

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

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

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**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**

*Amended  
Per  
Zoning Ordinance  
Amendment No. 190  
of 2/22/14*

**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 use 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 preservation 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 six (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: \_\_\_\_\_  
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- 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**

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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?
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**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 of Appeals 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 can be satisfied:

**Amendment No. 190**

Planning Commission approved: February 22, 2016

Township Board approved: June 14, 2016

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.



- b). That the need for the variance is not the result of actions of eh property owner (self-created) or previous property owners.
  - c). That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirements 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).
  - 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.
  - e). That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.
  - 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.
2. Rules: The following rules shall be applied in the granting of variances:
- a). The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, 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 six (6) months after the granting of the variance; and the occupancy of the land, premises, or buildings authorized by the variance has taken place within on (1) year after granting of the variance.

- c). No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of none (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.



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(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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**PENINSULA TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
February 22, 2016**

Meeting called to order at 7:07 p.m.

**PRESENT: Leak, Serocki, Rosi, Peters, Wunsch and Hornberger**

**ALSO PRESENT: Michelle Reardon, Director of Planning and Zoning; Claire Schoolmaster, Planning and Zoning Coordinator; Peter Wendling, Township Attorney and Deb Hamilton, Recording Secretary**

**ABSENT: Couture (excused)**

**APPROVAL OF THE AGENDA**

**MOTION: Hornberger/Serocki to approve the Agenda as presented. **MOTION PASSED****

**BRIEF CITIZEN COMMENTS – FOR ITEMS NOT ON THE AGENDA**

None

**CONFLICT OF INTEREST**

None

**CONSENT AGENDA**

1. Reports and Announcements

2. Correspondence

3. Meeting Minutes

January 11, 2016 – Special Meeting

Serocki - Page 4. – “intended use for” should be “intended kitchen amenities”

Peters - add Wunsch to present

Rosi - Page 3 - change “cold drainage” to “air drainage”

Page 4 - Old Business “.” at the end of meeting.

**MOTION: Hornberger/Peters to approve January 11, 2016 minutes with corrections.  
**MOTION PASSED****

**MOTION: Hornberger/Wunsch the Consent Agenda. **MOTION PASSED****

Rosi said the Fire Chief has opted to leave. The Township Board is having weekly budget meetings. The Presidential Primary Election is March 8, 2016.

**NEW BUSINESS**

**1. Zoning Ordinance Amendment #190 (Public Hearing and possible recommendation to Township Board)**

Reardon reviewed Amendment #190. Corrections – remove “Among other things” from and add “but not be limited” to the definition of Structure, (2) Rules (b) “Variance” should be “variance”, and remove “zoning” from “zoning fees” under Section 4.3 Escrow. Leak said Bed and Breakfast was pretty liberal and would not want a Bed and Breakfast in his neighborhood. Rosi said this will allow people to stay on Old Mission Peninsula short term.

Leak opened public hearing at 7:29 p.m.

*Cindy Ruzak, 1994 Carrol Rd., Grey Hare Inn*, said very involved with committee that developed the amendment. This is a great improvement. Respectfully disagrees with Leak that the Amendment is liberal. There are two operating Bed & Breakfasts are Grey Hare Inn and Overlook Bed and Breakfast and both have significant acreage. She loves that this new proposal will create a varying scale where the more acreage the more allowed to do. There was a big gap between Bed & Breakfasts and winery-chateaus. This will go toward resolving that issue. There are additional clarifications. One, in the definition of Bed & Breakfast – “food and/or beverages can be served at no additional cost to the registered guest”. The intent was to allow some flexibility. Maybe it should be food and beverages can be served to the registered guests. It is micro-managing how rooms are charged. Two, “owner-occupied and have on-site owner management when open for business.” There needs to be some flexible here. Also an event is when someone goes beyond the normal activities. There is a different way to look at events.

*Chuck Goodman, Overlook B & B, 1875 Gray Rd.*, it would be easy to be insulted by the notion that a B&B is something you would not want next door. There are other B&Bs. They are a section of the winery-chateau ordinance. If do not need B&Bs the best way to get rid of them is to restrict them out of practicality. If no need for B&Bs, why need wineries? The reason to have B&B is to attract people to a beautiful location. B&B should be able to have same amount of rooms that a winery has if they have the acreage. It is a good idea to have some oversight. It is tough to compete with people not paying attention to the Township ordinances. Winery-chateaus solve home owner issue with an on-site manager. His experience working with Township is it has been a top down kind of control situation. Finally fairness is not happening here and equal protection clause cannot discriminate between groups of people doing the same thing. The winery-chateaus and B&Bs have different operating rules.

*Ed O'Keefe, 12301 Center Rd.*, the problem is when you rent rooms you lose your ability to do things you could when you owned your house. He has 50 acres restricted for six rooms. Not sure room size restrictions. Only problem he has had neighbors playing music. Why have B&Bs lose rights of a regular home owner?

*Cristin Hosmer, 17593 Shii Take Trl.*, asked “what use may not be increased” means in Section 7.10.11 Existing Non-Conforming Frontage Roads.

*Curt Peterson, 1356 Buchan Dr.*, said he feels B&Bs could perform important function. Why have people go back to Traverse City and spend their money? The Amendment seems even stricter than it is now. The Township should support this type of business.

Leak closed public hearing at 7:51 p.m.

**Reardon** said explained the existing non-conforming frontage roads language as an increase of use is an additional parcel being created would trigger an improvement to the road. **Peters** said she had difficulty with the Existing Non-Conforming Frontage Roads language also. Also **Ruzak's** comment on owner occupied was good. Could Section 8.7.3(6) (b) 3. on-site owner management be tweaked. Need time for the owner to be away and have on-site management. **Reardon** said could change to winery-chateau language which is “on-site residence manager”. **Rosi** said the language was on-site owner management because of issues with short term rentals. **Hornberger** would like to see something in (b) 3 so the owner can go on vacation. **Rosi** said they can close.

**Aornberger** asked if the Commission has an opinion about dropping "at no extra cost" from Bed and Breakfast Establishment definition. **Leak** said the guest can go to other restaurants on the Peninsula. **Reardon** suggested "at an included cost" instead of "at no extra cost".

**MOTION: Rosi/ Serocki** to bring back Frontage Road and B&B and send the rest on to the Township Board.  
**MOTION PASSED**

There was discussion about what part of B&B will be brought back. There was consensus that the definition of B&B will be brought back.

## **2. Master Plan 5-year review (Introduction and discussion)**

**Reardon** reviewed Land Use Series Check List #1H - The Five-Year Plan Review published by MSU Extension. **Reardon** asked the Commission to focus on page 3. **Peters** said the Master Plan background statistics need updating. **Peters** would like to have to the current Master Plan on the front page of the Township website. **Reardon** said staff will get together a fact book and memo of action items and status. **Rosi** said one of the goals was to develop a capital improvement plan in accordance with State mandates. **Schoolmaster** and **Rosi** are going to a class on this.

## **OLD BUSINESS**

### **1. SUP #32 2<sup>nd</sup> Amendment – Bowers Harbor Winery (recommend to table)**

**Reardon** said the Township Board declined to take action on this issue. **Reardon** and **Wendling** will be meeting with the applicant.

**MOTION: Peters/Wunsch** to continue items 1 and 2 under Old Business until the March meeting. **MOTION PASSED**

### **2. SUP #125 – Dining in the Vines/Bowers Harbor (recommend to table)** (See #1 above)

### **3. SUP #126 – Mari Vineyards Winery-Chateau (Public Hearing and possible recommendation to Township Board)**

**Reardon** reviewed the changes. **Marty Lagina** said he was here almost two months ago and at that time requirements of the ordinance were met. The main concern was the guest house. **Lagina** reviewed changes - new location of the guest house, the elimination of the path to Underwood Farms and elimination of solar panels. The formal request from Underwood Farms was to put one or two homes and move the guest house. They have reached a tentative deal with Underwood Farms. **Lagina** said he did what the people around us requested. They met the ordinance last time and meet the ordinance now and process has worked. **Lagina** asked respectfully for the Commission to pass this along to the Township Board for approval.

**Serocki** asked what time the tasting room will close. **Lagina** said will follow WOMP. **Serocki** asked about parking for guest activity uses when the tasting room is open. **Lagina** said there are flat grassy areas for extra parking. **Serocki** asked if a kitchenette and wet bar will be in all the guest rooms. **Lagina** said yes. **Rosi** asked about the vegetative buffers. **Lagina** explained. **Rosi** asked if maple trees will provide enough syrup. **Lagina** said yes. **Rosi** asked about timing of plantings. **Sean O'Keefe** said the cover crop went in last year, compost and dairy doo. Planting is on track and vines are ordered. **Peters** asked about the vines up to the lots 1-4 and lot 5 and fencing. **Reardon** said fencing is not required.

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

PETER A. CORREIA  
SUPERVISOR

MONICA A. HOFFMAN  
CLERK

DAVID K. WEATHERHOLT  
TREASURER

MARK D. AVERY  
TRUSTEE

JILL C. BYRON  
TRUSTEE

PENELOPE S. ROSI  
TRUSTEE

WENDY L. WITKOP  
TRUSTEE

## REGULAR TOWNSHIP BOARD MEETING

June 14, 2016

7:00 p.m.

Township Hall

Amended Agenda

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments – for items not on the Agenda**
6. **Conflict of Interest**
7. **Consent Agenda**

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Reports and Announcements (as provided in packet)
  - A. Officers – Clerk, Supervisor, Treasurer
  - B. Departmental – Planning Commission, Zoning Board of Appeals, Attorney, Engineer, Library, Fire Board, Park Commission and Township Deputy.
2. Correspondence (as provided in packet)
3. Edit lists of invoices (recommend approval)
4. Meeting Minutes
  - May 9, 2016 Special Joint Township Board/Park Commission Meeting
  - May 10, 2016 Regular Meeting
  - May 23, 2016 2<sup>nd</sup> Regular Meeting(recommend approval)
5. May 2016 Payroll (recommend approval)
6. Update Fiscal 2016/2017 Meeting Dates (recommend approval)
7. Old Mission American Legion Pig Roast Sign Request (recommend approval)

## 8. **Township Board Business**

1. Traverse City Triathlon 2016 Large Event Application – Public Hearing
2. Amendment #190 -- Pubic Hearing
3. Create Braemar Special Assessment District – Pass Resolution
4. AT&T Proposal
5. Approval of DPW Budget Items

**PENINSULA TOWNSHIP BOARD**  
**REGULAR MEETING**  
**June 14, 2016**

Meeting called to order at 7:00 p.m.

**PRESENT: Correia, Hoffman, Avery, Rosi, Weatherholt and Witkop**

**ALSO PRESENT: Peter Wendling**, Township Attorney, **Michelle Reardon**, Director of Planning and Zoning and **Deb Hamilton**, Recording Secretary

**ABSENT: Byron** (excused)

**CHANGES/ADDITIONS TO AGENDA**

**Hoffman** added to the Consent Agenda - Speed Study on Bluff Road and Reaffirm Master Plan Signing. *Margaret Achorn* would like the Clerk's Report, Edit List of Invoices and May 2016 Payroll moved to the Agenda.

**MOTION: Weatherholt/Witkop** to approve agenda as amended.

**Roll Call Vote: Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes and Avery-yes**  
**PASSED UNAN**

**BRIEF CITIZEN COMMENTS (FOR ITEMS NOT ON THE AGENDA)**

None

**CONFLICT OF INTEREST**

None

**CONSENT AGENDA**

1. Reports and Announcements (as provided in packet)
  - A. Officers – Clerk, Supervisor, Treasurer
  - B. Departmental – Planning Commission, Zoning Board of Appeals, Attorney, Engineer, Library, Fire Board, Park Commission and Township Deputy.
2. Correspondence (as provided in packet)
3. Meeting Minutes
  - May 9, 2016 Special Joint Township Board/Park Commission Meeting
  - May 23, 2016 2<sup>nd</sup> Regular Meeting
4. Update Fiscal 2016/2017 Meeting Dates
5. Old Mission American Legion Pig Roast Sign Request
6. Speed Study on Bluff Road
7. Reaffirm Master Plan Signing

**MOTION: Avery/Rosi** to accept the Consent Calendar Agenda as amended.

**Roll Call Vote: Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes and Rosi-yes**  
**PASSED UNAN**

May 10, 2016 Minutes – **Rosi** asked to replace “he” with “Mr. Quant” in Brief Citizen Comments second to last sentence of Mr. Quant’s comments.

**MOTION: Witkop/Weatherholt** to approve the May 10, 2016 minutes as amended  
**Roll Call Vote: Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes and Witkop-yes**  
**PASSED UNAN**

## **BUSINESS**

### **1. Traverse City Triathlon 2016 Large Event Application – Public Hearing**

**Reardon** said the applicant has one change from last year approvals. Mr. Gaff would like to stage out of the existing Bowers Harbor Park (BHP) rather than the BHP Expansion area. *Joel Gaff, Jr, 923 South Maple St., Endurance Evolution* – change is going back to what was done historically. Finish area at BHP Pavilion #1 area and parking in expansion area as last year.

**Correia** opened Public Hearing at 7:16 p.m.

*Jane Conard, 3635 Sugar Shack Rd.*, asked about Bluff Rd. being closed. *Gaff* said no road closures. *Conard* is not opposed to event.

*Mary Swift, 13956 Peninsula Drive*, said she supports the triathlon but why does BHP Expansion area not work. *Gaff* said BHP Expansion area has no cover/shade and there is no water source. BHP Pavilion #1 has a water source. BHP is closer to transition area to get equipment after race.

*Monnie Peters, 1425 Neah-Ta-Wanta Rd*, said she was a participant last year. She is a fan of the race. *Peters* feels the approvals for the event should be done earlier.

*Susie Shipman, 14735 Shipman Rd.*, said it is a smart idea to move to BHP and parking on Devils Dive property is good solution. *Shipman* supports the race.

*Ralph Curtis, 10398 Peninsula Dr.*, said he is against the event. He does not see benefit to residents. A female participate urinated on his lawn and no one picks up trash.

*Robert Bolek, 7398 Peninsula Dr.*, would like law enforcement at his end of Peninsula Drive for speeding issues.

*Joel Gaff, Jr.* said in regards to benefit to the community. The TC Triathlon donated \$5,000 to the Peter Dougherty Society, American Legion and the Old Mission Women's Club. New fee has been imposed by the Township and those funds will go toward Township projects.

**Correia** closed Public Hearing at 7:26 p.m.

**Reardon** said there will be another pre-race meeting. Law enforcement and trash issue will be discussed.

**Hoffman** asked about porta-jon locations. *Gaff* reviewed the number of porta-jons and locations. **Avery** asked about law enforcement. *Gaff* reviewed the number of deputies and where they are located. **Weatherholt** asked if boat launch will be open. *Gaff* said yes, boaters can come in through the back gate and park in overflow area.

*Witkop* asked if Park Commission has approved. **Reardon** said yes. **Weatherholt** suggested that Mr. Curtis call the sheriff if that happens again. The Board does not take that kind of issue lightly.

**MOTION: Avery/Witkop** to accept this application for one year only.

**Roll Call Vote: Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes and Weatherholt-yes**  
**PASSED UNAN**

### **2. Amendment #190 – Pubic Hearing**

**Reardon** reviewed Amendment 190. **Avery** said there is a feeling that Airbnb is up against a different set of rules. Will Airbnb be treated exactly the same as this? **Reardon** said staff has an ongoing list of VRBO, Airbnb and Home Away issues and staff is researching and enforcing. **Wendling** said this problem is not specific to this Township. Communication is the first step. **Wendling** explained the legal track to enforcement. **Witkop** asked what the problem with this Airbnb concept is. **Reardon** said the Township has defined uses that are allowed



and not allowed. Operating a B&B without prior permit is not allowed. Also Personal Residential Exemption may be assessed differently. Amendment 190 will not change the issue with Airbnb. Amendment 190 deals with how the Township regulates and rules surrounding B&B establishments that have a permit.

**Corriea** opened the Public Hearing at 7:48 p.m.

*Bruce Jensen 18599 Mission Rd.*, said Airbnb has to stop. It is against ordinance. Teeth need to be introduced into the ordinance. It is not fair. Shut down the Airbnbs.

*Cindy Ruzak, 1994 Carroll Rd., owner and operator of Grey Hare Inn*, said Amendment 190 is crucial first step in B&B survival. It is essential give B&Bs a way to be competitive. They have to be able to offer additional services. *Ruzak* gave B&B history. Anyone can use Airbnb and they do not have to follow any rules. It has created a lack of civility. The people offering rooms on Airbnb have no business ethics. Without the additional activities in Amendment 190 she cannot compete. She presumes the Board values the existence of B&Bs. *Ruzak* has heard comments the B&B provide low impact short term accommodations and all the way to B&B's are not needed because people can stay in Traverse City and come out drink at the wineries. Tonight should clarify what the Township's position is on B&Bs. *Ruzak* encourages the Board to put forth the changes being requested but she feels the changes do not go far enough to let her run her business as needed.

*Chuck Goodman, 1875 Gray Rd., Owner of Overlook B&B*, said the concept of Airbnb has accentuated our concerns because Peninsula Township is restrictive in regards to what B&Bs are allowed to do. As *Witkop* said what is wrong with Airbnb as long as they do not hurt anybody. That is how the official B&Bs look at it too. The proposal does help. It does not go as far as he would like it to go and may not be enough to be competitive. He supports the proposal. You do not know B&Bs are there. There is probably more disturbance with one Bayshore Marathon than all B&B's over the years. The proposal is a step in the right direction.

*Mary Swift, 13956 Peninsula Drive*, said the B&Bs are for this but what about the rest of us. It is no picnic to live next to a B&B. *Goodman* is on 80 acres and *Ruzak* is on 27 acres. The B&B next to her was on 1.4 acres. She was infringed upon daily. Her property was trespassed and trampled. The way the amendment is currently written is not sufficient. She is not against B&Bs but the amendment has not gone far enough. To allow this for their competitiveness because the Township cannot keep up with enforcement is wrong. Give staff the tools to enforce the Township's law.

*Marilyn Elliott, 18811 Whispering Trail*, asked about Section 5.7.3 Variances (3) (e) "aesthetics" is subjective. **Reardon** said this is only for Additional Conditions in Determining Variances for Decks or Deck with Attached Seating and/or Attached Storage within the Great Lakes Ordinary High Water Mark Setback.

*Chuck Goodman* said empathizes with *Swift* but has to do with neighborliness.

**Corriea** closed the Public Hearing at 8:05 p.m.

**Avery** said never going to stop Airbnb but have to communicate to play by rules and enforce. **Rosi** said she still believe B&Bs are a good thing. The Board can take Section 8.7.3(6) back to the Planning Commission but **Rosi** does not know if there is a perfect answer. **Witkop** said B&Bs probably have nothing to do with *Swift*'s problem but rather an issue with her neighbor. **Reardon** said because of enabling legislation SUPs must run with the land. **Reardon** said any existing B&B looking to gain some of the new uses will have to come back to the Planning Commission and the Township Board and amend the SUP and be subject to the new requirements. **Weatherholt** said thought still working on B&Bs with events. **Reardon** said this is what the Planning Commission is recommending. **Weatherholt** said does not know how to make everyone happy with B&Bs. **Witkop** asked about the definition of Structure in regards to fences over six (6) feet, would fence section fo the ordinance also have to be amended. **Reardon** said *Witkop* is correct and could pull definition of structure out of Amendment 190. **Hoffman** said number of events bothers her and closing time of 9:30p.m. She is still concerned about increase of the numbers rooms. **Hoffman** is also concerned about B&Bs on PDR land. **Reardon** said the section on B&B can be pulled and sent back to the Planning Commission.

**MOTION: Witkop/Hoffman** to approve Amendment 190 except the definition of B&B Establishment and the definition of Structure and the whole Section 8.7.3(6) Bed and Breakfast Establishment those items to be sent back to Planning Commission for further work.

**Roll Call Vote: Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes and Correia-yes**  
**PASSED UNAN**

### **3. Create Braemar Special Assessment District – Pass Resolution**

**Wendling** said this resolution is simply a consensus that the Township Board wishes to proceed with the SAD so at the July Regular Board meeting a Public Hearing can be published in a timely manner as required by statute. The agreement between the Township and the Road Commission participation in the project is outstanding. He hopes to have an agreement to the Township Board by the second of the month meeting. **Akerley** said this is not going to be a prorata share of assessment. There will be different monetary values attributed to each of these parcels based on acreage and drainage needs. **Witkop** asked who is doing computations. **Akerley** said working with Township Engineer. At the upcoming public hearing the values per parcel will be available and the property owners will have a chance to weigh in on the values. Public Hearing on the SAD will be at the July 12, 2016 Township Board meeting.

**MOTION: Witkop/Hoffman** to pass Resolution #1 2016-06-14.

**Roll Call Vote: Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes and Hoffman yes.**  
**PASSED UNAN**

### **4. AT&T Proposal**

**Weatherholt** said tower will be there longer than use. Weatherholt has the tower checked every ten years. ~~Weather~~ **Weatherholt** reviewed leased and asked if the current Board wanted to commit future Boards 30 years. **Rosi** said lease expires 2018 and would prefer to have the next Board make the decision. **Weatherholt** said this is not an adversarial relationship. **Avery** said someone needs to make a commitment and does not see a reason to pass the buck. **Witkop** asked what the rush is. **Weatherholt** said AT&T. Witkop is concerned that the Township is letting AT&T have what they want. There was Board consensus to have Weatherholt look at 15 year lease and earlier start of escalator.

### **5. Approval of DPW Budget Items**

**Correia** recommended moving this item to the June 28, 2016 meeting.

**MOTION: Witkop/Avery** to postpone Business Item #5 to the June 28, 2016 Meeting  
**MOTION PASSED**

### **6. Roof Bids Station 2**

**Hoffman** said there are four bids. There was discussion on the bids.

**MOTION: Witkop/Avery** to approve Bloxsom bid of \$20,090 and authorize the Supervisor to sign contract.

**Roll Call Vote: Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes and Avery-yes**  
**PASSED UNAN**

### **7. Quinn/Keith Storm Water Refund**

**Reardon** reviewed.

**MOTION: Hoffman/Witkop** to refund Quinn's \$128.

**Roll Call Vote: Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes and Rosi-yes**  
**PASSED UNAN**

**8. Accept Bid for John Deer Gator- Fire Department Request**

**Randy Rittenhouse, Acting Chief**, said sold older equipment and replace with John Deere gator. Rittenhouse reviewed bids.

**MOTION: Hoffman/Witkop** to accept Classic Motors bid of \$24,329.

**Roll Call Vote: Weatherholt-yes, Corriea-yes, Hoffman-yes, Avery-yes, Rosi-yes and Witkop-yes**  
**PASSED UNAN**

**9. Bowers Harbor Park Expansion Committee – Township Board Representative**

**Correia** said **Witkop** asked to be removed from the committee. **Rosi** said she is happy to be on the Committee. She has attended the meetings so far.

**MOTION: Hoffman/Witkop** to appoint **Rosi** to Committee.

**MOTION PASSED**

**10. Park Commission Request for Bowers Harbor Park Expansion \$14,000 from Tower Fund**

**Shipman** reviewed Bowers Harbor Park enhancement and expansion – Planning Budget Request.

Park Commission recommended at the June 1, 2016 meeting an increase budget BHP Expansion budget line of \$14,000 and already have \$1,000 in that line item which brings total to \$15,000.

**MOTION: Hoffman/Avery** to accept the Park Commission's request for \$14,760 from tower fund.

**Roll Call Vote: Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes and Weatherholt-yes**  
**PASSED UNAN**

**Witkop** asked about notification process for public meeting. **Shipman** said there is already information on the website. Another idea is radio public service announcements. **Shipman** has also been talking to Old Mission School parents. **Witkop** asked if considered postcard mailing. **Shipman** said the committee talked about that. **Reardon** said they are working with professional consultants who are good at getting people to the table. **Witkop** said this is not a neighborhood park it is a township park. We have to make the effort to get input from the whole Township.

**11. Old Mission Peninsula Historical Society Agreement**

**Weatherholt** reviewed the agreement.

**MOTION: Avery/Witkop** to give authority to **Correia** to sign agreement on behalf of the Township.

**Roll Call Vote: Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes and Correia-yes**  
**PASSED UNAN**

**12. Discussion of Peninsula Drive Road Construction/Shoulders**

**Correia** reviewed his memo. **Correia** would like discuss at June 28, 2016 Township Board meeting.

**13. Clerk's Report**

**Achorn** asked **Hoffman** to explain about changes to November ballot regarding straight ticket voting. **Hoffman** explained.

**14. Edit List of Invoices**

**Achorn** asked about Mutual Aid bill of \$6,000 and Gourdie Fraser bills. **Avery** said if insurance comes through will be reimbursed. **Reardon** said regarding the Gourdie Fraser bills, new escrow language that was passed tonight gives the Township the right to require an escrow payment. Until tonight there was no provision in the

ordinance to do this other than the permit fees. *Achorn* asked if there any documentation for the John Hancock pension bill. **Hoffman** said yes there is a payroll audit. Hoffman will get provide copy to Achorn. *Achorn* asked about McKenna bill. **Reardon** said this is 1/11 of the payments. There has been no additional cost to project. Hoffman will provide information.

#### **15. May 2016 Payroll**

*Achorn* asked about the charge numbers for Rosi's payroll. Staff will look into the issue.

**MOTION: Weatherholt/Witkop** to approve the Edit List, Additions to the Edit List, May 2016 Payroll and Clerk's Report.

**MOTION PASSED**

#### **CITIZEN COMMENTS**

*Brad Bickle, 11328 Center Rd.*, said the May 23, 2016 meeting he spoke but his comments regarding AT&T were not in the minutes. He requested they appear. Bickle made further recommendations regarding the AT&T lease.

*Mary Swift, 13956 Peninsula Dr.*, asked about the \$109,000 transfer from the Tower fund to 502 fund at the March 28, 2016 meeting. It was explained to Swift that was the purchase amount for the property.

#### **BOARD COMMENTS**

**Hoffman** asked the Board if they would like a have a presentation from LIAA regarding video recording the meetings. There was consensus to have LIAA give a presentation. Hoffman asked if other members had other ideas please let her know. **Rosi** asked when Rules and Procedures and Code of Ethics will be on the agenda. **Hoffman** said there is a July 13, 2016 Special meeting scheduled. **Rosi** asked about Kelley park. **Correia** said that is a DNR park. The DNR waiting for summer people to come back so those people could give their input.

**MOTION: Avery/Witkop** to adjourn at 10:04 p.m.

**MOTION PASSED**

Respectfully Submitted,  
Deb Hamilton, Recording Secretary

These minutes stand to be approved at the next meeting scheduled for July 12, 2016

6. Accept Bid for Station 2 Roof Repairs
7. Quinn/Keith Storm Water Refund
8. Accept Bid for John Deer Gator- Fire Department Request
9. Bowers Harbor Park Expansion Committee – Township Board Representative
10. Park Commission Request for Bowers Harbor Park Expansion \$14,000 from Tower Fund
11. Old Mission Peninsula Historical Society Agreement
12. Discussion of Peninsula Drive Road Construction/Shoulders

**9. Citizen Comments**

**10. Board Comments**

**11. Adjournment**

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the Clerk.

Old Mission Inn

03-14-2018

18599 Mission Rd.

Traverse City, MI 49686

Bruce and Angela Jensen would like to request the approval of application for the liquor license that is currently available on through the Peninsula Township and ask to be placed on the agenda, so that we may be considered for approval.

Respectfully,

Bruce and Angela Jensen

Would like to  
be on the first  
regular meeting  
in April.

Angie Jensen  
223-7770

New Business No. 2


## Christina Deeren

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**From:** Gregory M. Meihn <gmeihn@foleymansfield.com>  
**Sent:** Monday, April 09, 2018 6:15 AM  
**To:** Christina Deeren  
**Subject:** RE: Questions

Go through the ZBA



**Gregory M. Meihn** | Partner | T: 248-721-8183 | F: 248-721-4201  
130 East Nine Mile | Ferndale, MI 48220 | [foleymansfield.com](http://foleymansfield.com) 

Chicago | **Detroit** | Edwardsville | Indianapolis | Kansas City | Los Angeles | Miami | Minneapolis | New York | Oakl

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**From:** Christina Deeren [<mailto:zoning@peninsulatownship.com>]  
**Sent:** Thursday, April 05, 2018 6:04 PM  
**To:** Gregory M. Meihn  
**Subject:** Questions

4/5/2018

Greg,

I have a request from the property owner that owns the Old Mission Inn for approval of a liquor license. They have historical documents showing that previous owners of this establishment had purchased and sold alcohol at this location. They are requesting the Township Board approve an application for a liquor license. Rob thought that they should go before the ZBA as they may already be grandfathered for approval of this.

Is this something that should be dealt with at the Township Board or the ZBA? I have only received a written request from the property owner which I have attached.

Please let me know which direction I should go in!!

Thank you!

**Christina Deeren**  
*Peninsula Township Office*  
13235 Center Road  
Traverse City MI 49686  
phone - 231-223-7318  
fax - 231-223-7117  
[zoning@peninsulatownship.com](mailto:zoning@peninsulatownship.com)