

MINUTES
PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS MEETING

Township Hall 13235 Center Road

Date: June 14, 2018

7:00 PM

1. **Call to Order** by Vida at 7:00 PM.

2. **Pledge of Allegiance**

3. **Roll call**: Vida, Soutar, Serocki, Cowall, Wahl, McBride (alternate, non-voting), Christina Deeren, Director of Zoning.

4. **Approval of Agenda** Vida: There is an adjustment to the agenda. Deeren postponed until meeting on July 12, 2018 Request No. 866. There will be no discussion on this request.

Action-Motion - Vida asked for a motion to accept the amended agenda. ~~Cowell~~ Cowall moves that Amended Agenda be approved. Seconded by Wahl. **PASSED UNAM**

5. **Conflict of Interest** None

6. **Brief Citizen Comments for Items Not on the Agenda**: None

7. **Approval of Minutes from April 12, 2018 Meeting**

8. **New Business**

A. Request No. 865, Dual Zoning R1B & A1

Applicant: Bruce and Angela Jensen, 18599 Mission Rd., Traverse City, MI 49686

Owner: Bruce and Angela Jensen, 18599 Mission Rd., Traverse City, MI 49686

Property Address: 18599 Mission Rd., Traverse City, MI 49686

Requests: Approval under a “Grandfather Clause” for pre-existing and non-conforming use for the Old Mission Inn to be allowed to pursue a Liquor License from the Michigan Liquor Control Commission.

Parcel Code No. 28-11-235-011-01

Deeren: Request No. 865 is made by Bruce and Angela Jensen, owners of the Old Mission Inn. The applicants request approval under a “Grandfather Clause” for pre-existing and non-conforming use for the Old Mission Inn to be allowed to pursue a Liquor License from the Michigan Liquor Control Commission. The applicants came before the Zoning Board in 2010.

Attorney Meihn's opinion is if there is evidence that liquor was served in the past at the inn, this would fall under the "Grandfather Clause" and the Zoning Board could grant this liquor license. Deeren turns meeting over to applicant.

Applicant: Angela and Bruce Jensen 18599 Mission Road

Angela Jensen: We have provided the Zoning Board with a Petition of Support from members of the Old Mission Congregational Church, a letter from a Great Grandson of a previous owner who remembers after dinner drinks being served, and a Petition of Support from neighbors. We are requesting to obtain a liquor license.

Vida: You were in front of this board in 2010. Were you allowed to serve beer or wine at that point?

Jensen: No. When we appeared here in 2010, there was another way the board wanted us to go. It would have entailed applying for re-zoning. We did not want to go before the board to be re-zoned. We were not comfortable taking those steps at that time. Now that proof has been found that liquor had been served in the past, we decided to try again.

Vida: So at this time you are not serving beer or wine and this license would be a full service liquor license?

Jensen: No, we are not serving wine or beer. Yes, this would be a full service liquor license. Currently, the guests do bring liquor to their rooms.

Vida: Asks Deeren what the attorney had to say on this issue

Deeren: Meihn (attorney) stated that if there was sufficient evidence of a pre-existing usage of liquor in the past, this could be grandfathered in and the Zoning Board would have the right to grant the license.

Serocki: If this board approves the request, does it then go to the town board for approval?

Deeren: Meihn indicated no; however, there is a place on the form that has to be signed by the township clerk, so it may require this going before the township board.

Cowall: In the letter from the grandson, it says there was smoking and drinking ~~smoke and drink~~, but this does not indicate liquor was actually being sold.

Jensen: In guest registers that go back to 1902, the letters L and D were used to designate whether the guest was purchasing a lunch or a dinner during their stay. There was mention of the Grand Rapids Brewing Company.

Cowall: What kinds of products did the Grand Rapids Brewing Company have?

Jensen: Quarter barrels of beer. They are still in business today.

Vida: If the township approves this, you will be granted the liquor license?

Jensen: Yes. Jack Ogden from the Michigan Liquor Control Commission has been out to the Inn twice and said there would be no problem with us obtaining the liquor license. This would be a Class B liquor license that allows us to sell wine, beer, and liquor.

Vida: I noticed on your petition for approval a number of names-is there anyone here who wishes to speak in favor of the applicant? None

Vida: Is there anyone who wants to speak against this request? None

Patty Rudolph 4754 Forest Ave: Complimented Jensens on doing a good job of restoring the inn. Expressed her concern regarding previous owner's outdoor tents with events that were loud. Hoped this would not be happening again.

Vida: This represents the end of the public portion of the meeting and brings issue back to the board for discussion and a motion.

Action-Motion: Soutar: Moves that acceptance of the "Grandfather Clause" applies here and is a pre-existing non-conforming use and the board approve their request for moving forward on a liquor license. Serocki seconds.

Ayes- Vida, Cowall, Serocki, Soutar
Nays-Wahl

Request Granted

Vida: Request No. 866 has been tabled.

B. Request No. 866, Zoned R1C –Removed from Agenda

Applicant: Michael and Whitney Goulas, 9898 Center Rd., Traverse City, MI 49686

Owner: Michael and Whitney Goulas, 9898 Center Rd., Traverse City, MI 49686

Property Address: 9898 Center Rd., Traverse City, MI 49686

Requests: A variance for a fence to be placed one foot from the front property line. The required setback is three feet from any adjacent property line. This a legal non-conforming parcel.

Parcel Code No. 28-11-017-004-00

Vida: Approval of minutes from April 12, 2018. Serocki lists five corrections for the minutes.

9. Citizen Comments

Lorinda Miller 9888 Center Rd. – Wants to know how much the board can do in resolving a property line dispute. Working with Deeren and hopes to be before the board on July 12, 2018.

Edited by Lola Jackson
September 22, 2018

Soutar: The board can only act when an issue is brought before them.

Sandra Calkins 9921 Center Rd. The house is up for sale and there is a zoning issue. What can be done about that now?

Deeren: Nothing can be done at this current meeting.

10. Board Comments

Serocki: The ~~Planning Commission~~ Zoning Ordinance Committee has one chapter to go and is reviewing the third draft before submission. The Peninsula Township Board is interviewing candidates for Director of Planning on June 19, 2018 at 7 PM.

11. Adjournment Cowall moves to adjourn. Soutar seconds. Adjournment at 7:30 PM.

Recording Secretary

Lola Jackson