

PACKET ADDITION

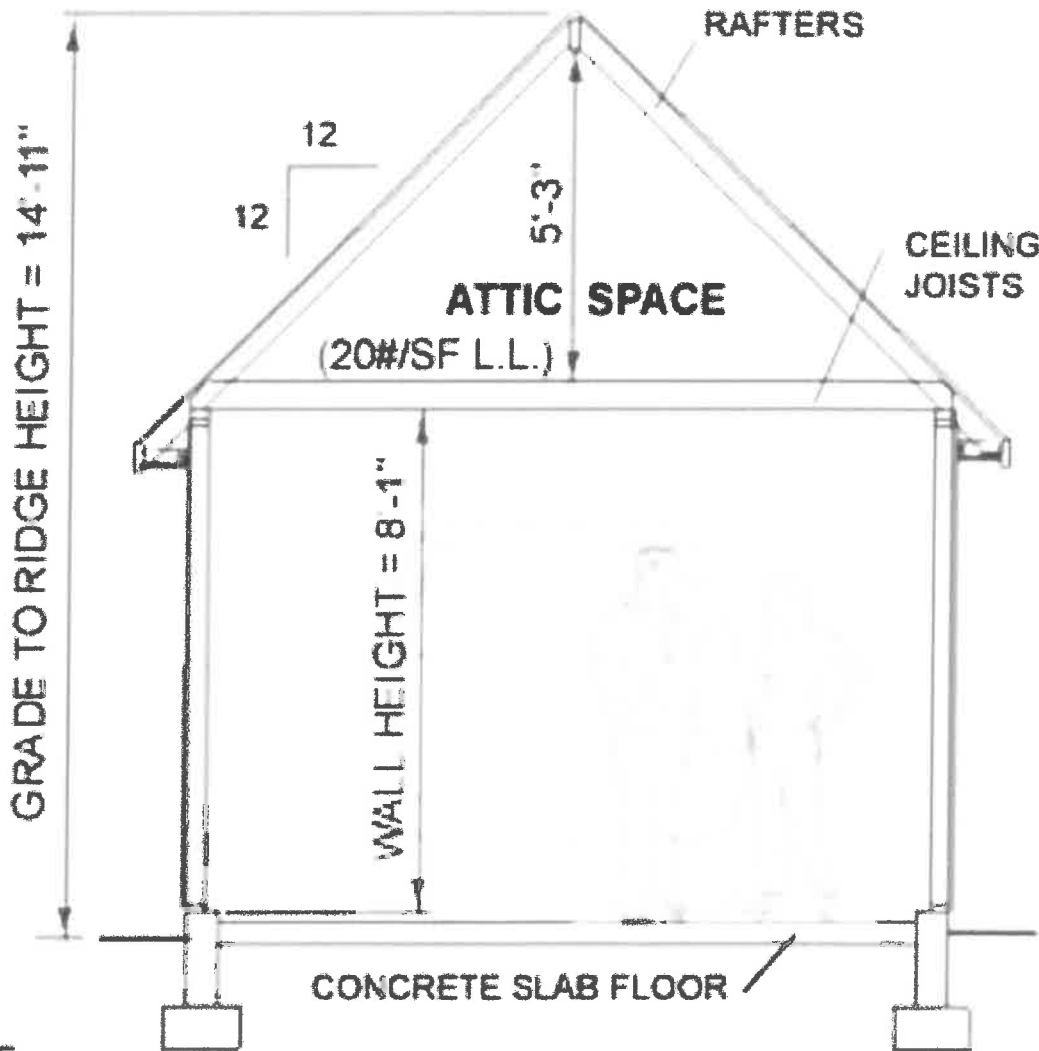
CASE NO. 897

PLANS



FULL SIZE (9'W X 7'H) GARAGE DOOR MAKES THIS COMPACT GARAGE VERY USABLE FOR MANY TYPES OF VEHICLES. SLEEP ROOM PROVIDES ATTIC STORAGE

ATTIC MAY BE ACCESSED BY FOLDING, PULL-DOWN ATTIC STAIR OR A STEP LADDER



NOTE. COMPLETE FOUNDATION PLAN / DETAILS INCLUDED. BUILD WITH FTG./STEM/WALL OR MONOPOUR SLAB/FTG

CROSS-SECTION

PACKET ADDITION

CASE NO. 897

CORRESPONDENCE

850 Neahtawanta Road
Traverse City, MI 49686 (summer)
February 11, 2021

Zoning Board of Appeals
Peninsula Township
13235 Center Road.
Traverse City, MI 49686

RE: Request #897, Zoning R-1B; Request of William W. Carruthers Trust for a variance from the 30-foot front yard setback and from the 15' side yard setback in order to construct a 12' by 24' detached garage.

Dear Members of the Zoning Board of Appeals:

I am writing to the Zoning Board of Appeals regarding the above-referenced application as President of the Neahtawanta Resort Association. My views reflect those of the Association's Board of Directors.

We wrote on November 14, 2021 in support of the initial request for a front yard setback and here, we are extending that support also to the requested variance for a side setback and for the same reason. To restate our rationale, the Association and numerous of its constituent members have historically expressed a desire to preserve the open space east of the structures on Bay View Avenue, a lawn area below Bay View Avenue abutting Neahtawanta Road. If the variances sought here were granted, and the garage built, the remaining parcel would not be large enough to support (under current Zoning) an additional structure on the lawn. (See p.2 of the Staff Report - total lot coverage with the proposed garage would be 14.3%; 0.7% (approximately 114 sq ft) remaining within the maximum 15% lot coverage.)

The Association acknowledges that any one or more property owners (including Association members) impacted by this proposed variance may have objections to the grant of a variance and it does not take issue or contest the objections of such other interested parties. The Association simply wants to inform the Zoning Board of Appeals that it would find it preferable for a garage to be constructed in accordance with the variance applications than for a garage to be constructed on the lawn area as noted above.

Very truly yours,



Anne Treadway Arouca
President
Neahtawanta Resort Association

Cc: Christina Deeren, Zoning Administrator

BETHANY C. WARNER & ASSOCS.

107 CASS STREET, SUITE G
TRAVERSE CITY, MICHIGAN 49684
TELEPHONE: (231) 922-8028
FAX: (231) 922-8128

BETHANY C. WARNER
LANE T. PLAMONDON
ERIN R. O'NEIL

CORINNE R. GALUSKY
SHANA L. POPP
LAURA A. LIBERTY

February 14, 2022

Peninsula Township Zoning Department
Attn: Ms. Christina Deeren, Zoning Administrator
13235 Center Road
Traverse City, Michigan 49686

Re: **CARRUTHERS AMENDED APPLICATION FOR VARIANCE
REQUEST NO. 897, ZONING R-1B**

Dear Ms. Deeren:

As you know, this Law Firm represents the Harley R. Morrison Trust, which owns real property located at 14168 Bay View Avenue, Traverse City, Michigan 49686, situated directly adjacent and to the north of Parcel 28-11-680-004-00, located at 14114 Bay View Avenue, Traverse City, Michigan 49686, and owned by Mr. William W. Carruthers.

We are in receipt of the amended Application for Variance submitted by William and Jim Carruthers (the "Applicant"), seeking a 28 foot variance from Peninsula Township's westerly front setback requirement of 30 feet, in addition to a 1 foot variance from the northerly side yard setback requirement of 15 feet. The purpose of the amended Application is to erect a 12x24 foot detached garage. We also understand that the amended Application is being submitted following a preliminary meeting on the matter before the Zoning Board of Appeals on November 16, 2021, wherein it was decided that Messrs. Carruthers would amend their original Application. We have been advised that a second meeting is to be held on February 15, 2022 for the purpose of evaluating and disposing of Applicant's amended Application.

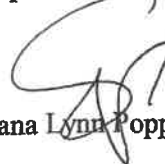
Our Firm's response to Applicant's original Application for variance was submitted to the Zoning Board of Appeals on November 11, 2021, and detailed concerns raised by our Client. Chief among those concerns was that Applicant's building plans, to the extent they involve altering the sidewalk or the curb along the west edge of Applicant's property, may lead to flooding and damage to neighboring properties. During the November 16, 2021 Zoning Board of Appeals Meeting, Applicant assured the Zoning Board that the curb along the west edge of Applicant's property would not to be cut. Board Member Soutar, however, astutely noted that "[n]ot cutting the curb needs to be put in the application. The curb is an essential component to water flow." Unfortunately,

Applicant's amended Application still fails to state how the curb, and any resulting drainage would be addressed under Applicant's building plans. Further, our Client's concern is not limited to Applicant simply cutting the curb, but includes any alteration of the curb or sidewalk that would permit vehicular access to Applicant's garage, because an alteration could have implications for drainage. Our Client therefore again requests that a drainage site assessment be commissioned, and a comprehensive report provided to our Client and the Zoning Board, prior to disposition of Applicant's amended Application. Alternatively, if the Zoning Board of Appeals elects to approve Applicant's variance request without further inquiry, our Client requests that they do so with the express stipulation that the curb and sidewalk remain unaltered.

Second among the concerns raised in our November 11, 2021 letter, was that Applicant's proposed garage would encroach upon the required 15 foot side yard setback running along the northerly edge of Applicant's property. Applicant has since amended his Application seeking a 1 foot variance to the side yard setback. Our Client has no objection to Applicant's request for a 1 foot variance; provided, however, that the variance is being requested to accommodate the garage roof overhang only, and not for the purpose of installing a cement apron for a pass-through door on the north side of Applicant's property. Applicant previously advised the Zoning Board of Appeals on November 16, 2021, that he would locate the garage's pedestrian door and cement apron on the south side of the garage, as opposed to the north side which directly faces our Client's property.

As the Zoning Board of Appeals is aware, the Board has the authority, pursuant to Section 5.7.3 of the Peninsula Township Zoning Ordinance, to authorize specific variances under the Ordinance, subject to satisfaction of 6 Basic Conditions. Subparagraph (e) of the Basic Conditions states "[t]hat the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood." It is pursuant to this Subparagraph (e) that our Client raises objection to the amended Application, and asks the Board to either deny Applicant's Application pending acceptable drainage analysis, or to permit the variance subject to the above stated stipulation that the curb and sidewalk remain unaltered.

Respectfully Submitted,



Shana Lynn Popp, Esq.

SLP

cc: MarySlade Morrison