

Variance Explanation:

The following will explain usage for each area seeking variance approval from the Old Mission Peninsula Township on August 9, 2018:

1.) White 4 ft. privacy fence or as described in application- "wall"

- "Wall"/fence that is currently in place on the South-side of house is a replacement from a previous chain-linked fence

-Seeking an automatic entrance gate attached to that "wall" that will provide safety and usage similar to that of a garage door for when cars enter and exit; spaced to be used for parking

-Bumpers along the East-side of the fence will be used for added safety and protection for parking since there is a drop-off of over 10ft.

-Bumpers along the West-side of house will be used as added protection and safety for my son's bedroom that is exposed to the 55mph bi-way (Center. I have been told by my neighbor our house location has been a frequent place for car accidents- I'm very nervous having that side of the house exposed without an added barrier in case of collision.

-"Wall" on North side of house down the water to be used as safety and protection from the 55mph bi-way (Center road). Also, I have a large dog and a young baby that I'll need a barrier from the road so they can play safely in the yard.

2.) Covered patio

- To be used as an outdoor-only space to provide a closed outdoor seating option. The entire space will be covered in outdoor siding and windows. No extra additions to square footage. No insulation or heat will be installed. No flooring. No changes to porch usage will be made. Simply altering the space, not adding or modifying usage.

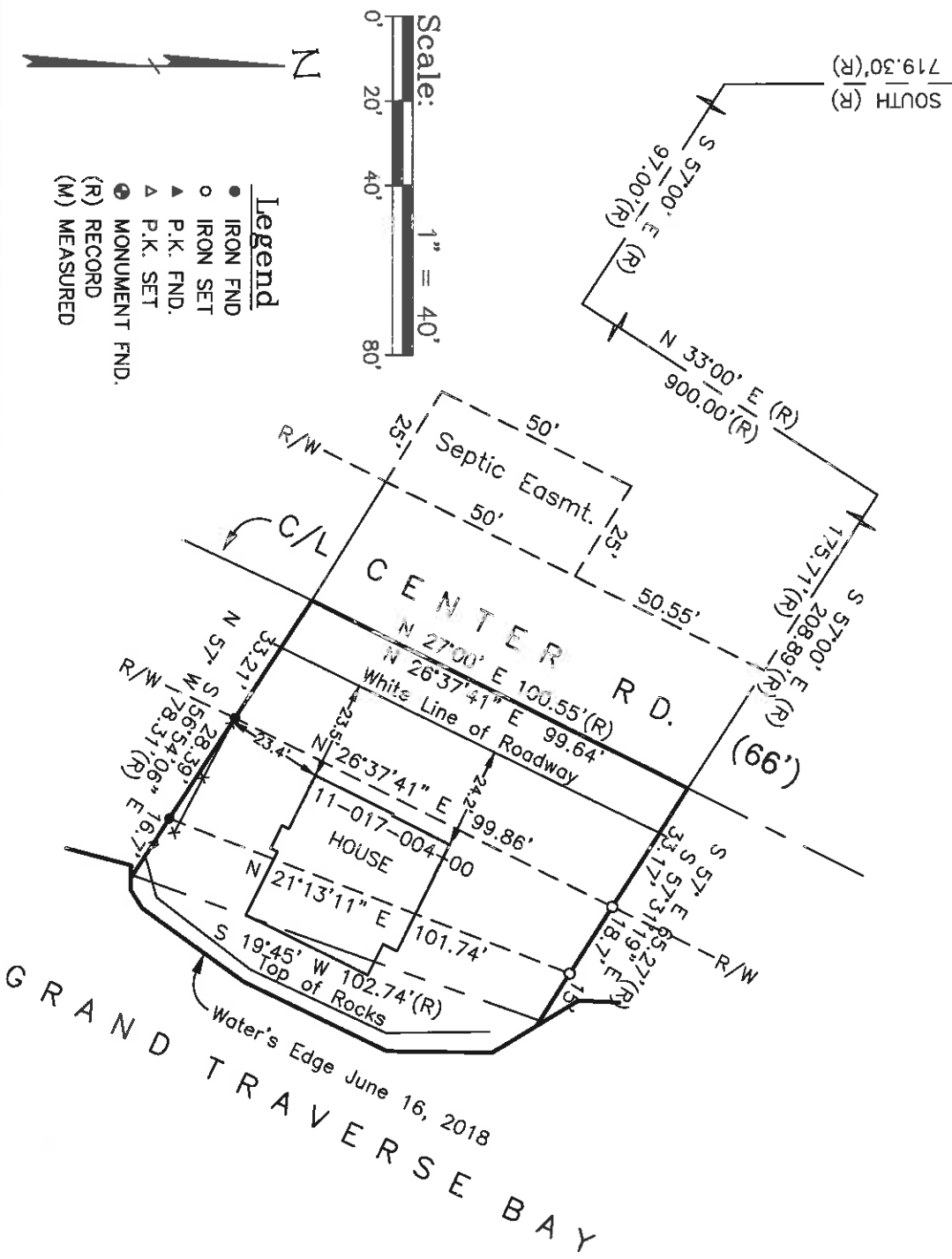
-When we originally fixed the failed sea-wall, the grade needed to be lowered causing a drop-off from the patio to be over 4ft. to ground level. This caused a need for a barrier across the front of the patio since the drop-off was unsafe and there was not enough room between the patio and the water's edge for steps down the front of the patio. Therefore, we enclosed the patio with windows to create a safe, covered porch.

Overall: the need for the fence/ "wall" and the covered porch originated from the need for safety. We are a young, growing family with a large dog and young baby. We are trying to provide as many safety measures possible since we live on the water and on a very fast, busy bi-way.

Thank you for your consideration,
Whitney Goulas

Certificate of Survey

NORTHWEST CORNER
Gov't. Lot 1, Sec. 17



NOTES:

All distance not shown as record (R) are field measured.

Parcel extends to the Ordinary High Water Mark.

This is a boundary survey only. Consult with Peninsula Township for all zoning issues before any and all construction.

I, Scott D. McLain, a Professional Surveyor in the State of Michigan, do hereby certify that I have surveyed and mapped the hereon described parcel(s) of land; that the ratio of closure of the undadjusted field observations is within the accepted limits; and that I have fully complied with the requirements of P.A 132 of 1970, as amended.



Scott D. McLain
Professional Surveyor 57817

Ratio of Closure: 1/10,000
Basis of Bearing: Assumed

<p>Michigan Geomatics Professional Land Surveying Civil Engineering</p> <p>5422 Goodrick Road Traverse City, MI 49684 (231) 325-2655</p> <p>MichiganGeomatics.com</p>	<p>For: Goulas</p> <p>Part of Gov't. Lot 1, Sec. 17, T28N, R10W, Peninsula Twp., Grand Traverse Co., Michigan.</p> <p>Date: July 23, 2018 Drafted By: SDM</p> <p>File No: 183088B Sheet: 1 of 1</p>
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Rec'd
8/7/18
AMS



August 6, 2018

Peninsula Township Planning & Zoning Dept.
13235 Center Road
Traverse City, MI 49686

RE: ZBA Variance Request No. 867, Zoning A-1, Applicant Thomas L. Kramer
Our File No. 736.00

Dear Sir or Madam:

I am writing on behalf of my client Juan Quiroz. Mr. Quiroz owns the property adjacent to applicant Thomas Kramer. My client supports the applicant's request to split his properties to gain access to Center Road.

The applicant seeks to split subject parcel 032-00 to gain access to Center Road for the applicant's adjacent landlocked parcel, 029-00. My client owns property immediately to the east of the landlocked parcel, parcel 030-10. As stated on page 2 of the Staff Report, there is a recorded easement over my client's property to gain access to the landlocked parcel from Smokey Hollow Road. However, we do not believe that the easement actually provides access over my clients' parcel, for three reasons stated below. Instead, we support the application to allow access to the landlocked parcel to the west, via Center Road, over the property owned by the applicant.

On paper, the landlocked parcel seems to enjoy access eastward to Smokey Hollow Road by way of an ingress and egress easement over my client's property. However, this is illusory, for three reasons. First, a structure has been placed over the easement for at least three decades. Thus, if Mr. Kramer was to seek access over my client's property, we would vigorously litigate the issue, because the barn structure is proof the easement was abandoned, and my client has gained back full ownership of the easement area by adversely possessing it. Thus, I do not think the applicant has legal right to utilize the easement for access to the landlocked parcel. Instead of gaining access over Mr. Quiroz's property, I believe the applicant could gain access to the landlocked parcel by an easement of necessity over the subject parcel, pursuant to a Court order. Thus, I fully agree with the applicant's statement that granting this variance will avoid litigation between adjoining land owners (See page 4 of Basic Conditions Worksheet).

The second reason that access over my client's property is illusory is the topography of the land. Access from Smokey Hollow Road to the landlocked parcel (traveling from east to west) would have to climb a steep, heavily wooded hill to reach the landlocked parcel. It is believed that the

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topography of the hill, and the growth of the woods over time, makes the easement too narrow to properly construct an access driveway to the landlocked parcel. At the very least, construction of an access road would involve significant tree removal and excavation, whereas granting the requested variance would allow access over an existing road.

Third, even if all the above was ignored, forcing the applicant into a situation where another driveway was installed on Smokey Hollow Road would only create more driveway problems, not less. There are already seven driveways within approximately 940 feet on this portion of Smokey Hollow Road. Adding a driveway along the easement would add an eighth driveway in this location, as well as create three driveways within 113 feet. This contrasts sharply with the relatively isolated driveways along the portion of Center Road which the applicant wishes to use.

For the foregoing reasons, Mr. Quiroz supports the applicant's request for a variance. My colleague Anders Gillis will attend the hearing on August 9, 2018, to address any questions the Zoning Board of Appeals may have.

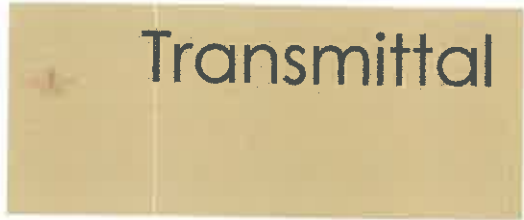
Sincerely,



Andrew J. Blodgett

AJB:js

cc: Juan Quiroz



Date: 08.08.2018
Send To: **PENINSULA TOWNSHIP**
Attention: Christina Deeren | Zoning Administrator + Gordon
Office Location: Peninsula Township Zoning
From: Kelly Kerlin-Ropposch | Art Schwarm, Owner
Office Location: ARCHKINETIKS | Traverse City, MI
Phone Number: 231.218.1393 Kelly CELL | 231.929-7527 PH | FAX Bob Cell 231.620.6977

Total Pages Including Cover: 16

Urgent Reply ASAP Please Comment Please Review For Your Information

Comments:

CHRISTINA | GORDON:

IN REGARD TO YOUR LEGAL NOTICE FOR THE SCHWARM RESIDENCE VARIANCE REQUEST NO.868, ZONING R-1B, ITEM 2 REQUEST FOR VAIANCE, WRITE UP FOR THE PROPOSED PARKING DECK.

**PLEASE NOTE THE ERROR IN THIS ITEM, STILL REMOIANIS FROM YOUR ORIGINAL SUBITTAL TO THE NEIGHBORS;
THE PROPOSED STRUCTURE IS TO SITE WITHIN THE FRONT YARD SETBACK NOT THE BLUFF ROAD RIGHT- OF -WAY.**

I HAVE SPOKE W| GORDON, 3 TIMES OVER THE PHONE IN REGARD TO THIS WRITE UP ERROR. WE CAUGHT IT ON THE FIRST ROUND SUBMITTAL, AND AGAIN ON THIS 2ND ROUND LEGAL NOTICE SUBMITTAL. I HAVE ATTEMPTED TO EMAIL THIS INFORMATION TO THE CHRISTINA EMAIOL AS WELL AS THE OFFICE MANAGER, WITH NO SUCCESS, THE EMAIL BOUNCES BACK. PLEASE SEE ATTACHED.

I BELIEVE ALL NEIGHBORS WITHIN THE 300' RADIUS OF THE PROPOSED STRUCTURE UNDERSTAND THAT THIS PROPOSED STRUCTURE IS NOT TO SITE WITHIN THE R.O.W., AS THE ENTIRE INTENT IS TO REMOVE VEHICLES FROM THE ROAD ROW.

PLEASE SEE ATTACHED NOTES TO YOUR LEGAL NOTICE, AND LET ME KNOW IF THERE IS ANY ISSUES PENDING.
THANK YOU.

KELLY R. KERLIN-ROPPOSCH

8151 BEL-CHERRIE DRIVE
TRAVERSE CITY, MICHIGAN 49686
Phone: 231.218.1393
Fax: 231.929.7527
E-Mail: ARCHKINETIKS@CHARTER.NET
Web: WWW.ARCHKINETIKS.COM

From: Kelly Kerlin-Ropposch archkinetiks@charter.net
Subject: CLARIFICATION Schwarm ZBA Variance Req Error
Date: August 6, 2018 at 10:46 AM
To: Christina Deeren zoning@peninsulatownship.com
Cc: art schwarm avstvc@yahoo.com, ARCHKINETIKS ARCHKINETIKS@CHARTER.NET

Good AM Gordon|Christina;

Thank you for return phone call Gordon, last Thursday, in regards to this project clarification of notation and "fences" within Peninsula Township.

I wanted to again call your attention to the Variance Request Write up submitted for the Schwarm ZBA Variance Request slated for this Thursday 8.9.2018, ZBA meeting, as an error still remains within item 2., as it is currently written.

To clarify, the write up still makes note that the Schwarm's are requesting , ***" a variance from the required front yard setback of 30 feet for a structure to access property to be placed within the road right-of-way."***

The proposed structure will **NOT** be sited within the Bluff Road right-of-way. NO structure, driveway or other will be placed within the ROW. Right of way will remain as is with lawn, and landscape.

The request would be to site specifically within the front yard set back ONLY. It is the primary intent of this project to NOT park or place structure within the Bluff Road ROW, primarily for safety along the road side and improved access to the existing residence.

Please make note per the record. A priority to clarify to be made during the meeting. I have also sent 2 prior emails in regard to this issue. not certain they are coming through to Christina's email address.

Thank you for your attention to this issue. Please let me know if you have any further questions| concerns.

Kelly R. Kerlin-Ropposch
ARCH | KINETIKS

8151 Bel - Cherrie Drive
Traverse City, MI 49686
231.218.1393 Mobile
ARCHKINETIKS@CHARTER.NET
WWW.ARCHKINETIKS.COM

From: Kelly Kerlin-Ropposch archkinetiks@charter.net
Subject: Bluff Road Parking Platform
Date: July 26, 2018 at 1:33 PM
To: Christina Deeren zoning@peninsulatownship.com



Christina | Gordon:

I have a concern for the revised submittal from the July ZBA meeting:

I heard from my client, Art Schwarm, Wednesday, that he recvd the revised copy of the variance flyer and that you still have the write up for the variance such that we are within the ROW, of Bluff Rd. .

Actually, we are NOT within the ROW, but asking for the variance for the property setback that aligns and runs parallel with the ROW.

I did not recv any correspondence on the reschedule of the meeting or the revised write up. I will log on to get update.

Thank you. PLease let me know if you recv this email, as they often bounce back.

Kelly R. Kerlin-Ropposch
ARCH | KINETIKS

8151 Bel - Cherrie Drive
Traverse City, MI 49686
231.218.1393 Mobile
ARCHKINETIKS@CHARTER.NET
WWW.ARCHKINETIKS.COM

CRISTINA GORTON:

LEGAL NOTICE

PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

AS MENTIONED IN ORIGINAL LEGAL NOTICE CORRECTION REMAINS TO VARIANCE PERMIT.

PLEASE TAKE NOTICE that the Peninsula Township Zoning Board of Appeals will hold a regular meeting on August 9, 2018 at 7:00 PM at the Peninsula Township Hall, 13235 Center Rd., Traverse City, MI 49686, (231) 223-7322. The following applicants will be heard:

C. Request No. 868, Zoning R-1B

Applicant: Arthur and Karen Schwarm, 11602 Bluff Rd., Traverse City, MI 49686

Owner: Schwarm Joint Trust, 11602 Bluff Rd., Traverse City, MI 49686

Property Address: 11602 Bluff Rd., Traverse MI 49686

NORTH END 29' PERPENDICULAR TO RESIDENCES + WITHIN FRONT YARD SETBACK. ENDS RES. ALREADY

1. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 29.57%
2. Requesting a variance from the required front yard setback of 30 feet for a structure to access property to be placed within the road right-of-way.

ENCROACHES P.Y.S.B FROM PRIOR VARIANCE

Parcel Code: #28-11-685-004-00

FRONT YARD SETBACK. NOT R.O.W.

STRUCTURE IS NOT TO SITE WITHIN THE ROAD R.O.W.,

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

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/or Zoning Department at (231) 223-7318 or call TDD (231) 922-4766

SUBJECT SITE



C. Request No. 868, Zoning R-1B

Applicant: Arthur and Karen Schwarm, 11602 Bluff Rd., Traverse City, MI 49686

Owner: Schwarm Joint Trust, 11602 Bluff Rd., Traverse City, MI 49686

Property Address: 11602 Bluff Rd., Traverse MI 49686

1. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 29.57%

2. Requesting a variance from the required front yard setback ~~of 30 feet for a structure to~~ access property to be placed within the road right-of-way.

Parcel Code: #28-11-685-004-00

*STRUCTURE IS WITHIN THE
FRONT YARD SETBACK. NOT
WITHIN THE ROAD R.O.W.*

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

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.