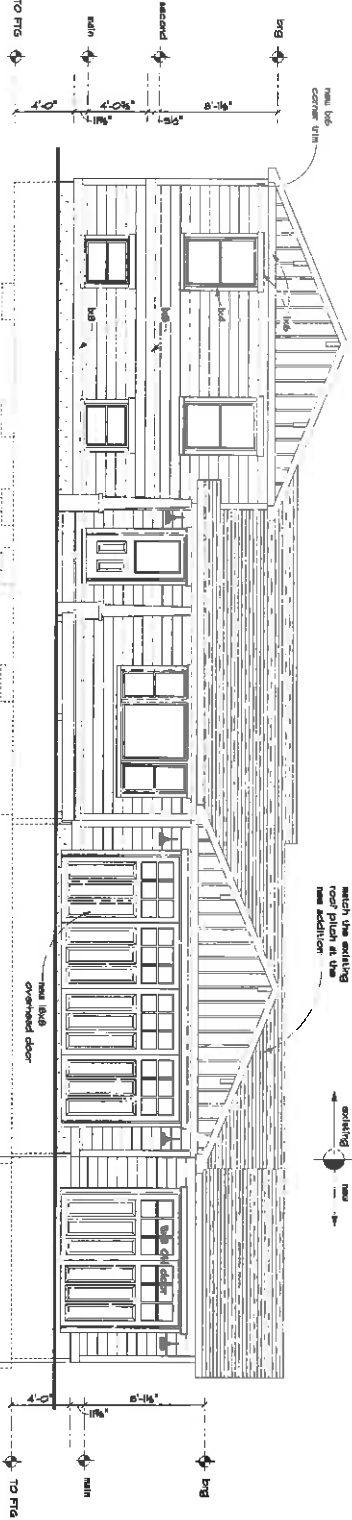
**DISCLAIMER**  
 I, the undersigned, hereby certify that I am a duly licensed professional engineer in the State of Michigan and that I am the author of the design and construction of the above described building. I am not responsible for any errors or omissions in this plan or for any consequences that may result therefrom. I warrant that the design and construction of the building conform to the applicable codes and regulations of the State of Michigan and the local authorities having jurisdiction over the building.

**DESIGNER**  
 3310-A Requet Club Dr  
 Traverse City, Michigan  
 49684  
 231-405-8074  
 david@tedco@gmail.com





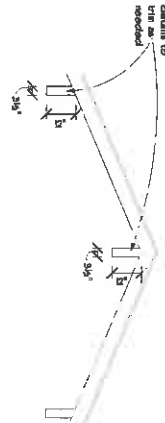
PORTAL FRAME DETAILS - 18' 0" OPENINGS



FRONT ELEVATION  
scale: 1/4" = 1'-0"



LEFT ELEVATION  
scale: 1/4" = 1'-0"



Roofing Detail  
Exterior walls at new home to be treated as  
Challenger w/ 1/2" OSB sheathing - 1 1/2"  
and 5' on at all panel edges.  
and 1" on at the center area.

PRICING SET - NOT FOR CONSTRUCTION

OWNER: DANIELA  
PROJECT NAME: ELLIOTT - GARAGE ADDITION  
DATE PLOTTED: 10/1/2020  
SCALE: 1/4" = 1'-0"

PROJECT: ELLIOTT - GARAGE ADDITION  
625 Edmar Street  
Traverse City, Michigan 49686  
Peninsula Township - Grand Traverse County

NOTICE: CONSTRUCTION PERMITS REQUIRED  
OWNER: J/O-A Racquet Club Dr  
Traverse City, Michigan 49684  
231-469-8074  
dave@hellebrandt.com

OWNER: J/O-A Racquet Club Dr  
Traverse City, Michigan 49684  
231-469-8074  
dave@hellebrandt.com









Back left

Front/Drive

View from front

# PENINSULA TWP 2016



XIV.

Enforcement and Severability

If any of these covenants are invalidated by judgment or court, all other covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 27th day of July, 1956.

WITNESSES:

Rosemary J. Paid, Dorothy Melichar, Gladys L. McQueen

STATE OF MICHIGAN COUNTY OF GRAND TRAVERSE ss.

On this 27th day of July, 1956, before me personally appeared GLADYS L. McQUEEN, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Dorothy Melichar, Notary Public, Grand Traverse County, Michigan. My commission expires August 17, 1956

WITNESSES:

Edgar L. Fink, James McEvoy, Jr., Cherryland Construction Company

STATE OF MICHIGAN COUNTY OF WAYNE ss.

On this 27th day of July, 1956, before me personally appeared EDGAR L. FINK and JAMES McEVOT, JR., to me personally known, who being by me sworn, did each for himself say that they are respectively the President and Secretary of Cherryland Construction Company, the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said they acknowledged said instrument to be the free act and deed of said corporation.

J. David Owens, Notary Public, Washtenaw County, Michigan, acting in Wayne Co. My commission expires JAN. 15, 1958

*Ernie Mackay*

1955 26 MAR 1959

DECLARATION OF RESTRICTIONS  
OF  
PARK RIDGE MANOR  
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

KNOW ALL MEN BY THESE PRESENTS, that Gladys I. McQueen, of Traverse City, Michigan, and Cherryland Construction Company, a Michigan corporation, of Detroit, Michigan, hereinafter referred to as the Proprietors, hereby declare that they are respectively owners of record of and land contract purchasers of, and as such sole owners of the following lands situated in the Township of Peninsula, County of Grand Traverse and State of Michigan, described as -

Lot One (1) through Thirty-four (34), of the Plat of Park Ridge Manor, both inclusive, Park Ridge Manor being a subdivision of that part of the Southeast 1/4 of the Southeast 1/4, Section 36, Town 28 North, Range 11 West, described as follows: Commencing at the South 1/4 post, Section 36, Town 28 North, Range 11 West, thence West on the Section line 827.22 feet; thence North 90° 42' West 240.76 feet; thence North 50° 56' 30" East 100 feet; thence North 39° 03' 30" West 180 feet; thence North 50° 56' 30" East 1165.56 feet to the North and South 1/4 line, thence South 0° 04' 30" West 1174.45 feet to the point of beginning, containing 34 lots, according to the Plat thereof dated November 10, 1955, and recorded July 5, 1956, in Liber 6 of Plats, page 5 & 5A, Grand Traverse County Records.

and do hereby further declare that the following Building and Use Restrictions constitute a general plan for the improvement of the subdivision which shall run with the land and be binding upon the Proprietors, and all subsequent purchasers, their heirs, successors and assigns until January 1, 1982, after which time said restrictions shall automatically continue for successive periods of ten (10) years each, unless a written instrument signed by the then owners of sixty per cent (60%) of the lots has been recorded prior to the beginning date of any such ten year (10 year) period agreeing to change said restrictions in whole or in part.

1955 26 MAR 140

RESTRICTIONS

I.

General

No building shall be erected, altered or placed on any lot except one single private family dwelling and a private passenger car garage. No building or partitioned shall be erected, altered or placed on any lot to a height exceeding two and one-half stories or thirty-five (35) feet.

II.

Building Site

A building lot or site for the erection of a dwelling shall be the lot as shown on the plat, or shall consist of contiguous lots or parts of lots, which taken together shall have a frontage of not less than one hundred (100) feet along a public street, except as permitted by the plat, and no dwelling shall be erected on any lot or combination of lots or parts of lots which has less than ten thousand (10,000) square feet of area.

III.

Site and Type of Dwellings

No dwelling shall have a first floor area of less than nine hundred (900) square feet, and no basements of homes under construction shall be occupied as a residence.

In computing area, no garage, car port, exterior steps, unenclosed porches and breezeways, shall be considered as minimum area.

IV.

Approval of Plans

No dwelling, garage or car port shall be erected, altered or placed on any building lot until approved in writing by a duly authorized agent of Cherryland Construction Company, or its successors or assigns, so long as any lots remain unsold by Proprietors in the subdivision.