

**PENINSULA TOWNSHIP
SPECIAL ZONING BOARD OF APPEALS
MEETING AGENDA
13235 Center Road
Traverse City, MI 49686
June 23, 2016
7:00 p.m.**

1. **Call to Order**
2. **Pledge**
3. **Roll Call of Attendance**
4. **Approval of Agenda**
5. **Conflict of Interest**
6. **Communication Received**
7. **Brief Citizens Comments – for items not on the Agenda**
8. **Scheduled Public Hearings**

A. Request No. 851, Zoning A-1 (*Adjourned from June 23, 2016*)

Applicant: Burkholder Construction c/o Scott Wright, 2206 Cass Rd., Traverse City, MI 49684

Owner: Mary Ann & Mario Tabone, 379 Red Ryder Dr., Plymouth, MI 48170

Property Address: 14998 Peninsula Dr., Traverse City, MI 49686

Request: (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

Parcel Code Nos. 28-11-122-010-00

B. Request No. 847, Interpretation (*Adjourned from June 23, 2016*)

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?

C. Request No. 848, Interpretation (*Adjourned from June 23, 2016*)

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?

9. **Approval of Minutes**

- A. June 9, 2016 Regular Meeting

10. **New Business**

- A. Township Board Report (Witkop)
- B. Planning Commission Report (Wunsch)

11. **Adjournment**

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



Michelle L. Reardon
Director of Planning & Zoning
Posted June 16, 2016

Peninsula Township
Zoning Board of Appeals
Regular Meeting
June 9, 2016

Meeting called to order at 7:02 P.M.

Present: **Vida-Chair, Soutar; Witkop; Snow** (alternate); **Cowall**; Elliott (alternate) Also present were *Michelle Reardon*, Director of Zoning and Planning; *Claire Schoolmaster*, Planning & Zoning Coordinator and *Mary Ann Abbott*, Recording Secretary.

Absent: None

Approval of Agenda

MOTION: Wunsch/Witkop to approve agenda as presented.

PASSED UNAN

Conflict of Interest

Wunsch feels he may now have a potential conflict with Request No. 846. Between the first hearing last month and today's hearing his father accepted the small building on this property that was going to be removed. **Wunsch** now feels he should recuse himself on this matter. Marilyn Elliott is present and will serve as an alternate for request No. 846. She had been in audience last month and is up to date on this request.

Communications Received

Schoolmaster received a drawing for Request 846, which has been placed at each member's station.

Brief Citizens Comments – for items not on the Agenda

None

Scheduled Public Hearings

A. Request No. 846, Zoning R-1B (Adjourned from May 12, 2016)

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

MOTION: Witkop/Snow to recuse Wunsch due to a conflict of interest on Request 846.

PASSED UNAN

Soutar steps down, as Alternate Snow will complete the hearing of this request.

MOTION: Witkop/Vida to accept Marilyn Elliott as alternate for Wunsch on Request No. 846.

PASSED UNAN

Wunsch steps down due to potential conflict of interest and Alternate Elliott is seated.

Schoolmaster presents staff report. This Request was adjourned from last month and a new proposal has been submitted. Dan Stainforth 8188 Mandy Lane, Frankenmuth, Michigan is present to represent his son Brian who could not be present tonight. Stainforth indicated that they listened to the comments from last month's meeting. Changes in the plan reflect changes in the overhang, elimination of the attached shed and repositioning to limit setback. Driveway space was added with parking and

turn around space to allow for a forward exit into traffic. Current living space is useable and would not be realistic to tear it down and reposition.

Vida asks for Public Comment For and Against Request No. 846. No Comments. Public Hearing closed at 7:21 P.M.

Further discussion from the board included questions on amount of living space vs. garage space to be added, reduction in lot coverage, reasonableness of the request. This discussion resulted in the following decisions:

Peninsula Township Planning & Zoning Department
FINDINGS OF FACT

ZBA Request #846 – 13091 Bluff Rd. & 13083 Bluff Rd.
June 9, 2016

DECISION AND ORDER

Applicant: Brian, Cheri, Dan & Beth Stainforth, property owners

Hearing

Date: June 9, 2016

PROPERTY DESCRIPTION

The property of 13091 Bluff Rd., Traverse City, MI 49686 & 13083 Bluff Rd., Traverse City, MI 49686, Parcel No. 28-11-127-030-00 & 28-11-127-031-00, herein after referred to as the "property".

APPLICATION

Requests: (1) a variance of 5.5% from the required maximum 15% lot coverage to allow for the demolition of an existing non-conforming structure and the construction of an 859 square foot non-conforming addition to an existing legal non-conforming structure on the combination of two legal non-conforming lots.

The Board having considered the Application, a public hearing having been held on June 9, 2016, after giving due notice as required by law, the Board having heard the statements of the Applicant and agents, the Board after having considered letters submitted by members of the public and comments by members of the public, the Board having considered five (5) exhibits, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds that the properties are currently zoned Coastal Zone Single and Two-Family (R-1B). (Exhibits 1, 2)
2. The Board finds that the lots were created in or before 1965 and are legally non-conforming. (Exhibit 5)
3. The Board finds that the existing single family residence located at 13091 Bluff Road is legally non-conforming and was built in 1986 after being granted variances for max coverage and setbacks. (Exhibit 2)
4. The Board finds that the existing single family residence located at 13083 Bluff Rd. (127-030-00) was built in 1965 and is a legal non-conforming structure due to front yard setback encroachment. (Exhibit 2)
5. The Board finds that the single family residence located at 13083 Bluff Rd. is proposed to be demolished. (Exhibit 3)
6. The Board finds that the proposed additions to the structure located at 13091 Bluff Rd. do not conform to relevant zoning standards. (Exhibits 2, 3, 4)
7. The Board finds that the applicant requests a variance of up to 5.5% from the required maximum 15% lot coverage to allow for the demolition of an existing non-conforming structure and the construction of

an 859 square foot non-conforming addition to an existing legal non-conforming structure on the combination of two legal non-conforming lots. (Exhibit 3)

MOTION: Witkop/Vida to approve the general findings of fact

ROLL CALL VOTE: Witkop – yes; Cowall – yes; Vida – yes; Snow – yes and Elliott – yes.

MOTION PASSED UNAN

Variance Request #1 A variance of 5.5% from the required maximum 15% lot coverage to allow for the demolition of an existing non-conforming structure and the construction of an 859 square foot non-conforming addition to an existing legal non-conforming structure on the combination of two legal non-conforming lots.

FINDINGS UNDER SECTION 3.2 – DEFINITIONS – PRACTICAL DIFFICULTY OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 3.2 definition of Practical Difficulty of the Ordinance for each of the following standards listed in that section:

1. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.8 Schedule of Regulations the lots are legally non-conforming because they were created before the adoption of the Zoning Ordinance and do not meet the 25,000 square foot area minimum. (Exhibit 2, 5)

Consensus is this standard HAS been met (unanimous).

2. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) a single family residence is a use by right in the R-1B zoning district. (Exhibits 1, 2)
- b. The Board finds that according to Section 6.8 Schedule of Regulations the lots are legally non-conforming because they were created before the adoption of the Zoning Ordinance and do not meet the 25,000 square foot area minimum. (Exhibit 2, 5)
- c. The Board finds that the applicant proposes to reduce lot density by combining two adjacent lots and constructing one structure. (Exhibit 3)
- d. The Board finds that the applicant proposes to create a driveway and garage to ensure the safe operation of motor vehicles. (Exhibit 3)

Consensus is this standard HAS been met (unanimous).

3. The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) a single family residence is a use by right in the R-1B zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing single family residence located at 13091 Bluff Road is legally non-conforming and was built in 1986 after being granted variances for max coverage and setbacks. (Exhibit 2)
- c. The Board finds that according to Section 6.8 Schedule of Regulations the lots are legally non-conforming because they were created before the adoption of the Zoning Ordinance and do not meet the 25,000 square foot area minimum. (Exhibits 2, 5)

Consensus is this standard HAS been met (4 - 1 Cowall).

FINDINGS UNDER SECTION 5.7.3 VARIANCE OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.7.3 of the Ordinance for each of the following standards listed in that section:

Basic Conditions: ALL of the Basic Conditions SHALL be clearly demonstrated.

1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) a single family residence is a use by right in the R-1B zoning district. (Exhibits 1, 2)
- b. The Board finds that according to Section 6.8 Schedule of Regulations the lots are legally non-conforming because they were created before the adoption of the Zoning Ordinance and do not meet the 25,000 square foot area minimum. (Exhibit 2, 5)
- c. The Board finds that the applicant proposes to reduce lot density by combining two adjacent lots and constructing one structure. (Exhibit 3)
- d. The Board finds that the applicant proposes to create a driveway and garage to ensure the safe operation of motor vehicles. (Exhibit 3)

Consensus is this standard HAS been met (4 - 1 Cowall).

2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) a single family residence is a use by right in the R-1B zoning district. (Exhibits 1, 2)

Consensus is this standard HAS been met (unanimous).

3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that generally the proposed single family residence is unlikely to decrease the value of the subject property or that of any neighboring properties. (Exhibits 3, 4)
- b. The Board finds that the applicant proposes to reduce lot density by combining two adjacent lots and constructing one structure. (Exhibit 3)
- c. The Board finds that the applicant proposes to create a driveway and garage to ensure the safe operation of motor vehicles. (Exhibit 3)

Consensus is this standard HAS been met (unanimous).

4. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) a single family residence is a use by right in the R-1B zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing single family residence located at 13091 Bluff Road is legally non-conforming and was built in 1986 after being granted variances for max coverage and setbacks. (Exhibit 2)
- c. The Board finds that according to Section 6.8 Schedule of Regulations the lots are legally non-conforming because they were created before the adoption of the Zoning Ordinance and do not meet the 25,000 square foot area minimum. (Exhibits 2, 5)
- d. The Board finds that the applicant proposes to reduce lot density by combining two adjacent lots and constructing one structure. (Exhibit 3)
- e. The Board finds that the applicant proposes to create a driveway and garage to ensure the safe operation of motor vehicles. (Exhibit 3)

Consensus is this standard HAS been met (4 - 1 Cowall).

5. Will relate only to the property that is under control of the applicant.

The following findings may support this standard HAS been met.

- a. The Board finds that the variance is specific to the applicant and property owners' parcel. (Exhibit 3)

Consensus is this standard HAS been met (unanimous).

Special Conditions: At least one shall be clearly demonstrated.

- 3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the lot was created prior to the effective date of the Ordinance. (Exhibit 5)

Consensus is this standard HAS been met (unanimous).

VARIANCE REQUEST # 1 MOTION TO APPROVE

MOTION: Witkop/Snow to approve Variance Request #846 based on the findings of fact as discussed.

ROLL CALL VOTE: Elliott – yes; Snow – yes; Vida – yes; Cowall – no; and Witkop – yes.

MOTION PASSED 4-1 (Cowall)

The Peninsula Township Board of Appeals has **APPROVED** your request for a variance of 5.5% from the required maximum 15% lot coverage to allow for the demolition of an existing non-conforming structure and the construction of an 859 square foot non-conforming addition to an existing legal non-conforming structure on the combination of two legal non-conforming lots.

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant’s variance request #1 be **APPROVED**.

TIME PERIOD FOR JUDICIAL REVIEW

Mcl 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED

Date

Chairperson

Date

Vice Chairperson

Secretary

MOTION: Cowall/Witkop to excuse Elliott and invite Wunsch back to the Board.

PASSED UNAN

B. Request No. 847, Interpretation (Adjourned from May 12, 2016)

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 requests No. 847 be adjourned to Thursday, June 23, 2016 at 7:00pm.*

MOTION: Witkop/Cowall to move Request No. 847 to the June 23, 2016 meeting.

PASSED UNAN

C. Request No. 848, Interpretation (Adjourned from May 12, 2016)

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?

**Staff requests No. 848 be adjourned to Thursday, June 23, 2016 at 7:00pm.*

MOTION: Cowall/Wunsch to move Request No. 848 to the June 23, 2016 meeting.

PASSED UNAN

MOTION: Cowall/Wunsch to excuse Snow and invite Soutar back to the Board.

PASSED UNAN

Alternate Snow steps down and Soutar is seated.

D. Request No. 849, Zoning A-1

Applicant: Nathan Schultz and Stephanie Woodfin, 10621 Craig Rd., Traverse City, MI 49686 Owner: Nathan Schultz and Stephanie Woodfin, 10621 Craig Rd., Traverse City, MI 49686 Property Address: 10621 Craig Rd., Traverse City, MI 49686 Request: (1) a variance of 124.65 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for Parcel “A” and (2) a variance of 180 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for the remainder parcel and (3) a variance from the depth to width requirement (Section 6 (d) of the Peninsula Township Land Division Ordinance #49 of 2012) to allow for a lot line adjustment.

Parcel Code Nos. 28-11-008-003-00 and 28-11-008-016-55

Reardon presents Staff Report.

Nathan Schultz, 10621 Craig Road spoke as the applicant of this request #849. He provided a background of the parcel ownership and the desire to obtain the variances and lot line adjustments. He felt that the property that is not well suited to Ag could be under pressure to be developed and that his solution to obtain the variances and lot line adjustments would provide the solution which would allow him to sell 5 acres and finalize conservation easement on a portion of this property.

Vida asks for Public Comment For and Against Request No. 849. No Comments. Public Hearing closed at 7:58 P.M.

Further discussion by the board resulted in the following decision.

Peninsula Township Planning & Zoning Department
FINDINGS OF FACT

ZBA Request #849 – 10621 Craig Rd.
June 9, 2016

DECISION AND ORDER

Applicant: Nathan Schultz & Stephanie Woodfin, property owners

Peninsula Township
Zoning Board of Appeals

Hearing

Date: June 9, 2016

PROPERTY DESCRIPTION

The property of 10621 Craig Rd. Traverse City, MI 49686 and inclusive of Parcel Nos. 28-11-008-003-00 & 28-11-008-016-55, herein after referred to as the "property".

APPLICATION

Requests: (1) a variance of 124.65 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for Parcel "A" and (2) a variance of 180 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for the remainder parcel and (3) a variance from the depth to width requirement (Section 6 (d) of the Peninsula Township Land Division Ordinance #49 of 2012) to allow for a lot line adjustment.

The Board having considered the Application, a public hearing having been held on June 9, 2016, after giving due notice as required by law, the Board having heard the statements of the Applicant and agents, the Board after having considered letters submitted by members of the public and comments by members of the public, the Board having considered five (5) exhibits, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

8. The Board finds that the properties are currently zoned Agriculture (A-1). (Exhibits 1, 2)
9. The Board finds that the surrounding properties are zoned Agriculture (A-1). (Exhibit 1, 2)
10. The Board finds that the existing single family residence located at 10621 Craig Road is a legal conforming structure built in 2011. (Exhibit 2)
11. The Board finds the properties are metes and bounds parcels and are legally nonconforming. (Exhibit 2, 5)
12. The Board finds that the proposed lot line adjustment will result in two (2) parcels that do not conform to Peninsula Township Zoning Ordinance requirements; specifically lot width. (Exhibits 2, 3, 4)
13. The Board finds that the applicant requests a variance of 124.65 feet from the required 330 foot lot width to allow for a lot line adjustment for Parcel "A". (Exhibit 3)
14. The Board finds that the applicant requests a variance of 180 feet from the required 330 foot lot width to allow for a lot line adjustment the remainder parcel. (Exhibit 3)
15. The Board finds that the proposed lot line adjustment will result in one parcel (Parcel "A") that will exceed the maximum 3 to 1 depth to width requirement of the Peninsula Township Land Division Ordinance. (Exhibit 3)

MOTION: Soutar/Vida to approve the general findings of fact

MOTION PASSED (unanimous)

Variance Request #1 a variance of 124.65 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for Parcel "A" to allow for a lot line adjustment.

FINDINGS UNDER SECTION 3.2 – DEFINITIONS – PRACTICAL DIFFICULTY OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 3.2 definition of Practical Difficulty of the Ordinance for each of the following standards listed in that section:

1. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)

This standard HAS been met.

2. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

3. The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)

This standard HAS been met.

MOTION: Soutar/Vida all three standards of practical difficulty have been met.

MOTION PASSED (unanimous)

FINDINGS UNDER SECTION 5.7.3 VARIANCE OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.7.3 of the Ordinance for each of the following standards listed in that section:

Basic Conditions: ALL of the Basic Conditions SHALL be clearly demonstrated.

1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)

This standard HAS been met.

3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that generally the proposed lot line adjustment is unlikely to decrease the value of the subject property or that of any neighboring properties. (Exhibits 3)

This standard HAS been met.

4. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

- 5. Will relate only to the property that is under control of the applicant.

The following findings may support this standard HAS been met.

- a. The Board finds that the variance is specific to the applicant and property owners' parcel. (Exhibit 3)

This standard HAS been met.

MOTION: Sutar/Vida all five basic conditions have been met.

MOTION PASSED (unanimous)

Special Conditions: At least one shall be clearly demonstrated.

- 1. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

MOTION: Soutar/Witkop special conditions 1 & 2 have been met.

MOTION PASSED (unanimous)

VARIANCE REQUEST # 1 MOTION TO APPROVE

MOTION: Wunsch/Soutar approval of variance request #1 with the condition of approval of the successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy.

MOTION PASSED (unanimous)

The Peninsula Township Board of Appeals has **APPROVED** your request for a variance of 124.65 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for Parcel "A" to allow for a lot line adjustment.

CONDITIONS OF APPROVAL

1. Successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy.

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant's variance request #1 be **APPROVED**.

Variance Request #2 a variance of 180 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for the remainder parcel to allow for a lot line adjustment.

FINDINGS UNDER SECTION 3.2 – DEFINITIONS – PRACTICAL DIFFICULTY OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 3.2 definition of Practical Difficulty of the Ordinance for each of the following standards listed in that section:

1. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area on Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)

This standard HAS been met.

2. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

3. The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

The following findings may support this standard HAS been met.

- c. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- d. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)

This standard HAS been met.

FINDINGS UNDER SECTION 5.7.3 VARIANCE OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.7.3 of the Ordinance for each of the following standards listed in that section:

Basic Conditions: ALL of the Basic Conditions SHALL be clearly demonstrated.

1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)

This standard HAS been met.

3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that generally the proposed lot line adjustment is unlikely to decrease the value of the subject property or that of any neighboring properties. (Exhibits 3, 4)

This standard HAS been met.

4. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

- 5. Will relate only to the property that is under control of the applicant.

The following findings may support this standard HAS been met.

- a. The Board finds that the variance is specific to the applicant and property owners' parcel. (Exhibit 3)

This standard HAS been met.

Special Conditions: At least one shall be clearly demonstrated.

- 1. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

- 2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property is zoned Agriculture (A-1). According to Section 6.7.2 (1) a single family residence is a use by right in the A-1 zoning district. (Exhibits 1, 2)
- b. The Board finds that the existing lot layout requires the placement of a residential structure in an area of Parcel "A" that is difficult to access due to topography and the public road frontage deficiency. (Exhibit 2, 3)
- c. The Board finds that the lot line adjustment will allow increased safety for the proposed residential use on Parcel "A" by allowing the structure to be closer to the public right-of-way and in an area more readily accessed by emergency response. (Exhibit 3)
- d. The Board finds that residential density will be reduced by allowing the lot line adjustment and the placement of a conservation easement on the remainder parcel. (Exhibit 3)

This standard HAS been met.

VARIANCE REQUEST # 2 MOTION TO APPROVE

MOTION: Soutar/Wunsch to approve the standards have been met for practical difficulty, basic conditions, and special conditions 1 & 2, as well as to approve variance request #2 with the condition of approval of the successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy.

MOTION PASSED (unanimous)

The Peninsula Township Board of Appeals has **APPROVED** your request for a variance of 180 feet from the required 330 foot lot width (Section 6.8 of the Peninsula Township Zoning Ordinance #2) for the remainder parcel to allow for a lot line adjustment.

CONDITIONS OF APPROVAL

1. The successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant's variance request #1 be **APPROVED**.

Variance Request # 3 a variance of 224.13 feet from the required 3:1 width to depth ratio (Section 6(d) of the Peninsula Township Land Division Ordinance) for Parcel "A".

FINDINGS UNDER SECTION 7(C) OF THE PENINSULA TOWNSHIP LAND DIVISION ORDINANCE—ZONING BOARD OF APPEALS—GRANTING OF VARIANCES

The board makes the following findings of fact as required by Section 7(c) for each of the following standards listed in that section:

1. Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions that do not generally apply to other lots, parcels, or tracts of land in the township.

The following findings may support this standard HAS been met

- a. The Board finds that currently there are exceptional topographical challenges at both parent parcel road frontages, as the properties have significant slopes that rise westerly and are heavily wooded. (Exhibit 3)
- b. The Board finds that the existing 68 feet of road frontage at the remainder parcel is significantly less frontage than typical agriculturally zoned properties. (Exhibit 2, 3)
- c. The Board finds the small frontage significantly compromises access as a 70 foot wide corridor is maintained into the property for a depth of over 700 feet. (Exhibit3)

This standard HAS been met.

2. The exceptional or extraordinary circumstances or conditions existing on the parent parcels are not the result of any act or omission by the Applicant or his or her predecessors in title.

The following findings may support this standard HAS been met

- a. The Board finds that the exceptional or extraordinary circumstances or conditions are not the result of any act or omission by the Applicant or his or her predecessors in title. (Exhibit 3)

This standard HAS been met.

3. The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels, or tracts of land or to the general health, safety and general welfare of the township.

The following findings may support this standard HAS been met

- a. The Board finds that the applicant request is not creating greater density, as the applicant is not creating any additional building sites. (Exhibit 3)
- b. The Board finds that significant earth changing and tree removal will be avoided, as the 68 foot by 700+ foot entry point for the remainder parcel will not need to be cleared for access. (Exhibit 3)
- c. The Board finds that the number of driveways along Craig Rd may be reduced, as the new lot line configuration will allow a shared entry point for both parcels. (Exhibit 3)
- d. The Board finds that general health and safety is improved by avoiding the installation of a 68 foot driveway up treacherous slopes for a 700+ depth into the property. (Exhibit 3)

This standard HAS been met.

4. The resulting lots, parcels, or tracts of land with the variance granted shall be compatible with surrounding lots, parcels, or tracts of land.

The following findings may support this standard HAS been met

- a. The Board finds that the parcels shall be compatible with surrounding parcels as the majority of the contiguous acreage is also heavily wooded. (Exhibit 3)
- b. The Board finds that the request is not creating any additional density. (Exhibit 3)

This standard HAS been met.

5. The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.

The following findings may support this standard HAS been met

- a. The Board finds that preserving the required 330 foot frontage standard for one parcel to be impractical, as it perpetuates a serious deficiency in frontage for the remaining site. (Exhibit 3)
- b. The Board finds that the resulting parcel configuration to be more suitably conducive to two resulting building sites. (Exhibit 3)

This standard HAS been met.

MOTION: Wunsch/Soutar to approve all five standards have been met.

MOTION PASSED (unanimous)

VARIANCE REQUEST #3 MOTION TO APPROVE

MOTION: Wunsch/Soutar to approve variance request #3 with the condition of approval of the successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy.

MOTION PASSED (unanimous)

The Peninsula Township Board of Appeals has **APPROVED** your request for a variance of 224.13 feet from the required 3:1 width to depth ratio (Section 6(d) of the Peninsula Township Land Division Ordinance) for Parcel "A".

CONDITIONS FOR APPROVAL

1. The successful execution of the proposed conservation easement by the Grand Traverse Regional Land Conservancy

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant's variance request #3 be APPROVED.

TIME PERIOD FOR JUDICIAL REVIEW

Mcl 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED

Date

Chairperson

Date

Vice Chairperson

Secretary

E. Request No. 850, Zoning R-1C

Applicant: Rembrandt Construction Inc. c/o Jeff Black, 10667 Candleton, Traverse City, MI 49684
Owner: George & Donna L. Schuhmacher, 307 Davis St. Apt 4, Traverse City, MI 49686
Property Address: 658 Walnut Ridge, Traverse City, MI 49686

Request: (1) a variance of 12 feet (12') from the required 15 foot (15') side yard setback to allow for the construction of a retaining wall to support a drain and paved driveway.

Parcel Code Nos. 28-11-687-006-00

Schoolmaster presented Staff Report which requests a variance of the 12-foot variance from the required 15-foot side yard setback to allow for construction of a retaining wall.

Jeff Black, Rembrandt Construction, 10677 Candleton spoke on behalf of the owners. Mr. Black spoke of the need to hold the water runoff from the driveway and the desire provide a solution that would have the least impact on the neighbor.

Questions from the Board over the zoning code and the fact that once a retaining wall exceeds grade it becomes a structure. Applicant stated that he was aware that he needed to take care of the runoff but did not realize that the retaining wall would require a variance.

Vida asks for Public Comment For and Against Request No. 850.

John Boyton, 1719 Comanche, owns the property to the west. He appreciates the candor of the applicant but he is concerned about what the retaining wall will look like. He has not seen the plan and he does not know what the finished surface will be.

Applicant Black indicated that the wall would be 5 feet with 2 feet in the ground. It could be buried or could be planted with trees already purchased. He is open to discussion on this.

No further comments from the audience. Public Hearing closed at 8:31 p.m.

Discussion by the Board included comments that the contractor is working to minimize the effect of the runoff. Consensus of the Board was that they would hope the contractor would work with the neighbor to provide the most pleasing surface and plantings for the neighbors. The following decision was made:

Peninsula Township Planning & Zoning Department
FINDINGS OF FACT

ZBA Request #850 – 658 Walnut Ridge
June 9, 2016

DECISION AND ORDER

Applicant: Rembrandt Construction Inc. c/o Jeff Black, 10667 Candleton, Traverse City, MI 49684
Hearing Date: June 9, 2016

PROPERTY DESCRIPTION

The property of 658 Walnut Ridge Traverse City, MI 49686, Parcel No. 28-11-687-006-00 herein after referred to as the "property".

APPLICATION

Requests: (1) a variance of 12 feet (12') from the required 15 foot (15') side yard setback to allow for the construction of a retaining wall to support a drain and paved driveway.

The Board having considered the Application, a public hearing having been held on June 9, 2016, after giving due notice as required by law, the Board having heard the statements of the Applicant and agents, the Board after having considered letters submitted by members of the public and comments by members of the public, the Board having considered five (5) exhibits, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

16. The Board finds that the property is currently zoned Suburban Residential Single and Two-Family (R-1C). (Exhibits 1, 2)
17. The Board finds that the lot was created in 2005 and is conforming. (Exhibit 5)
18. The Board finds that the existing single family residence is conforming and was built in 2015. (Exhibit 2)
19. The Board finds that the proposed retaining wall does not conform to relevant zoning standards. (Exhibits 2, 3, 4)
20. The Board finds that the applicant requests a variance of 12 feet (12') from the required 15 foot (15') side yard setback to allow for the construction of a retaining wall to support a drain and paved driveway. (Exhibit 3)

MOTION: Cowall/Soutar to approve the general findings of fact

MOTION PASSED (unanimous)

Variance Request #1 A variance of 12 feet (12') from the required 15 foot (15') side yard setback to allow for the construction of a retaining wall to support a drain and paved driveway

FINDINGS UNDER SECTION 3.2 – DEFINITIONS – PRACTICAL DIFFICULTY OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 3.2 definition of Practical Difficulty of the Ordinance for each of the following standards listed in that section:

4. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;

The following findings may support this standard HAS been met.

- c. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)
- d. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- e. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- f. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

This standard HAS been met.

5. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

The following findings may support this standard HAS been met.

- a. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)
- b. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- c. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- d. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

This standard HAS been met.

6. The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

The following findings may support this standard HAS been met.

- a. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)

- b. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- c. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- d. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

This standard HAS been met.

MOTION: Vida/Soutar all three standards of practical difficulty have been met.

MOTION PASSED (unanimous)

FINDINGS UNDER SECTION 5.7.3 VARIANCE OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.7.3 of the Ordinance for each of the following standards listed in that section:

Basic Conditions: ALL of the Basic Conditions SHALL be clearly demonstrated.

- 6. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

The following findings may support this standard HAS been met.

- a. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)
- b. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- c. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- d. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

This standard HAS been met.

MOTION: Vida/Cowall basic condition number one has been met.

MOTION PASSED (unanimous)

- 7. 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.

The following findings may support this standard HAS been met.

- b. The Board finds that the property is zoned Coastal Zone Single and Two-Family (R-1B). According to Section 6.2.2(2)(a) an accessory structure is a use by right in the R-1C zoning district. (Exhibits 1, 2)

- c. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)

This standard HAS been met.

MOTION: Wunsch/Soutar basic condition number two has been met.

MOTION PASSED (unanimous)

- 8. 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.

The following findings may support this standard HAS been met.

- b. The Board finds that generally the proposed retaining wall is unlikely to decrease the value of the subject property or that of any neighboring properties. (Exhibits 3, 4)
- c. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)

This standard HAS been met.

MOTION: Wunsch/Soutar basic condition number three has been met.

MOTION PASSED (unanimous)

- 9. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)
- b. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- c. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- d. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

Consensus is this standard HAS been met (unanimous).

- 10. Will relate only to the property that is under control of the applicant.

The following findings may support this standard HAS been met.

- b. The Board finds that the applicant is the appointed representative for the property owner and the variance is specific to the property owner's parcel. (Exhibit 3)

Consensus is this standard HAS been met (unanimous).

Special Conditions: At least one shall be clearly demonstrated.

3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the property has unique topography that slopes from east to west. (Exhibit 2, 5)
- b. The Board finds that the driveway requires a retaining wall and drain prevent long term washout and to protect the adjacent property owner's parcel. (Exhibit 3)
- c. The Board finds that a typical driveway turnaround requires a minimum 20 foot clearance from the garage door to ensure the safe operation of motor vehicles and drainage structure. (Exhibit 3)
- d. The Board finds that the existing driveway provides a 25 foot clearance from the garage door. (Exhibit 3)

This standard HAS been met.

MOTION: Wunsch/Soutar basic condition number three has been met.

MOTION PASSED (unanimous)

VARIANCE REQUEST # 1 MOTION TO APPROVE

MOTION: Soutar/Wunsch to approve Variance Request #850 based on the findings of fact as discussed.

MOTION PASSED (unanimous)

The Peninsula Township Board of Appeals has **APPROVED** your request for a variance of 12 feet (12') from the required 15 foot (15') side yard setback to allow for the construction of a retaining wall to support a drain and paved driveway structure.

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant's variance request #1 be **APPROVED**.

TIME PERIOD FOR JUDICIAL REVIEW

Mcl 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED

Date

Chairperson

Date

Vice Chairperson

Secretary

F. Request No. 851, Zoning A-1

Applicant: Burkholder Construction c/o Scott Wright, 2206 Cass Rd., Traverse City, MI 49684
Owner: Mary Ann & Mario Tabone, 379 Red Ryder Dr., Plymouth, MI 48170
Property Address: 14998 Peninsula Dr., Traverse City, MI 49686

Request: (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

Parcel Code Nos. 28-11-122-010-00

Schoolmaster presented the staff report on this request. There was discussion that this original property had a permit as a food processing plant but was now requesting a farm processing facility. Board consensus was that the issue was not the fact that the building had burned but that there was not an 11'2" variance due to the loading dock.

Maria Tabone, 14998 Peninsula Drive was present. Tabone presented background on previous approval given to the structure. Contractor Scott Wright, 2206 Cass also present to discuss current plan and the belief that a tasting room was always the intent of this site.

Discussion continued by the Board with the consensus that it maybe worthwhile to look at the history of this property and that the history could be relevant to the current situation. Discussion also was held on the lot line variance and the fact that if there was the ability to purchase the additional 11'2" that the variance would not be necessary.

Staff to look into history of this property. Applicant to speak with adjoining property owner.

Vida asks for Public Comment For and Against Request No. 851. No Comments. Public Hearing closed at 9:16 P.M.

MOTION: Wunsch/Soutar to adjourn Request No. 851 to the June 23, 2016 meeting.
PASSED UNAN

Approval of Minutes

A. May 12, 2016 Regular Meeting

Typographical error noted in the spelling of Cowall last name.

MOTION: Cowall/Wunsch to approve minutes of May 12, 2016 as amended.
PASSED UNAN

New Business

A. Township Board Report (Witkop)

Witkop reported that the Town Board has been working with the Planning Commission on the Zoning Ordinance re-write.

B. Planning Commission Report (Wunsch)

Wunsch reported that Planning Commission is also working on Zoning Ordinance re-write.

MOTION: Cowall/Wunsch to adjourn at 9:19 P.M.

Respectfully submitted by Mary Ann Abbott, Recording Secretary

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 June 9, 2016 at 7:00 PM at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686, (231) 223-7322. The following applicants will be heard:

1. Request No. 851, Zoning A-1

Applicant: Burkholder Construction c/o Scott Wright, 2206 Cass Rd., Traverse City, MI 49684

Owner: Mary Ann & Mario Tabone, 379 Red Ryder Dr., Plymouth, MI 48170

Property Address: 14998 Peninsula Dr., Traverse City, MI 49686

Request: (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

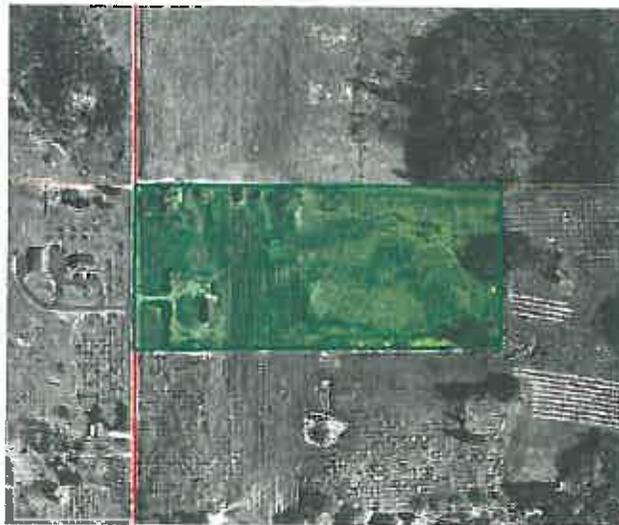
Parcel Code Nos. 28-11-122-010-00

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

Written comment may be submitted to Peninsula Township Planning & Zoning Department at 13235 Center Rd., Traverse City, MI 49686 no later than 4:30 PM on the date of the hearing.

If you are planning to attend the meeting and are disabled requiring any special assistance, please so notify the Planning & Zoning Department at (231) 223-7322 or call TDD at (231) 922-4766.

SUBJECT PROPERTY



To: Peninsula Township Zoning Board of Appeals

From: Michelle Reardon, Planning & Zoning Department

Re: Request No. 851, Tabone Winery

Date: June 16, 2016

Below is a history of the structures on the property in question:

February 8, 2000 – Township Board approves ZO Amendment 128 – Winery with Tasting Room. This amendment is quickly subject to referendum and does not become effective.

February 28, 2000 – Jack and Paula Seguin application for SUP #73 (J. Josef Winery) is introduced at the Planning Commission meeting (minutes attached). At this meeting a public hearing (March 20, 2000) and a tour (March 3, 2000) of the property are scheduled. Also, at this meeting the applicant, Mr. Seguin, withdraws the tasting room and proceeds solely with the food processing portion of his SUP application.

March 20, 2000 – Planning Commission (minutes attached) recommends approval of SUP #73 to the Township Board. The motion also includes language that the winery be allowed to sell wine by the bottle as incidental sales if it is legal.

April 18, 2000 – Township Board (minutes attached) approves SUP #73 as a Food Processing Plant in the A-1 District without any retail sales pending further legal review. The permit (attached) is issued with language allowing for the amendment of the permit to allow retail sales should it be allowed by ordinance in the future.

February 24, 2004 – SUP #73 is transferred to Tabone Orchards. No amendment to the original SUP has been made.

Please note that the only variance applied for on this property relates to the residential structure on site and has no bearing on this case.

6. Wilson said that they have gotten a verbal OK from Floyd Carpenter at the Health Department.

7. The PC briefly addressed a letter from Wilson & Kester P.L.C. The Fuller's may or may not have exclusive rights to the driveway in question, so the applicant will show two alternate parking sites on the site plan. The PC said that their 1st choice was the one on Old Bluff Trail. The board briefly discussed the letter that they received regarding Fullers use of the road and determined that this was a legal issue and not for the board to decide.

MOTION: Teahen/McManus to recommend approval of this to the Township Board provided they can meet the listed recommendations.
Passed Unan

2. J. Josef Vineyards - Special Use Permit #73 - Introduction.

Paula & Jack Seguin gave a brief presentation on their proposed winery and tasting room. Johnson asked how many acres they have? P. Seguin a total of 18.6. Teahen asked if they can accommodate large motor homes? P. Seguin yes in the overflow. Coulter asked about the hours of operations? P. Seguin we will take another look at the hours of operation and return with that information to the PC at the next meeting.

Coulter asked Ford and Hayward how the PC should proceed with this request since there is a possible referendum on this? Ford and Hayward agreed that the PC could continue with a public hearing on both the winery and tasting room, and could pull the tasting room portion if they needed to.

MOTION: Teahen/McManus to hold a public hearing with the options for both the winery and tasting room at the March 20th Planning Commission meeting.
Passed Unan

MOTION: Fiebing/Teahen to hold a site visit at 4:00 pm. on March 3, 2000 at J. Josef Vineyards.
Passed Unan

After brief discussion on the option of holding a public hearing for both the winery and tasting room the Seguin's asked to hold the public hearing on only the processing part for a winery at the next meeting.

MOTION: Teahen/McManus to amend the motion for a public hearing on J. Josef Vineyard for March 20, 2000 to include only the winery at this time.
Passed Unan

PENINSULA TOWNSHIP PLANNING COMMISSION MEETING
MARCH 20, 2000

*Cronander/McManus
4/17/00
approved*

PRESENT: Chair Coulter; Cronander; Teahen; Fiebing; Sanger; McManus; Johnson; Hoffman; Z/A Planner Hayward.

ABSENT: Attorney Ford.

Meeting was called to order at 7:30 pm.

CHAIR'S REMARKS Coulter reminded the PC that it is the end of the 1st quarter, and per diems need to be turned in to the Clerk's office.

ADDITION TO AGENDA None.

MOTION: Cronander/McManus approve minutes 2/28/00 as corrected.
Passed Unan

PUBLIC INPUT None.

1. **East Shore Road Neighborhood Association.**

Ellen Kohler spoke to the PC and asked that they would form a committee and add some language to the Master Plan regarding East Shore Road.

McManus feels that they should include the Grand Traverse County Road Commission in any committee that the PC forms.

The following people will be on the Planning Commission Road Committee; Sanger, McManus, and Coulter. Also the PC asked Kohler that she ask not more than three people who live on East Shore Road to serve on the committee also.

Cronander suggested that the PC also look at the other roads in the Township as well.

2. **J. Josef Vineyards - Special Use Permit #73 - Public Hearing.**

Paula and Jack Seguin presented their plan for a Winery/Processing Plant. The building which is 2400 square feet is located just South of their home and would be used to process fruit. The Seguins have 18 acres with 11 acres planted in fruit (grapes, apples and raspberries). J Seguin said that their plan is to have 3200 gallons (1500 cases) of wine the first year.

Public Hearing opened at 8:00 pm

Letters from the following people in favor of this request were read. Arnold & Betty Elzer, John & Nancy Elzer, Charlene & Kevin Ostlund, and Jack Solomonson.

PC reg 3/20/00

Richard Templeton, 10436 E Marion Dr., T.C.
Was there a request for a tasting room? Coulter that was withdrawn and the applicants have asked for a winery/processing plant only. How many grapes do they produce and sell? J Seguin we produce about 40 ton of that we sell about 20 ton. Templeton asked what the maximum gallons are that they could produce? J Seguin we have the capacity to produce between 5000 to 6000 gallons.

MOTION: Fiebing/Sanger to close PH at 8:07 pm. **Passed Unan**

MOTION: Teahen/Fiebing to recommend approval of this to the Township Board and if it is legal that they Seguin's be able to sell wine by the bottle or case as an incidental sale from the winery.

Discussion followed - Fiebing do other processing plants allow incidental sales? Hayward yes, such as Peninsula Fruit Exchange does. Sanger how close is this to a retail operation? Hayward with this they would only be able to sell wine by the bottle for off premises consumption.

Roll Call Vote: Johnson yes, Coulter yes, Cronander yes, Teahen yes, Fiebing yes, McManus yes, Sanger yes. **Passed Unan**

3. **Old Mission General Store, Gas Pump - Sub #74 - Introduction.**
Jim Richards would like to put a gas pump North of the store. This will be an above ground tank that is being supplied by Crystal Flash. Fiebing asked about the economics of this? Richards said that Crystal Flash is financing this and he will not have to compete with pricing. Cronander asked if the township has a liability in an above ground tank? Hayward no. Coulter is concerned with the lack of parking at the store. Richards said that his future plans are to look at the parking.

The consensus of the PC was to hold a site visit, return to the next meeting and discuss the request prior to scheduling a public hearing.

They will hold a site visit on April 12, at 4:00 pm at the Old Mission Store.

4. **Hidden Ridge Condominium - Introduction.**

Joe Zimmers presented the plan. He is proposing 25 lots. Zimmers said that the wetland issue is being worked out and he may have 25 to 35 sites. The plan is to hook up to city water which ends at Port of Old Mission, and the sewer hook up is south on East Shore Road. Zimmers said that it is not his plan to encourage through traffic. The parcel has 140 feet of shore line, allowing some shared usage. He does not plan to improve the frontage, but he does not know what the association may do in the future.

flexibility, such as whether to use a block or poured concrete basement. Gray expressed concern that it may be difficult to compare bids submitted in this manner. Manigold explained that the bids will be for a complete building, and that the board will make the determination on these items after the bidding process is complete and we have some projected costs. The basement may need to be revised to incorporate the appropriate spacing for egress to comply with construction code. Also, he will include a start time in the notice. GRAY/BREADON MOTION to submit the proposed building plans and specifications for bids. CARRIED, UNAN. Manigold will prepare the advertisement. Manigold also suggested that a newsletter be prepared to inform the residents of the status of the plans. Gray suggested that the board wait until the bids are received.

Public Hearing - SUP No. 73 L. Josef Vineyard Winery

Manigold disclosed that he hires Jack Seguin for occasional contract work on his farm, but stated that he does not feel that the amount and type of work would constitute a reason to abstain from discussion of this issue. He wanted board members to be aware of the situation. Jack and Paula Seguin presented the plan for the food processing plant/winery, which includes a 2400 sq ft building located just south of their home, which will be used to process fruit. The property is 18 acres, with 11 acres currently planted to fruit. They proposed a 3'x 3' sign, and an entrance sign in to the winery. They hope to begin processing fruit in September of this year.

The hearing opened at 8:05 p.m.

Grant Parsons, 7348 Maple Terrace, stated that he initiated the petition for referendum of Amendment 128A,B and C. He is not opposed to the Seguin's proposal for a winery, but does not approve of the reference to incidental sales. He suggested that a statement be adopted which would state that this permit would not set a precedent for incidental sales.

Rocko Fouch, Center Road, supports the application, and thinks they deserve to do what is being requested. He believes that the winery industry has been a positive draw to the peninsula.

Mark Nadolski, 10 McKinley Road, stated he is speaking as the president of Protect the Peninsula. He supports the Seguin's application, but opposed to inclusion of incidental sales. He stated that the board needs to be cautious in approving a use within a SUP that is not addressed within the ordinance.

Ed O'Keefe, 12301 Center Road, stated that he is speaking on behalf of the Agricultural Preservation League. He does not agree with Parson's recommendation of a statement that this would not set a precedent. He stated that Protect the Peninsula is a lobbyist group, and that they are afraid of the Right to Farm legislation that will be adopted by the state on June 1, and the precedent will take over. He stated that Mr. Gray was a founder of PTP. Gray commented that he was not a founder of the group.

Jack Seguin, commented in reference to Parson's suggestion of a statement that this does not set a precedent, and stated that they don't want to be treated differently. They started as a group of small winery owners and they want it to stay that way.

Paula Seguin, stated that they considered applying under the food processing plant a year ago, but waited to see if the small winery ordinance, which was being considered by the board, would be feasible. They are looking for a timely response to the application, due to financial considerations.

Justin Seguin, stated he is the son of the applicants, and that they have worked hard to maintain a high quality project, and thanked residents for their support.

Mark Nadolski, asked that if this use, including processing plant, winery and tasting room is allowed under the current food processing plant ordinance, then why did this group spend 1 ½ years developing a winery ordinance, if they already had what they say is allowed under this food processing ordinance.

Ed O'Keefe, stated that the wine group wants Amendment 128A,B &C to become effective, but the growers can't use it because of the pending referendum. So, they are using the food

processing ordinance.

Nancy Heller, 3091 Blue Water Road, stated that much of the population coming in to the township doesn't want to live under the dictates of a particular special interest group.

Mark Nadolski, Protect the Peninsula was formed by a group of farmers 20 years ago, and has worked to protect the rights of farmers, and speaks for many residents of the peninsula.

Supervisor read 4 letters of support for the permit in to the record: Charlene and Kevin Ostlund, Arnold and Betty Elzer, Jack Solomonson, and John and Nancy Elzer.

The hearing closed at 8:28 p.m.

Gray read the portion of the planning commission minutes, emphasizing the part of the motion that recommended approval "and if it is legal"...and he indicated that retail sales is not a legal use within the ordinance. He asked for a clarification of the use of the term incidental, as used in the permit. He suggested that it refers to something that happens occasionally, not intended. He reported on his conversations with the staff from the LCC and Bob Porter, an attorney with MTA.

He stated that an ordinance can not be enhanced through a special use permit. Only those uses allowed within the ordinance can be included in the permit. There is no provision for incidental sales within the ordinance, therefore, it is not a use that can be included in a special use permit.

Manigold stated that we have always allowed retail sales, and this is no different from selling pumpkins or syrup. This permit is not requesting a tasting room. This is for sale of bottled wine for off-site consumption. Section B2 and D3 of the permit refer to the retail sales of wine.

Breadon stated that incidental means "a small portion of ": Manigold stated that we need to define how much is incidental. Gray commented that he has no objection to the winery portion of the permit request, but can not approve the retail sales portion of the request. DeVol stated that she believes that it is the desire of the board to approve the portions of this permit that would allow the Seguin's to proceed with their winery as a food processing plant operation. The only parts that are in question are sections B2 and D3, which involve retail sales of wine.

DEVOL/BREADON MOTION to approve the Findings of Fact and Special Use Permit No. 73 , excluding B2 and D3, and that B2 and D3 be tabled pending a legal opinion. CARRIED, UNAN.

Public Hearing – The Cove Condominium

Ward Kuhn, attorney for the applicant, explained that there is a question concerning an easement on the property, which has not yet been resolved.

The hearing opened at 9:26 p.m.

Robert Parker, representing Mr. and Mrs. Fuller, stated that there are legal issues that the individuals are addressing, he also stated concern about the proposed parking area, stating that it is an intrusion on his clients. He suggested that the property issues may be resolved with a little more negotiation, hopefully within approximately two weeks.

Mark Nadolski, 10 McKinley Road, suggested that the board take the viewshed into consideration on any project being considered. Also, he asked whether there are any restrictions on removal of trees along the shoreline.

Manigold summarized the letters received, and correspondence was read in to the record, including a letter from Cal Jamieson.

The hearing was closed at 9:50 p.m.

There was board discussion concerning the impact of this development on the Fuller's property. Hayward stated that the frontage requirements were met. The setback, proposed landscaping and health issues were addressed. The 200' setback will be maintained as indicated on the plan, the buildings on Lot 8 will be removed, the beach house drawn on the site plan should be labeled storage only, a roof deck will be allowed

PENINSULA TOWNSHIP
Special use Permit

No. 73

This special use Permit has been

~~XXXXXX~~ issued for transferred to "Tabone Orchards" - "Tabone Vineyards"

whose address is 14998 Peninsula Drive, Traverse City MI 49686

On February 23 ~~19x~~ 2004

Approval for

This Special Use

Permit was

Reviewed and approved

by the Peninsula

Township Board on April 18 ~~XX~~ 2000 and

conforms to standards under

section 8.5 for Food Processing Plant

Robert K. Marshall
Peninsula Township Supervisor

PENINSULA TOWNSHIP

13235 Center Road
Traverse City, Michigan 49686

ROBERT K. MANIGOLD
SUPERVISOR

MONICA A. HOFFMAN
CLERK

DAVID K. WEATHERHOLT
TREASURER

JED HEMMING
TRUSTEE

ALAN GRAY
TRUSTEE

February 24, 2004

Mario Tabone
14998 Peninsula Drive
Traverse City MI 49686

Re: Special Use Permit No 73 - Food Processing Plant

Dear Mr. Tabone,

Special Use Permits are issued to the property, not to an individual, so no new special use permit will need to be issued to you.

We do not issue new special use permits when property changes ownership. Both the property owner and the Township Board have to agree to make changes to a Special Use Permit. That process requires a new application, review by the Planning Commission and Township Board including public hearings by both bodies.

I am including a Certificate indicating that Special Use Permit has been transferred to Tabone Orchards - Tabone Vineyards.

The only uses allowed on the property are those uses listed in the Special Use Permit including the Findings.

If you want to talk about what is allowed under the Special Use Permit, you will want to contact Gordon Uecker, Township Zoning Administrator.

I you have any questions, please contact me.

Sincerely,



Gordon L. Hayward
Peninsula Township Planner

PH: (231) 223-7322 ♦ FAX (231) 223-7117



PENINSULA TOWNSHIP
Special use Permit

This special use Permit has been

issued for J. Joseph Winery

whose address is 14998 Peninsula Drive, Traverse City MI 49686

On April 18 19~~20~~2000

Approval for

This Special Use

Permit was

Reviewed and approved

by the Peninsula

Township Board on April 18

19~~20~~2000 and

conforms to standards under

section 8.5

for Food Processing Plant.

[Signature]
Peninsula Township Supervisor

PENINSULA TOWNSHIP
Special Use Permit No. 73

FINDINGS OF FACT

The Peninsula Township Board has reviewed the application of **J. Josef Winery, Jack & Paula Seguin, 14998 Peninsula Drive, Traverse City, Michigan 49686** for Special Use Permit No.73 for Food Processing Plant to be located at 14998 Peninsula Drive, in Section 22, T29N; R10W, Peninsula Township, Grand Traverse County, and recommends approval based on the following Findings:

Section 8.5 Food Processing Plants in A-1 Districts:

Section 8.5.2 Required Information: The following information shall be submitted as a basis for judging the suitability of the proposed operation:

1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other constructions features which shall be proposed.

Attached is the building and site plan for review which will be used for a Winery/ Processing Plant and proposed future Tasting Room. DEQ water discharge exemption permit is pending. A septic site plan review # 7042 by Grand Traverse County Health Dept. 6-24-99.

2. A description of the operations proposed in sufficient detail to indicate the effect of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emissions of any potentially harmful or obnoxious matter or radiation.

Day to day operations for the J. Josef Winery are outlined as follows. As fruit is being harvested, tractors or trucks will be delivering to the winery. This may include 3-5 deliveries per day for 2-7 days. The fruit is then crushed and pressed and pumped directly to fermenting tanks inside the winery. The juice is then inoculated with a yeast culture and fermentation will continue for 1-2 weeks. Following the finish of fermentation there is a time period of 3-4 months during which the wine is settled, filtered, and prepared for bottling. The bottling operation will consist of a small tank and pump, a filling station and a cork inserter. All this equipment as well as that used during harvest will be electrically operated; therefore no fumes will be emitted. The expected effects of the operations will not pose a problem for adjacent properties. Oversized vehicles will be directed to the overflow parking area. Parking for buses is not provided and buses will be discouraged at the winery. There are no retail sales taking place, however if allowed in the future, application for retail sales is anticipated.

3. Engineering and Architectural Plans for:

- a. The treatment and disposal of sewage and industrial waste or unusable by-products.

The disposal of sewage will be under the regulation of Grand Traverse County Health Department. Solid waste in the form of fruit pulp will be used as a natural fertilizer for the adjoining vineyard and spread accordingly. A septic site plan completed by Grand Traverse County Health Dept. on 6-24-99 notes that site is suitable for an on site septic system. Attachment pages # 1-5 shows site survey and septic system design for the winery.

- b. The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, emission of potentially harmful or obnoxious matter or radiation.

The Winery will not produce excess traffic, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation. There is an overflow-parking area that prevents parking on the roadway. Signage will be provided to direct vehicles to the parking area. The parking area is crushed stone with landscape railroad ties identifying parking spaces. Handicap parking is provided.

4. The proposed number of shifts to be worked and the maximum number of employees of each shift.

There will be a maximum of five (5) employees (owners / family) on the site at any one time during the processing season. Most other times there will be a maximum of two (2) employees on site. There is no proposed shift work. The winery operator (owner) has a residence on the property and will also work at the winery. Employees (owner/ family members) will park at residence or at south building entrance.

1. **Section 8.1.3 General Standards:** The Township Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

The building is a 38' x 75' bermed structure with 5-foot cement bermed walls and 5 foot exposed sidewalls. It will be used according to the site plan.

- b. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

The project is a newly constructed bermed building. The operation will primarily take place within an enclosed building. An electric de-stemmer and water bladder grape press will be used outdoors during the harvest season.

- c. Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

The project will meet the conditions of State and Federal licenses for a Winery in addition to the Health Department requirements for sewage disposal.

- d. Not create excessive additional requirements at public cost for public facilities and services. **Additional public facilities and services will not be required.**

- e. Not involve uses, activities, processes, material, and equipment, or conditions or operation that will be detrimental to any person, property, or the general welfare by fumes, glare or odors.

The proposed uses as shown on the site plan will comply with the above concerns.

2. Specific Requirements: In reviewing an impact assessment and site plan, the Township board and the Planning Commission shall consider the following standards:

a. That the applicant may legally apply for site plan review.

The applicants own the property on which the use is proposed.

Deed recorded on 4-1-96 Liber # 1096 page # 274.

b. That all required information has been provided.

The application, site plan, and floor plan contain the required information.

c. That the proposed development conforms to all regulations of the zoning district in which it is located.

The proposed development will conform to all regulations of the zoning district in which the Special Use Permit is required. The lot size and setbacks meet the requirements of the ordinance.

The parcel subject to the Special Use Permit is 5 acres of a larger parcel and the setbacks are as follows:

Front yard: 251 feet

Side yard: 86 feet

Rear yard: 255 feet

d. That the plan meets the requirement of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

Project plans will be submitted to Fire Chief Rich VanderMey for review. Prior to use of the building a report of inspection will be filed with the zoning administrator.

e. That the plan meets the standards of other governmental agencies where applicable and that the approval of the agencies has been obtained and assured.

The approval of the Health Department for sewage and water disposal, water supply, State and Federal Licenses for a Winery and Juice Bottling Plant will be on file with the Zoning Administrator. Health Department septic site inspection was done 6-24-99.

f. That the natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at site per se.

The site plan shows proposed building and land use plans. The five (5) acre parcel, measuring 544.5 feet deep by 400 feet wide, where the processing plant is located, is identified on the site plan.

g. That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property

No floodways or flood plains are on the property.

h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.

There is completed excavation according to the site plan and site survey dated 6-24-99 indicates that soils are suitable for proposed use.

i. That the proposed development will not cause soil erosion or sedimentation problems. **The area is level and no additional construction is planned that would cause soil erosion or sedimentation problems.**

j. That the drainage plan for the proposed development is adequate to handle anticipated storm runoff onto neighboring property or overloading of watercourses in the area. **The drainage of the project will be directed towards two (2) retention ponds located on site.**

k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties. **Grading and filling have taken place and have not affected the adjacent or neighboring properties.**

l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses. **Building is located at lowest elevation on the site with no orchards or vineyards located at a lower elevation. No disruption of the necessary air drainage systems is anticipated.**

m. That phases of development are in a logical sequence, so that any one phase WM not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control. **Wine tasting within the building is planned if regulations will allow it and an amendment to the Special Use Permit is approved by the Township.**

n. That the plan provide for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities. **No additional facilities will be required for the proposed use.**

o. That landscaping, fences, or walls may be required by the Township Board and Planning commission in pursuance of the objectives of the Ordinance. **Landscaping and buffering will be in compliance with Township regulations.**

p. That parking layout will not adversely affect the flow of traffic with the site, to and from adjacent streets. **Parking will be provided in an existing graveled parking area shown on the site plan.**

q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient. **Driveway access will be from an entrance on Peninsula Drive. A driveway permit # 001756 has been applied for with the Grand Traverse County Road Commission on 2/15/00. See attached application. Pedestrian traffic will cross the crushed stone parking area to cement walkway to the north side door entrance. The winery is handicap accessible. There are two (2) marked handicapped parking sites closest to north side building entrance. Handicapped pedestrians accessing this site will walk on crushed stone surface to cement walkway to door entrance. See attached driveway permit application and site plan.**

r. That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties. **Exterior storage of garbage and refuse will be kept in a suitable plastic portable refuse container on wheels at the south side of the winery shielded by the cement wall of the building, therefore not visible from the road or neighboring properties.**

s. That the proposed site is in accord with the spirit and purpose of the Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

FOLLOWING A PUBLIC HEARING HELD ON APRIL 18, 2000 ON THE SPECIAL USE PERMIT REQUEST FOR FOOD PROCESSING PLANT; A MOTION TO APPROVE WAS MADE BY DeVol SECONDED BY Breadon AND APPROVED BY THE FOLLOWING VOTE:

AYES McManus, Gray, Breadon, Manigold, DeVol

NAYS: None

AND DECLARED ADOPTED.

Lorrie DeVol
Lorrie DeVol, Township Clerk

SPECIAL USE PERMIT
Parcel Number 28-11-122-010-00
14998 Peninsula Drive

Permit No. 73

Approved by the Township Board, April 18, 2000 Parcel Number #28-11-122-010-00 Section 22 T29N;R10W, Peninsula Township, Grand Traverse County.
WHEREAS,

Application having been made by J. Josef Vineyards, Inc, Jack and Paula Sequin, 14998 Peninsula Drive, Traverse City MI 49686 for Special Use Permit for Food Processing Plant-Winery on the premises described in Exhibit B attached hereto in Section 22, Town 29N;R10W, Peninsula Township, Grand Traverse County, zoned A-1, and

Due notice having been given, public hearings having been held on said Application and the Township Board having determined that the requested Site Plan and Special Use Permit are appropriate, in the best interest of the township, and meet the specific and special standards set forth in the Zoning Ordinance as required by Section 1610 of Public act 184 of 1943, as amended, and

The Township Board having determined that certain conditions upon the use of the premises are necessary to protect the health, safety and welfare of Township residents, to uphold the spirit and purpose of the Zoning Ordinance, and to insure that the development is harmonious and appropriate,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Peninsula Township Board does hereby approve Special Use Permit No. 73 and the Site Plan for the use of the above-referenced property by J. Josef Vineyards, Inc subject to the requirements set forth below.

A. Site Plan

All development of the premises shall be in strict conformance with the Site Plan. The Applicant's application dated 2/28/00, the documents listed below, and the Site Plan dated 4/18/00 attached hereto and incorporated herein as Exhibit "A" consisting of 10 pages shall be the Site Plan for the use of said property. Said plan shall be further subject to the requirements set forth in this Special Use Permit.

The following drawings comprise the Site Plan.

<u>Name</u>	<u>Issue Date</u>
<u>Location Map Addendum</u>	
<u>Winery site plan</u>	
<u>Parking and Driveway Access</u>	
<u>Winery and Future Tasting Room Floor Plan</u>	
<u>Lighting and Sign Location</u>	
<u>Existing Building Uses</u>	
<u>Building Lights Location</u>	
<u>Building Elevations</u>	
<u>Floor Plan</u>	

B. Allowed Use - Food Processing Plant - Winery and Bottled Juice.

C. Findings of Fact

The Findings of Fact as approved by the Township Board April 18, 2000 are incorporated herein by reference and such findings are conditions of approval of this Special Use Permit. The Special Use Permit is also subject to following additional conditions:

D. Additional Conditions

1. Waste Disposal

All waste disposal shall be conducted in such a manner as not to create any offensive condition upon premises adjoining the development, and as approved by the Grand Traverse County Health Department.

2. Liquor Control Commission

Applicant shall comply with all applicable rules of the Michigan Liquor Control Commission and Federal Bureau of Alcohol, Tobacco and Firearms.

3. Retail Sales

Retail sales of wine for off premises consumption is allowed, but wine tasting is not allowed on the premises.

4. Parking

Prior to requesting a land use permit for parking, Applicant shall submit to the Zoning Administrator plan including drainage, and surfacing. The plan shall conform to the requirements of the Township Zoning Ordinance, the approved site plan, and shall provide parking as follows: Parking shall be as shown on the site plan.

5. Violations and Notice Requirements

Any violation of these conditions shall serve as grounds for revocation of this Special Use Permit by the Township Board. In the event of any such violation, the Township shall give written notice to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board may revoke this Special Use Permit after hearing. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate. After the hearing, if the Township Board revokes this Special Use Permit, then enforcement of the revocation may be made by application for appropriate relief in Grand Traverse County Circuit Court and the Township may recover all of the costs, including attorney fees, associated with or resulting from such violation or noncompliance.

6. Storage

During the course of construction within the project, all equipment and building materials shall be located and stored so as not to create unsightly or hazardous conditions.

7. Fees and Expenses

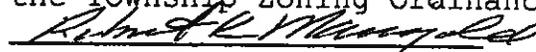
All fees and expenses charged to the Applicant pursuant to township ordinance shall be paid before this permit becomes effective.

8. Non-vesting

The approval of this Special Use Permit by the Peninsula Township Board shall not operate to vest in the Applicant any right to rely upon any permission given herein until compliance has been had with all stated conditions herein. The Applicant waives any claim to vested rights relating to this permit which might otherwise occur by operation of law.

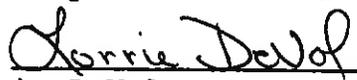
9. Other Uses

Notwithstanding the provisions of Section 6.7 of the Township Zoning Ordinance, uses, other than as shown on the site plan or approved in this permit, whether permitted by right or by special use permit, shall not be carried on within the development except by amendment or other alteration of this Special Use Permit. Although it is not the intention altogether to prohibit such uses, any such proposed use must be integrated into the approved plan in a manner which is consistent with the Township Zoning Ordinance.

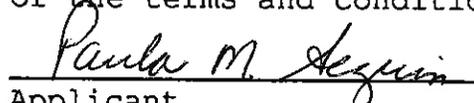

Robert K. Manigold,
Township Supervisor

The undersigned hereby certifies that she is the Clerk for the Township of Peninsula, Grand Traverse County, Michigan and that the foregoing Special Use Permit was approved by the Peninsula Township Board on the 18th April 2000

The undersigned further certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.


Lorrie DeVol, Township Clerk

The Applicant hereby acknowledges receipt of the Special Use Permit and agrees to comply with all of the terms and conditions thereof.


Applicant

Peninsula Township Planning & Zoning Department
STAFF REPORT

ZBA Request #851 – 14998 Peninsula Dr.
June 9, 2016

To: Peninsula Township Zoning Board of Appeals
From: Claire Schoolmaster, Planning & Zoning
RE: Request No. 851 – 14998 Peninsula Dr.
Hearing Date: June 9, 2016 – 7:00 PM
Applicant: Burkholder Construction c/o Scott Wright, 2206 Cass Rd., Traverse City, MI 49686
Site: 14998 Peninsula Dr., Traverse City, MI 49686
Tax IDs: 28-11-122-010-00

Information:

- The parcel is approximately 18 acres in size.
- The property is zoned Agricultural (A-1); the surrounding area is also zoned Agricultural (A-1) and Rural & Hillside (R-1A).
- The lot was created in 1967, prior to the adoption of the Peninsula Township Zoning Ordinance in 1972, and is conforming.
- There is a building envelope located on the lot.
- There are existing agricultural and residential structures on the north side of the lot.
- The proposed structure will utilize an existing foundation and footprint that was previously used for a conforming food processing plant (SUP 73).
- The proposed structure requires a front yard setback variance of 11 feet 2 inches.

Action

Requested: (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

Mailing: Thirteen (13) surrounding property owners were notified. No comments were received as of June 2, 2016.

Applicant

Statement: Please see the enclosed application submitted by Scott Wright, appointed representative.

Staff Comments:

Request #1

The applicant is requesting a variance for a structure to be used as a farm processing facility.

Background

The applicant proposes to use an existing foundation and footprint to rebuild an agricultural facility to be used as a farm processing facility. The structure was previously used for a food

processing plant (SUP 73), but burned down and was demolished in 2015. The previous food processing plant required a side yard setback of 50 feet, so it was considered a conforming structure. However, the side yard setbacks for requirements for a farm processing facility are increased to 100 feet, and therefore the proposed structure requires a variance for this new use.

The proposed agricultural structure conforms to relevant zoning standards for minimum lot setbacks of the front, rear, and north side yard, but does not conform to the minimum south side yard setback restriction as demonstrated in the following table:

F.P.F Standards - Section 6.7.2(19)	Required	Proposed Structure	Conforms to Standard?
Maximum Height	35'	27'	Yes
Minimum Front Setback	50'	63'	Yes
Minimum North Side Setback	100'	358'	Yes
Minimum South Side Setback	100'	88'10"	No
Minimum Rear Setback	50'	1024'	Yes
Minimum OHWM Setback	NA	NA	NA

The applicant requests (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure. The requested variance must meet the following standards in order to be granted. Specific staff comments follow the standards.

A. Section 3.2 Definition of Practical Difficulty

To obtain a dimensional variance, the applicant must show *practical difficulty* by demonstrating all of the following:

- a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome.
- b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others.
- c) The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

B. 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 the 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.

The subject property, zoned A-1, was created prior to the effective date of the Ordinance and considered conforming. The width is approximately 586 feet and the length is approximately 1,335 feet.

Peninsula Township Planning & Zoning Department
FINDINGS OF FACT

ZBA Request #851 – 14998 Peninsula Dr.
June 9, 2016

DECISION AND ORDER

Applicant: Burkholder Construction c/o Scott Wright, 2206 Cass Rd., Traverse City, MI 49686

Hearing Date: June 9, 2016

PROPERTY DESCRIPTION

The property of 14998 Peninsula Dr., Traverse City, MI 49686, Parcel No. 28-11-122-010-00 herein after referred to as the "property".

APPLICATION

Requests: (1) a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

The Board having considered the Application, a public hearing having been held on June 9, 2016, after giving due notice as required by law, the Board having heard the statements of the Applicant and agents, the Board after having considered letters submitted by members of the public and comments by members of the public, the Board having considered six (6) exhibits, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds that the property is currently zoned Agricultural (A-1). (Exhibits 1, 2)
2. The Board finds that the lot was created in 1967 and is conforming. (Exhibit 5)
3. The Board finds that the existing foundation and footprint were previously used for a conforming Food Processing Plant (SUP 73). (Exhibit 2)
4. The Board finds that the Food Processing Plant was built in 1999, and then burned down and was demolished in 2015. (Exhibit 3)
5. The Board finds that the proposed structure does not conform to the relevant zoning standards to be used for a Farm Processing Facility. (Exhibits 2, 3, 4, 6)
6. The Board finds that the applicant requests a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

Variance Request #1 A variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

FINDINGS UNDER SECTION 3.2 – DEFINITIONS – PRACTICAL DIFFICULTY OF THE

ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 3.2 definition of Practical Difficulty of the Ordinance for each of the following standards listed in that section:

1. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)
- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

2. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)
- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

- 3. The plight of the owner is due to unique circumstances of the property and the problem was not self-created.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)

- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

FINDINGS UNDER SECTION 5.7.3 VARIANCE OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.7.3 of the Ordinance for each of the following standards listed in that section:

Basic Conditions: ALL of the Basic Conditions SHALL be clearly demonstrated.

1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)
- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

- 2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)
- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that generally the proposed structure is unlikely to decrease the value of the subject property or that of any neighboring properties. (Exhibits 3, 4)
- b. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that

This standard HAS / HAS NOT been met.

4. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
- b. The Board finds that the applicant proposes to reuse an existing agricultural structure footprint and foundation. (Exhibits 2, 4)
- c. The Board finds that the proposed structure meets the Farm Processing Facility minimum 200 foot setback requirement from any pre-existing residence on adjoining properties. (Exhibits 2, 3, 6)
- d. The Board finds that the previous structure was conforming based on its use as a Food Processing Plant and the minimum 50 foot side yard setback requirement. (Exhibit 3).
- e. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)

- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

5. Will relate only to the property that is under control of the applicant.

The following findings may support this standard HAS been met.

- a. The Board finds that the applicant is the appointed representative for the property owner and the variance is specific to the property owner's parcel. (Exhibit 3)
- b. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that

This standard HAS / HAS NOT been met.

Special Conditions: At least one shall be clearly demonstrated.

1. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
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- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)
- c. The Board finds that

This standard HAS / HAS NOT been met.

- 2. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
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- a. The Board finds that the property is zoned Agricultural (A-1). According to Section 6.7.2(19) a Farm Processing Facility is a use by right in the A-1 zoning district, provided however, that the structure comply with the minimum setback restrictions. (Exhibits 1, 2)
- b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)

- c. The Board finds that

This standard HAS / HAS NOT been met.

- 3. 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.

The following findings may support this standard HAS been met.

- a. The Board finds that the lot was created prior to the effective date of the Ordinance. (Exhibit 5)
- b. The Board finds that

The following findings may support this standard HAS NOT been met.

- a. The Board finds that

This standard HAS / HAS NOT been met.

- 4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

The following findings may support this standard HAS been met.

- a. The Board finds that according to Section 6.7.2(19)(b)7, The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners. (Exhibits 1, 2, 6)
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b. The Board finds that the proposed structure does not comply with the south side yard setback restriction. (Exhibits 2, 3, 4, 6)

c. The Board finds that

This standard HAS /HAS NOT been met.

VARIANCE REQUEST # 1 MOTION TO APPROVE / DENY

The Peninsula Township Board of Appeals has **APPROVED / DENIED** your request for a variance of 11 feet 2 inches (11' 2") from the required 100 foot (100') side yard setback to allow for the construction of a farm processing facility structure.

CONDITIONS OF APPROVAL

- 1.
- 2.
- 3.

DECISION

Upon motion, seconded and passed the Board ruled that the Applicant's variance request #1 be **APPROVED / DENIED**.

TIME PERIOD FOR JUDICIAL REVIEW

Mcl 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED

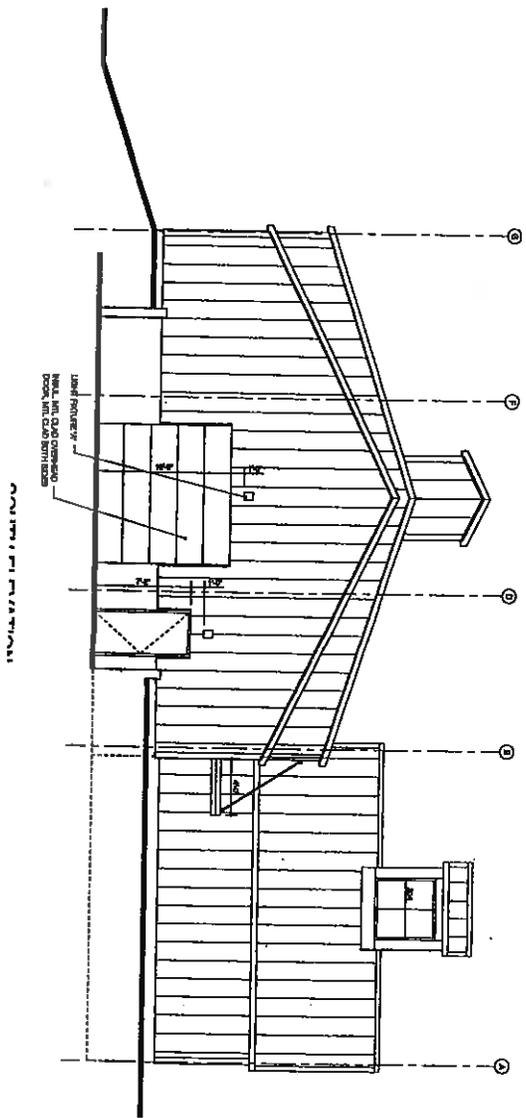
Date

Chairperson

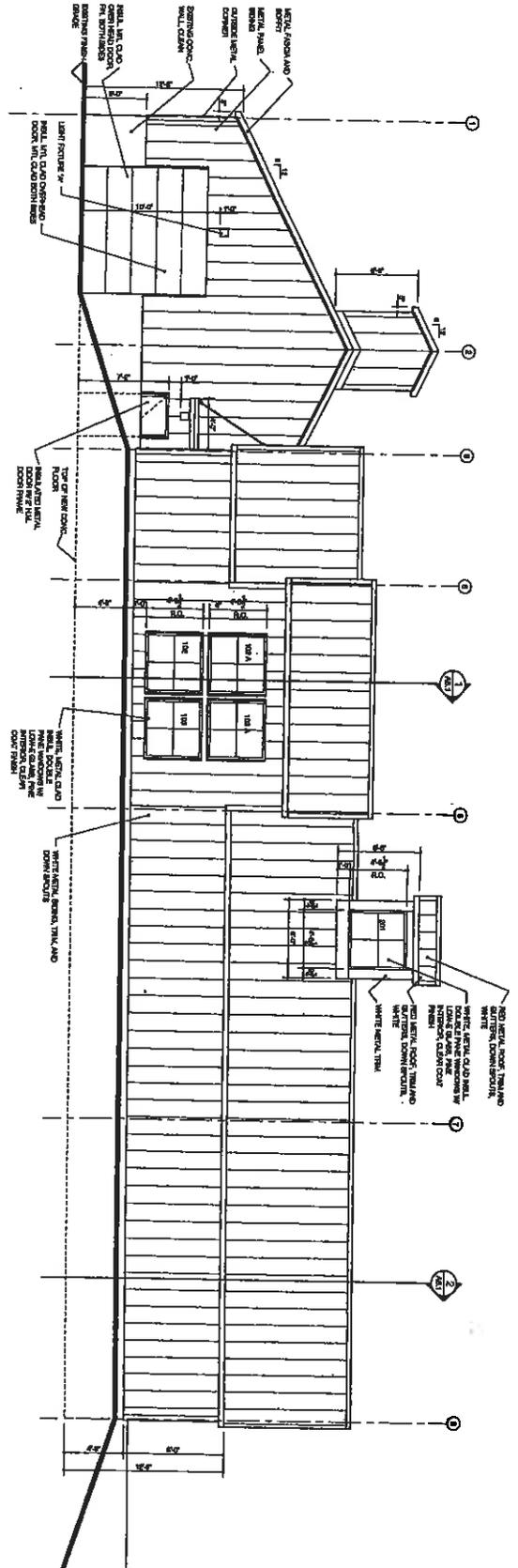
Date

Vice Chairperson

Secretary



SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

A5.1

ELEVATIONS

DRAWING BY:
MATTIEBY J. WILLIAMS
DRAWING TITLE:

TABONE VINEYARDS
14998 PENINSULA DRIVE
TRAVERSE CITY, MI 49686

WJW
DESIGN ■ MANAGE ■ BUILD ■ COMPLETE
Matthew J. Williams Architect/Builder
1418 Redden Circle
Traverse City, MI 49686
231.923.7288
www.wjwmi.com

TO: Ms. Claire Schoolmaster, Planning & Zoning Coordinator
Peninsula Township

FROM: Mario Tabone

DATE: June 13, 2016

RE: Special Use Permit No. 73
Food Processing Plant & Tasting Room

Attached is Special Use Permit 73, which remains active and grandfathers us in as to the south side setback requirements (minimum 50 feet) when constructed.

The Special Use Permit is backed up by additional tangible evidence—a blueprint which delineates the Tasting Room in the original building, as well as the “Public Restroom” facilities in the original winery-tasting room building. The two restrooms were divided and delineated as follows—work/processing area restroom and public restroom.

The Findings of Fact in the permit include as follows:

Section 8.5.2

...a site plan of the property...parking areas...for a Winery Processing Plant and proposed future Tasting Room.

“2” Oversized vehicles will be directed to the overflow parking area. Parking for buses is not provided and buses will be discouraged at the winery.

All of the above are indicia of a Tasting Room, in addition to the blueprint of the original built building.

While it was mentioned by the Zoning Board that Mr. Seguin’s past variance application had been denied, please note that this was due to his property being only 18 acres at the time, two acres short of the 20 acre requirement. That issue has long since been rectified and is no longer applicable. Further, SUP 73 was granted, and specifically spells out that it is for a winery with tasting room.

We request reconsideration in light of the original intent of the building, permit, etc. Anything less will be a misconstruance of the ordinance as well as a violation of the Fifth Amendment (due process) and the Fourteenth Amendment (equal protection of the laws) in the Federal Constitution as well as the State Constitution of Michigan.

We request that this variance request of 11 feet 2 inches be granted, as it will do substantial justice and avoid an unnecessarily burdensome requirement that would do injustice on the applicant and the community.

Sincerely,

Mario

PENINSULA TOWNSHIP

13235 Center Road
Traverse City, Michigan 49686

ROBERT F. MANGOLD
SUPERVISOR

MONICA A. HOFFMAN
CLERK

DAVID K. WEATHERHOLT
TREASURER

JED HEFFMING
TRUSTEE

ALAN GRAY
TRUSTEE

February 24, 2004

Mario Tabone
14998 Peninsula Drive
Traverse City MI 49686

Re: Special Use Permit No 73 - Food Processing Plant

Dear Mr. Tabone,

Special Use Permits are issued to the property, not to an individual, so no new special use permit will need to be issued to you.

We do not issue new special use permits when property changes ownership. Both the property owner and the Township Board have to agree to make changes to a Special Use Permit. That process requires a new application, review by the Planning Commission and Township Board including public hearings by both bodies.

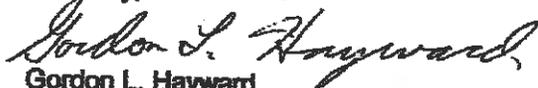
I am including a Certificate indicating that Special Use Permit has been transferred to Tabone Orchards - Tabone Vineyards.

The only uses allowed on the property are those uses listed in the Special Use Permit including the Findings.

If you want to talk about what is allowed under the Special Use Permit, you will want to contact Gordon Uecker, Township Zoning Administrator.

If you have any questions, please contact me.

Sincerely,



Gordon L. Hayward
Peninsula Township Planner

PH: (231) 223-7322 ♦ FAX (231) 223-7117



SPECIAL USE PERMIT
Parcel Number 28-11-122-010-00
14998 Peninsula Drive

Permit No. 73

Approved by the Township Board, April 18, 2000 Parcel Number #28-11-122-010-00 Section 22 T29N;R10W, Peninsula Township, Grand Traverse County.
WHEREAS,

Application having been made by J. Josef Vineyards, Inc, Jack and Paula Sequin, 14998 Peninsula Drive, Traverse City MI 49686 for Special Use Permit for Food Processing Plant-Winery on the premises described in Exhibit B attached hereto in Section 22, Town 29N;R10W, Peninsula Township, Grand Traverse County, zoned A-1, and

Due notice having been given, public hearings having been held on said Application and the Township Board having determined that the requested Site Plan and Special Use Permit are appropriate, in the best interest of the township, and meet the specific and special standards set forth in the Zoning Ordinance as required by Section 1610 of Public act 184 of 1943, as amended, and

The Township Board having determined that certain conditions upon the use of the premises are necessary to protect the health, safety and welfare of Township residents, to uphold the spirit and purpose of the Zoning Ordinance, and to insure that the development is harmonious and appropriate,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Peninsula Township Board does hereby approve Special Use Permit No. 73 and the Site Plan for the use of the above-referenced property by J. Josef Vineyards, Inc subject to the requirements set forth below.

A. Site Plan

All development of the premises shall be in strict conformance with the Site Plan. The Applicant's application dated 2/28/00, the documents listed below, and the Site Plan dated 4/18/00 attached hereto and incorporated herein as Exhibit "A" consisting of 10 pages shall be the Site Plan for the use of said property. Said plan shall be further subject to the requirements set forth in this Special Use Permit.

The following drawings comprise the Site Plan.

<u>Name</u>	<u>Issue Date</u>
<u>Location Map Addendum</u>	
<u>Winery site plan</u>	
<u>Parking and Driveway Access</u>	
<u>Winery and Future Tasting Room Floor Plan</u>	
<u>Lighting and Sign Location</u>	
<u>Existing Building Uses</u>	
<u>Building Lights Location</u>	
<u>Building Elevations</u>	
<u>Floor Plan</u>	

**PENINSULA TOWNSHIP
Special Use Permit No. 73**

FINDINGS OF FACT

The Peninsula Township Board has reviewed the application of J. Josef Winery, Jack & Paula Seguin, 14998 Peninsula Drive, Traverse City, Michigan 49686 for Special Use Permit No.73 for Food Processing Plant to be located at 14998 Peninsula Drive, in Section 22, T29N; R10W, Peninsula Township, Grand Traverse County, and recommends approval based on the following Findings:

Section 8.5 Food Processing Plants in A-1 Districts:

Section 8.5.2 Required Information: The following information shall be submitted as a basis for judging the suitability of the proposed operation:

1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other constructions features which shall be proposed.

Attached is the building and site plan for review which will be used for a Winery/ Processing Plant and proposed future Tasting Room. DEQ water discharge exemption permit is pending. A septic site plan review # 7042 by Grand Traverse County Health Dept. 6-24-99.

2. A description of the operations proposed in sufficient detail to indicate the effect of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emissions of any potentially harmful or obnoxious matter or radiation.

Day to day operations for the J. Josef Winery are outlined as follows. As fruit is being harvested, tractors or trucks will be delivering to the winery. This may include 3-5 deliveries per day for 2-7 days. The fruit is then crushed and pressed and pumped directly to fermenting tanks inside the winery. The juice is then inoculated with a yeast culture and fermentation will continue for 1-2 weeks. Following the finish of fermentation there is a time period of 3-4 months during which the wine is settled, filtered, and prepared for bottling. The bottling operation will consist of a small tank and pump, a filling station and a cork inserter. All this equipment as well as that used during harvest will be electrically operated; therefore no fumes will be emitted. The expected effects of the operations will not pose a problem for adjacent properties. Oversized vehicles will be directed to the overflow parking area. Parking for buses is not provided and buses will be discouraged at the winery. There are no retail sales taking place, however if allowed in the future, application for retail sales is anticipated.

3. Engineering and Architectural Plans for:
 - a. The treatment and disposal of sewage and industrial waste or unusable by-products.

The disposal of sewage will be under the regulation of Grand Traverse County Health Department. Solid waste in the form of fruit pulp will be used as a natural fertilizer for the adjoining vineyard and spread accordingly. A septic site plan completed by Grand Traverse County Health Dept. on 6-24-99 notes that site is suitable for an on site septic system. Attachment pages # 1-5 shows site survey and septic system design for the winery.

PENINSULA TOWNSHIP
Special use Permit

This special use Permit has been

issued for J. Josephiney

whose address is 14998 Peninsula Drive, Traverse City MI 49686

On April 18 2000

Approval for

This Special Use

Permit was

Reviewed and approved

by the Peninsula

Township Board on April 18

2000 and

conforms to standards under

section 8.5 for Food Processing Plant


Peninsula Township Supervisor

TO: Ms. Claire Schoolmaster, Planning & Zoning
Coordinator, Peninsula Township

FROM: Mario Tabone

DATE: June 16, 2016

RE: Special Use Permit No. 73
Food Processing Plant & Tasting Room

Attached, please find blueprints for original building that burned down, as well as owner's approved drawings which show original intent and evidentiary proof of a tasting room intent. Also, an outdoor sign was approved by the Township for the winery which anticipates retail sales.

Thanks again.

Attachments

REV. NO.	DESCRIPTION	DATE	REV. NO.	DESCRIPTION	DATE
1	REVISED DRAWING WITH COMMENTS	7/17/73			
2	REVISED DRAWING WITH COMMENTS	7/17/73			
3	REVISED DRAWING WITH COMMENTS	7/17/73			

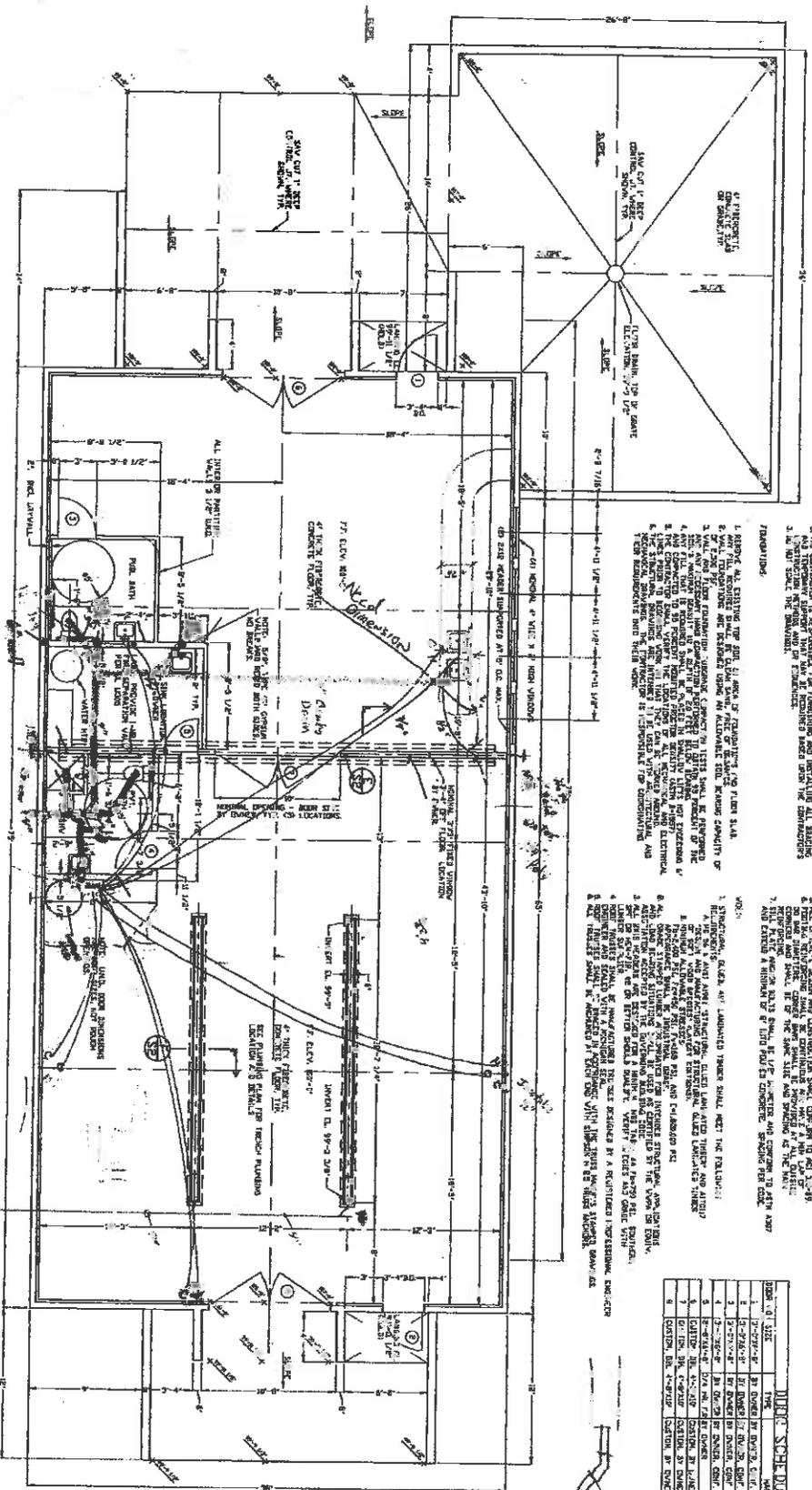
REV. NO.	DESCRIPTION	DATE	REV. NO.	DESCRIPTION	DATE
1	REVISED DRAWING WITH COMMENTS	7/17/73			
2	REVISED DRAWING WITH COMMENTS	7/17/73			
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REV. NO.	DESCRIPTION	DATE	REV. NO.	DESCRIPTION	DATE
1	REVISED DRAWING WITH COMMENTS	7/17/73			
2	REVISED DRAWING WITH COMMENTS	7/17/73			
3	REVISED DRAWING WITH COMMENTS	7/17/73			

FLOOR PLAN

J. SEGUIN AGRICULTURAL BUILDING
FLOOR PLAN

West Bay Engineering
4083 Pritchett Dr., Traverse City, Michigan 49686
(616) 932-0155



- GENERAL NOTES**
1. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 2. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 5. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 6. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 7. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 9. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE
 10. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NEAREST TO THE SITE

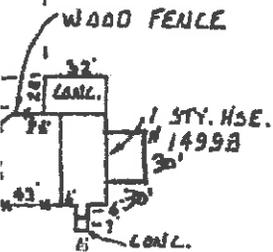
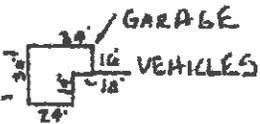
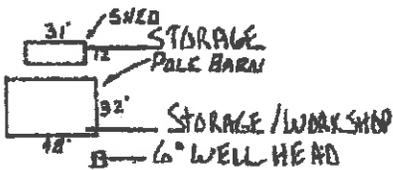
- CONCRETE**
1. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 2. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 3. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 4. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 5. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 6. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 7. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 8. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 9. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE
 10. ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL HAVE A 28 DAY COMPRESSIVE

DOOR SCHEDULE

NO.	TYPE	FINISH	REMARKS
1	6'-0" x 8'-0"	BR	DOOR TO OFFICE
2	6'-0" x 8'-0"	BR	DOOR TO OFFICE
3	6'-0" x 8'-0"	BR	DOOR TO OFFICE
4	6'-0" x 8'-0"	BR	DOOR TO OFFICE
5	6'-0" x 8'-0"	BR	DOOR TO OFFICE
6	6'-0" x 8'-0"	BR	DOOR TO OFFICE
7	6'-0" x 8'-0"	BR	DOOR TO OFFICE
8	6'-0" x 8'-0"	BR	DOOR TO OFFICE
9	6'-0" x 8'-0"	BR	DOOR TO OFFICE
10	6'-0" x 8'-0"	BR	DOOR TO OFFICE

8'000-7'00 MM
PINK AXIAL
BLUING-TRANSVERSE
G.T.C.
CALL ABOUT
TRAVERS
SEE #10 P.L.
SEE #10 P.L.
SEE #10 P.L.
SEE #10 P.L.

± 594



± 1320'

DESCRIPTION: A parcel of land situated in the Township of Peninsula, County of Grand Traverse, State of Michigan, and described as follows to-wit:

AS FURNISHED: Eighteen acres off the North end of the Northwest One-quarter of the Northwest One-quarter, Section 22, Town 29 North, Range 10 West, Being a parcel 80 rods East and West, and 36 rods North and South.

SUBJECT TO all agreements, covenants, easements and restrictions of record, if any.

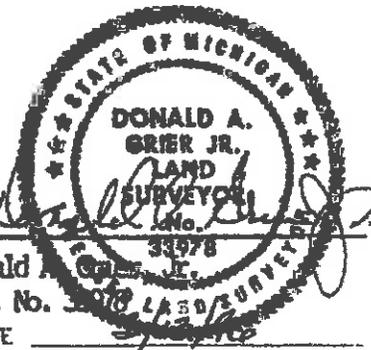
WP1960277.mtg

± 594'

SEC. 22
R. 10 W.

PENINSULA DR. (66')
W. LINE, SEC. 22

CERTIFY TO EMPIRE NATIONAL BANK
ITS SUCCESSORS AND ASSIGNS THAT ON THE ABOVE
PARCEL OF LAND THAT THE EXISTING BUILDINGS
AND STANTIAL VISIBLE IMPROVEMENTS ARE AS SHOWN
THERE ARE NO ENCROACHMENTS UNLESS OTHERWISE



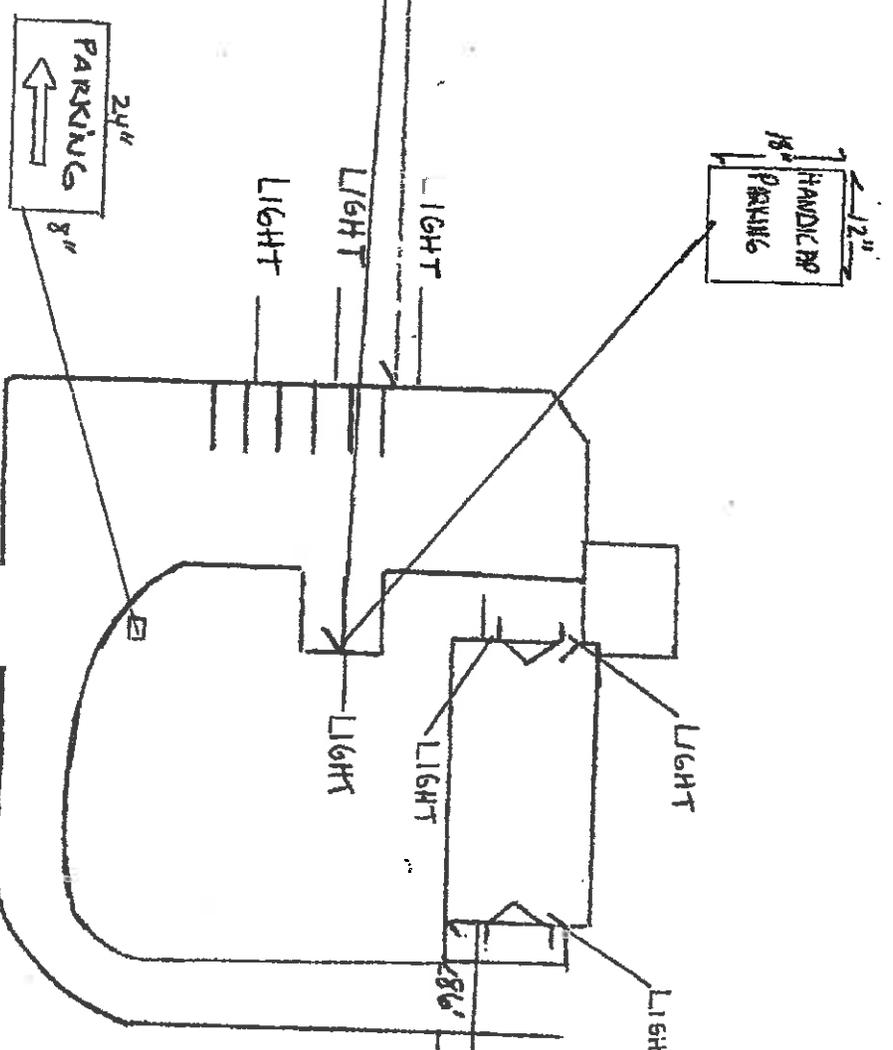
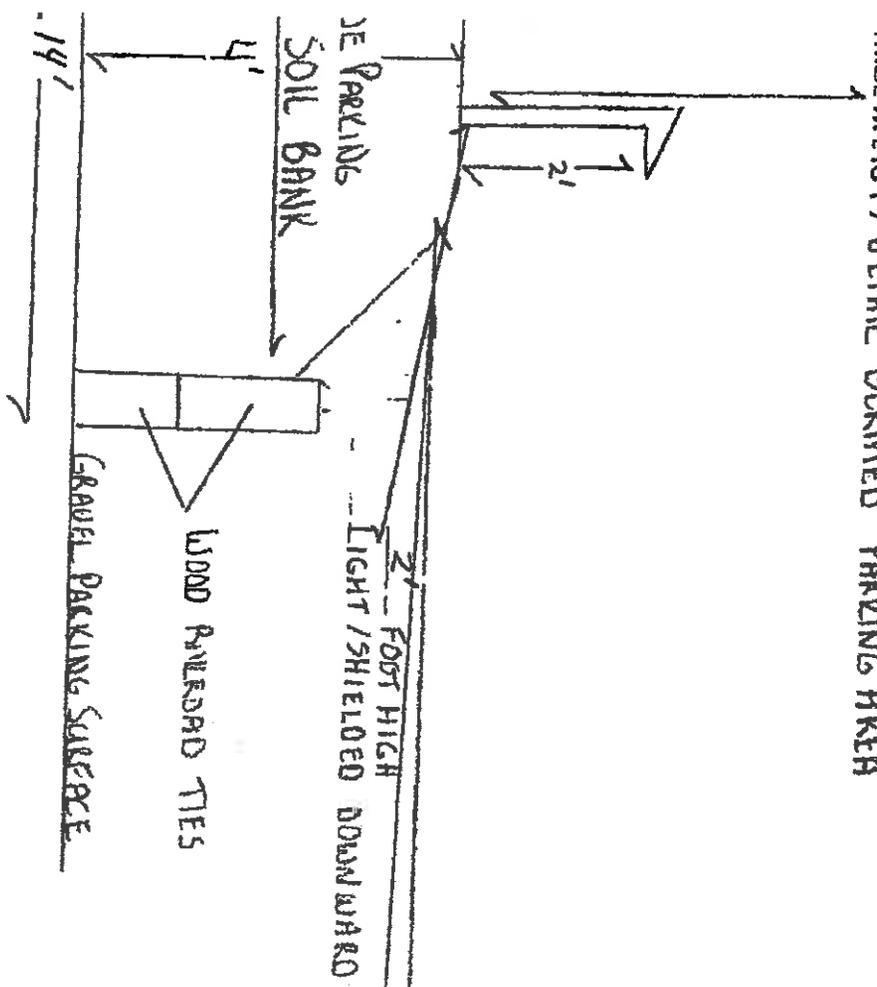
Donald A. Grier Jr.
L.S. No. 33978
DATE

CLIENT: EMPIRE NATIONAL BANK (SEQUIN)

J. JOSEF WINERY LIGHTING AND SIGN LOCATION

DRAWING NOT TO SCALE

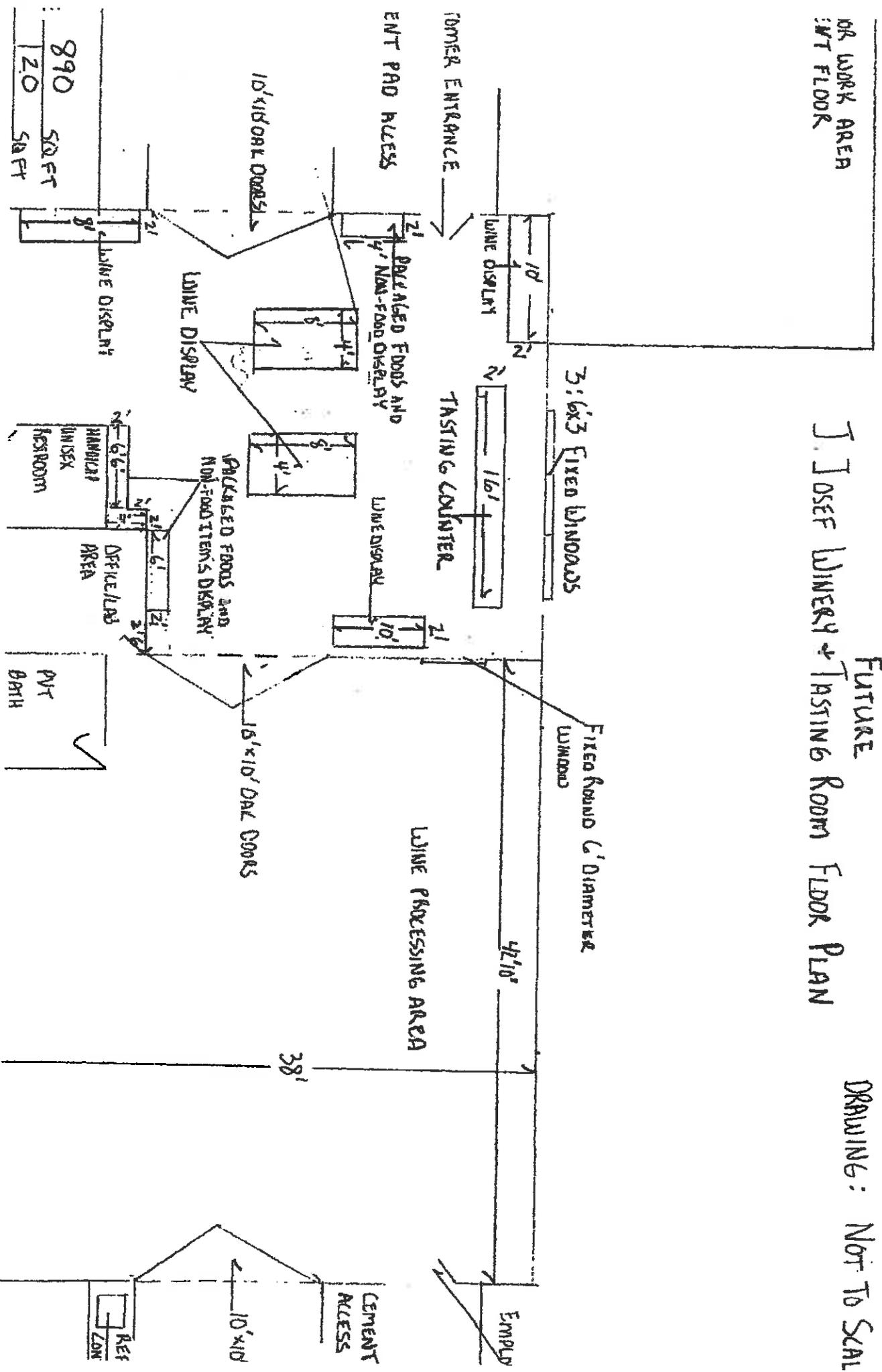
ARRANGEMENT / DETAIL BERMED PARKING AREA



OR WORK AREA
INT FLOOR

FUTURE J. JOSEF WINERY & TASTING ROOM FLOOR PLAN

DRAWING: NOT TO SCALE



890 SQ FT
20 SQ FT

PVT BATH

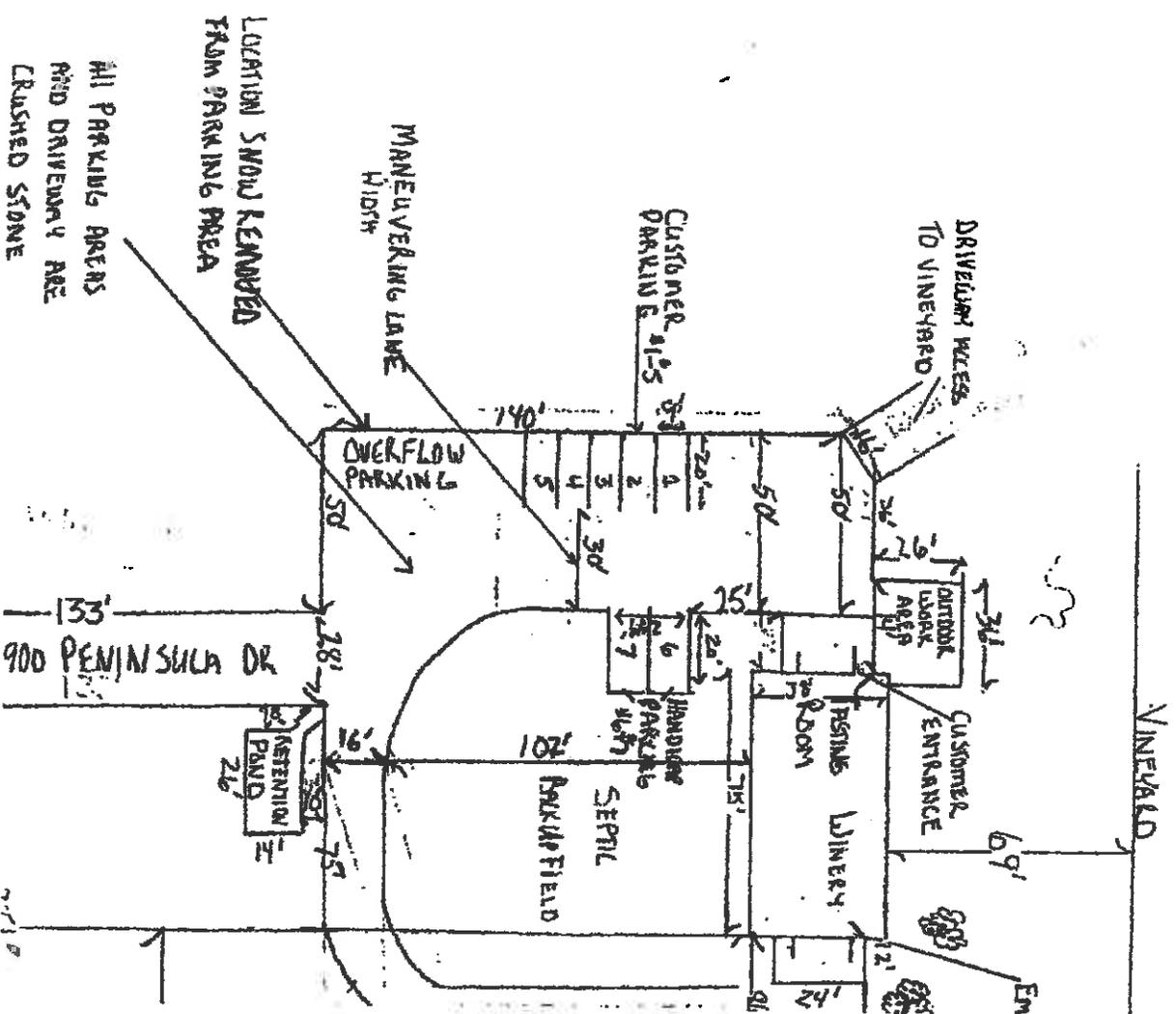
CEMENT ACCESS
10'x10' REF ZONE

98 PENINSULA DR.

J. JOSEF WINERY

PARKING AND DRIVEWAY ACCESS DESIGN

1" = 50' SCALE



± 1320

± 1320

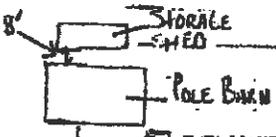
6 ACRES VINEYARD

PROPERTY LINE

5 ACRES VINEYARD

GREEN HOUSE

5 acres SWP



400'

GARAGE

1/2 ACRE RASPBERRIES

PARKING

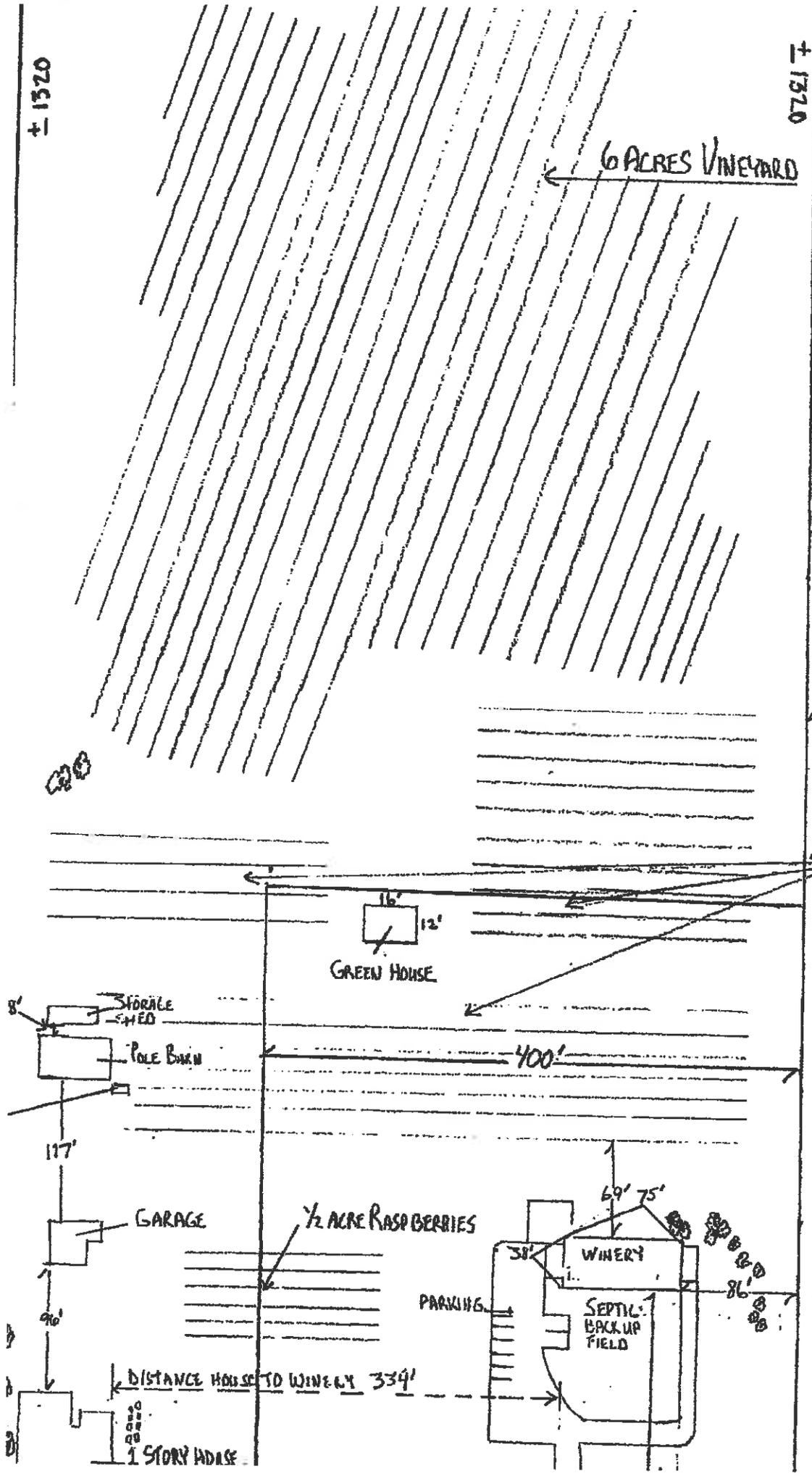
WINERY

SEPTIC BACKUP FIELD

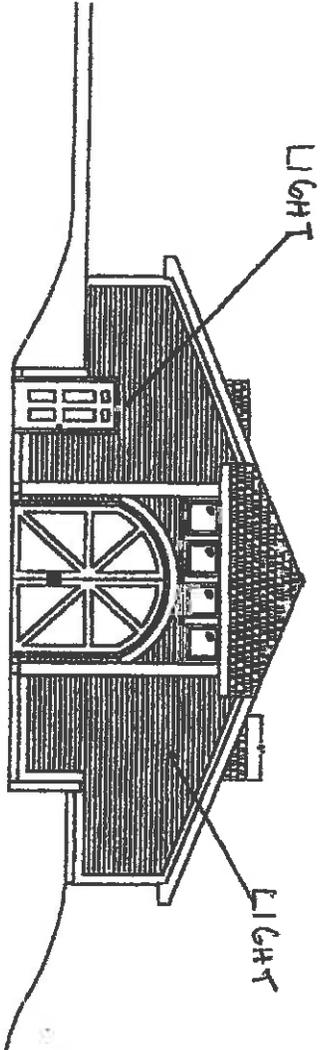
DISTANCE HOUSE TO WINERY 334'

1 STORY HOUSE

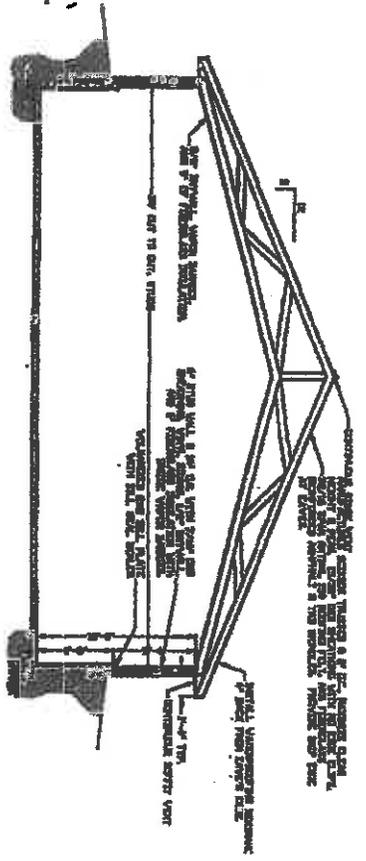
544.5'



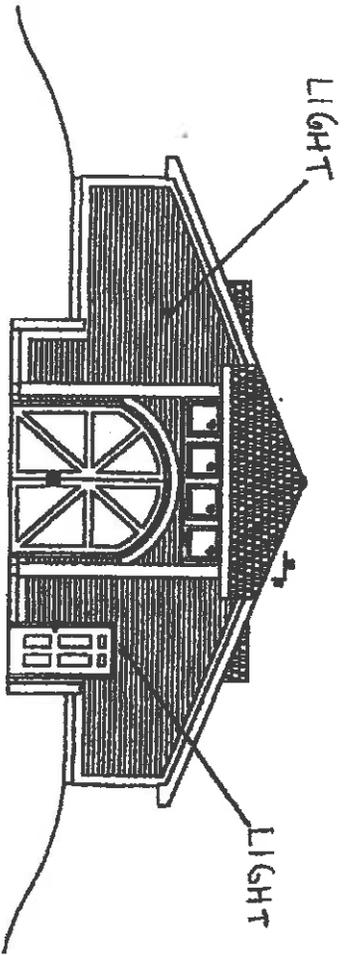
J. JOSEF WINERY BUILDING LIGHTS LOCATION



NORTH ELEVATION

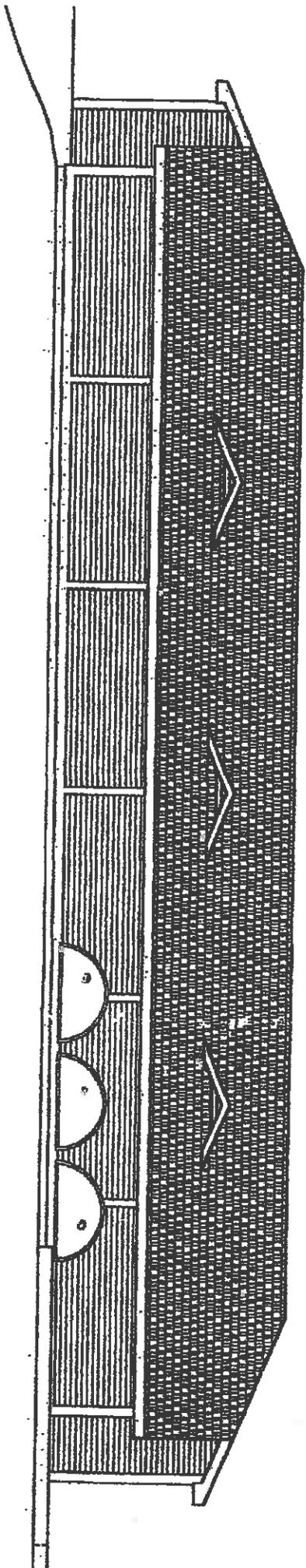


SECTION

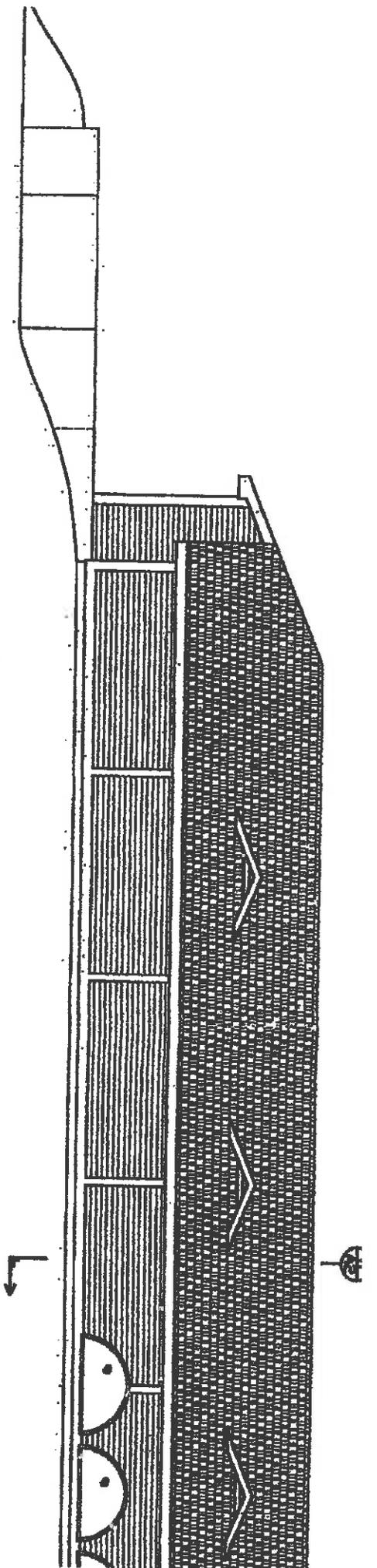


SOUTH ELEVATION

EAST ELEVATION



WEST ELEVATION



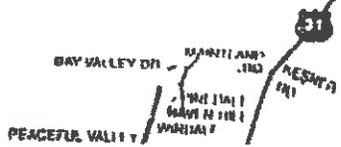
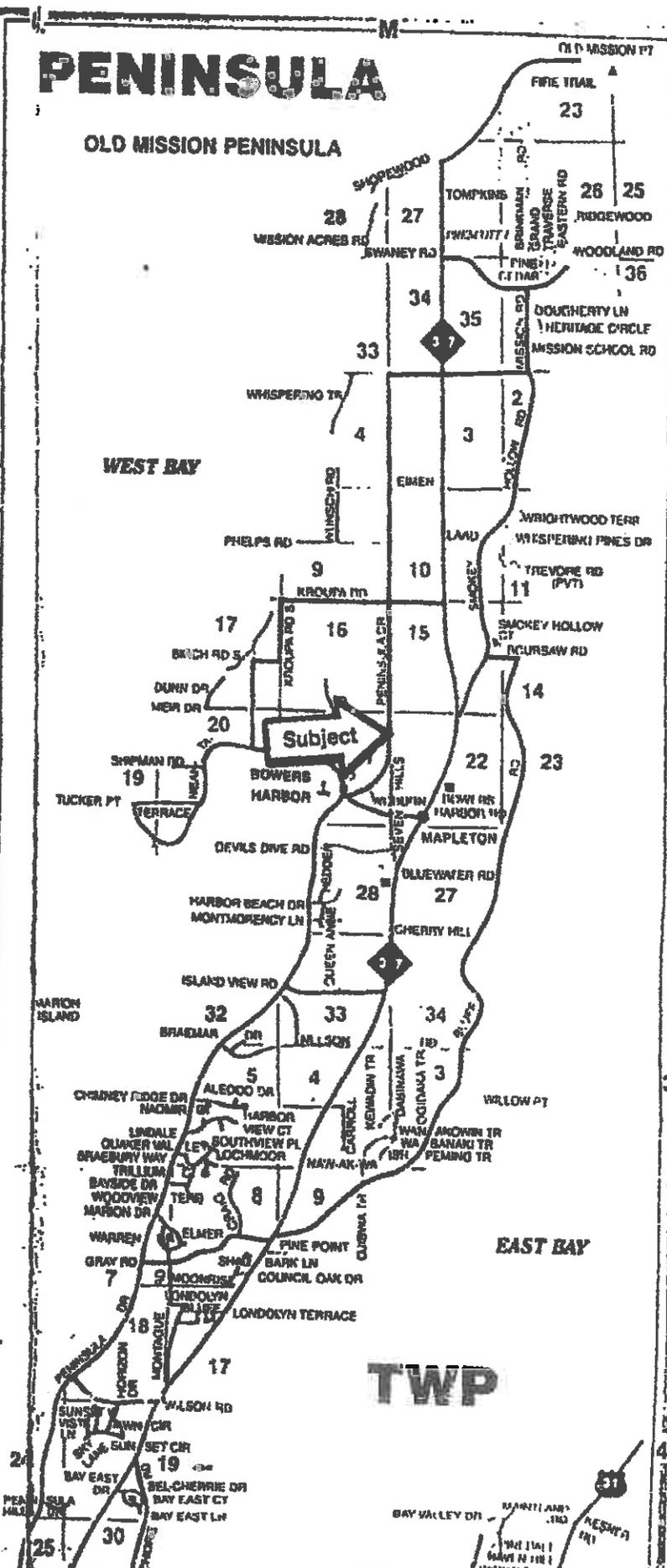
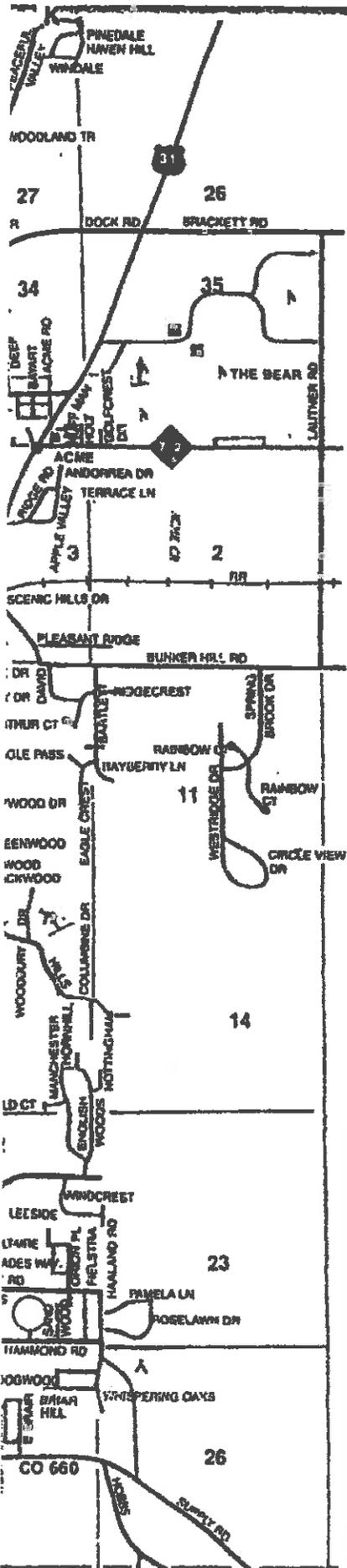
PENINSULA

OLD MISSION PENINSULA

WEST BAY

EAST BAY

TWP



To: Peninsula Township Zoning Board of Appeals

From: Michelle Reardon, Planning & Zoning Department

Re: Request No. 847, Interpretation – Section 8.7.3 (10) (u)

Date: May 5, 2016

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?**

Section 8.7.3(10)(u)1(d) states “Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours and free entertainment (Example – “Jazz at Sunset) which are limited to the tasting room and for which no fee or donation of any kind is received.”

This section of the Ordinance is the section used to clarify what is allowed in the tasting room and outside of the confines of the “Guest Activity Uses”.

Staff interpretation of this is:

A tasting room of a Winery-Chateau may host free entertainment, winery tours and promotional activities. A promotional activity is defined as those activities relating to the publicizing of a product, organization, or venture so as to increase sales or public awareness. These activities shall be related to the wines and wine tasting offered by the Winery-Chateau.

Staff is requesting confirmation and/or clarification of this interpretation for enforcement purposes.

*Below is the section of the Ordinance which defines what a “Guest Activity Use” is; a separate supporting use of a Winery-Chateau. Please note Guest Activity Uses are a supporting use for a Winery-Chateau that **may be permitted by the Township Board should the standards be met; but is not an automatically approved supporting use.***

Section 8.7.3(10)(u)2 defines the uses allowed as part of Guest Activity Uses as:

- (a) Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.
- (b) Meetings of 501- (C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or resemble a bar or restaurant use and therefore full course meals are not allowed, however light lunch or buffet may be served.
- (c) Meetings of Agricultural Related Groups that have a direct relationship to agriculture production, provided that:

- i. The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;
 - ii. The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining "direct relationship to agricultural production";
 - (a) Food/wine educational demonstrations;
 - (b) Cooking show showcasing Peninsula produce and wine;
 - (c) Farmer's conferences;
 - (d) Regional farm producers
 - (e) Cherry Marketing Institute and Wine Industry Conference;
 - (f) Farm Bureau Conference
 - (g) Future Farmers of America and 4-H;
 - (h) Michigan State University/agricultural industry seminars.
 - iii. These meetings may include full course meals to demonstrate connections between wine and other foods.
 - iv. An appeal of the Zoning Administrator's determination can be made to the Township Board.
- (d) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions or sale of wine by the glass.
- (e) No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6 below.

To: Peninsula Township Zoning Board of Appeals

From: Michelle Reardon,  Planning & Zoning Department

Re: Request No. 848, Interpretation – Section 8.7.2 (3) and 8.7.3 (3), Special Open Space Uses

Date: May 5, 2016, *edited June 16, 2016*

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?

Section 8.7.2 (3) permits “Special Open Space uses, such as public beaches, bath houses, recreational camps, and other open space uses operated for profit within any agricultural zone district” as a use permitted by Special Use Permit.

This definition suggests that acceptable uses would be uses that occur principally outside of a structure. In fact the ordinance defines “open space” in Article III as “an area that is open to the sky exclusive of roads, parking lots and building envelopes”

Section 8.7.3 (3) regulates the use:

Special Open Space Uses:

- (a) The proposed site shall be at least two (2) acres in area.
- (b) The proposed site shall have at least one (1) property line abutting a major or secondary thoroughfare. All ingress and egress to the site shall be directly from said thoroughfares.
- (c) All buildings and structure shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Township Board to effectively screen the installation from surrounding residential properties.
- (d) No more than twenty-five (25%) percent of the gross site shall be covered by buildings.

The definition of Special Open Space uses offers as suggestion of acceptable uses but does not provide definitive language that specifically excludes activities such as events or “party barns”. Staff is requesting clarification and definition of the activities and uses that are permitted by a Special Open Space Uses permit. Specifically, staff requests definitive decision as to whether a “party barn” or event venue is permitted under this use.