

**Peninsula Township Zoning Board of Appeals
Regular Meeting
May 12, 2016**

Meeting called to order at 7:02 p.m.

Present: **Witkop; Cowall; Vida – Chair; Snow(Alternate); Wunsch**

Also present were *Michelle Reardon*, Director of Zoning and Planning, *Claire Schoolmaster*, Zoning and Planning Coordinator and *Mary Ann Abbott*, Recording Secretary.

Absent: Souter (excused)

Approval of Agenda

MOTION: Wunsch/Snow to approve agenda. **PASSED UNAN**

Conflict of Interest

None

Communication Received

Two letters in support of the Stainforth Request

Public Input

David Taft, 952 Neahtawanta spoke to thank Reardon and the Planning commission for the momentum of the Zoning Ordinance and the difficult work of the ZBA with appeals and variances and their role to interpret the Zoning Ordinance. Staff has requested an interpretation of Section 8.7.3 (10) (u). Taft urges the Zoning Board not to come up with the interpretation at this time but to let the Planning Commission and their subcommittees to come up with the good rewrite of Section 8.7.3 (10) (u) before it is interpreted. We know it is flawed, let the Planning Commission come up with the rewrite then interpret it.

Scheduled Public Hearings

A. Request No. 846, Zoning R-1B

Applicant: Brian, Cheri, Dan, & Beth Stainforth, 8188 Mandy Ln., Frankenmuth, MI 48734

Owner: Brian, Cheri, Dan, & Beth Stainforth, 8188 Mandy Ln., Frankenmuth, MI 48734

Property Address: 13091 Bluff Rd., Traverse City, MI 49686 & 13083 Bluff Rd., Traverse City, MI 49686

Request: (1) a variance of 4 feet (4') from the required 30 foot (30') front yard setback to allow for the construction of a 988 square foot non-conforming addition to an existing legal non-conforming structure; and (2) a variance of 9% from the required maximum 15% lot coverage to allow for the demolition of an existing non-conforming structure and the construction of a 988 square foot non-conforming addition to an existing legal non-conforming structure on the combination of two legal non-conforming lots.

Parcel Code Nos. 28-11-127-030-00 & 28-11-127-031-00

Schoolmaster presents the Request #846 to the Zoning Board.

Applicant presents a history of the two lots on Bluff Road and the proposal to combine the two lots, remove some outbuildings and the proposed addition. Applicant expressed his desire to reside full time and the concern of inadequate kitchen area, proposed garage and concern of putting in an improved waste water system, which led to the request of this variance. Applicant submitted that it is a reasonable request, consistent with the intent of the Zoning Ordinance and beneficial to the Bluff Road neighborhood.

Vida asked for comments of the Zoning Board. Concerns expressed by the Board included efforts of the ZBA to reduce the legal non-conforming lots, changes in design to allow conformity, configuration of driveway to allow forward exit to Bluff road, lot coverage, other options with building envelope.

Vida opens up Public Hearing on request No. 846. No comments for or against.

Applicant requests adjournment at this time.

MOTION: Wunsch/Snow to adjourn applicants request # 846 and adjourn the related Public Hearing until the June meeting.
PASSED UNAN

Wunsch urges applicant to come up with a stronger case as to why this request is different from any other small lot. **Cowall** We need good sound justification.

B. Request No. 847, Interpretation

Peninsula Township Zoning Administrator requests interpretation of Section 8.7.3 (10) (u) – What constitutes a “guest activity use” as opposed to what is allowed in the tasting room of a Winery Chateau without a guest activity use permit?

Staff provides an introduction. Asking what is allowed and the Ordinance now states in of Section 8.7.3 (10) (u) 1 (d) what guest activities do not include. We are having enforcement issues related to Winery/ Tasting rooms that do not have permissions for guest activity uses. The ZBA may want to talk with the Township Attorney on this one. They would like more clarification. Staff sees it as wine tasting; perhaps food tasting that would enhance the wine, free music. **Vida** it is the list that never ends. Would like input from the attorney. **Reardon** We are currently trying to shape the ordinance by getting input into the intent of this section. Would like to shape by “here is what is acceptable”.

Witkop if it is happening today and we interpret how does this affect the new ordinance since it is already going on. **Reardon** do not have a “grandfather” issue because it is never permitted. Coming to the Board to get validation that it is not allowed. Hope to strengthen and inform the new ordinance. We do not want to lose the intent.

Vida opens Public Hearing on Request #847 at 8:06 p.m.

Mark Nadolski, 10 McKinley and President of Protect the Peninsula why do we need interpretation of an ordinance that has been in effect for 20 years. Need to slow down. Condition of Guest Activities is spelled out now. Nadowski has two letters he would like to read. One from Grant Parsons who worked on the Ordinance expressing concern that Ag ancillary sales and events will have a significant impact. What is proposed is a fundamental change in the nature of our township. Nadowski also had comments from John Wunsch that is concerned about proposed changes to our current ordinance. Nadowski says that you cannot make changes to accommodate a few who are not happy with the ordinance. The ZBA is here to accommodate the entire Peninsula. Nadowski passed out letters to the Zoning Board.

Monnie Peters, 1425 Nehtawanta Road comments that what she hears from the community is concern over the fine line of when the tasting rooms begin to look like bars and restaurants. You know when it is not right, but how does the Planning Commission write it and the Town Board pass it. She feels it has to do with the introduction of food. We want to support AG land. We have a wine bar going on out here and it does not feel right.

Marilyn Elliott, 18811 Whispering Trail feels that Michelle is asking for direction in how she can enforce this right now. She needs your help.

MOTION: Vida/Cowell to adjourn Request # 847 until the next meeting when the attorney is present.

Discussion on motion:

Witkop Up until not that long ago we thought of people who came into apply for a winery as a Use by Right or a Winery/Chateau. As a special use they could have other things they could do. Those activities were called guest activities. We recently saw that someone could apply for a Winery/Chateau without the ability to have guests. So if you are a winery/chateau and you cannot have guests, what does that leave that Chateau to do in that wine tasting room.

Reardon There are standards for Winery/Chateau. If they cannot meet thresholds what can they do in their tasting room? We are looking at this from an enforcement point of view. We are not looking to permit anything new. We are looking to define intent.

Witkop They might choose not to meet additional tonnage then what does that leave them?

Reardon can supply more suggestions for the ZBA at the next meeting. Staff is asking for more specificity on the intent of the Ordinance. Without clarity we are finding it hard to enforce.

Wunsch suggestion is to take the most conservative approach at the ZBA level to give the staff the tools they need to enforce. If too conservative we can always amend at the Planning Commission.

Vote on above motion to adjourn. PASSED UNAN

C. Request No. 848, Interpretation

Peninsula Township Zoning Administrator requests interpretation of Section 8.7.2 (3) and Section 8.7.3 (3) – What uses/activities are allowed as part of a special open space use as provided under the Ordinance?

Reardon has recently discovered that this might offer opportunities for Party Barns. Events here are tied to agriculture. We do have one Open Space use, which is “Dining in the Vines”. This regulation of Open Space does have definition of structures. Staff can bring more direction and wanted to hear from others what the intent was. We need to talk to the attorney.

Vida opens the Public Hearing on Request #848 at 8:38 p.m. No Comments.

MOTION: Vida/Wunsch to adjourn request until the next meeting where the attorney will be present.
PASSED UNAN

Approval of Minutes

MOTION: Cowall/Wunsch to approve the minutes of March 10, 2016 regular Meeting.
MOTION PASSED 3/0 Snow & Vida abstain

New Business

None

Reardon Currently have 3 applications for June, plus the one that was held over plus two interpretations. Your agenda is full and we will need to look on a second meeting in June. **Wunsch** would prefer interpretations to be at the regularly scheduled meeting.

MOTION: Cowall/Snow to adjourn at 8:44 p.m. **PASSED UNAN**

Respectfully submitted by Mary Ann Abbott, Recording Secretary.