

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS MINUTES
Virtual Meeting Via Zoom-Link Provided Below:**

February 16, 2021

7:00 p.m.

1. **Call to Order** The meeting was called to order by Soutar at 7:00 p.m.
2. **Pledge**
3. **Roll Call of Attendance** Couture, McBride, Rowlett, Dolton, Soutar.
Note: Murazai from Land Information Access Associates (LIAA) conducted the virtual meeting. Members of the public could participate by raising their hand in zoom. Those calling in by phone could raise their hand by pressing *9.
4. **Conflict of Interest** Couture recused himself from Request No. 885 Item 1 under business as Daniel Dingeman is a professional colleague.
5. **Brief Citizen Comments – for items not on the Agenda** None
7. **New Business:**

1. Request No. 885, Zoning R-1C

Applicant: Daniel J. Dingeman, 6559 Peninsula Drive, Traverse City, MI 49686

Owner: Daniel J. Dingeman, 6559 Peninsula Drive, Traverse City, MI 49686

Property Address: 6559 Peninsula Drive, Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high waterline to fifty-four (54) feet in order to construct a 750 square foot addition to the existing non-conforming structure.

Parcel Code # 28-11-336-038-00

Daniel Dingeman 6559 Peninsula Drive

Dingeman: There are six conditions required for a variance. I will discuss each of these in detail. Item A. a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship. I have met this condition due to the fact the property is an odd shape and is not due to any of my actions. If you look at the maps that were submitted the property is narrow at the south and then gets wider to the north. The high water has caused this property to lose a significant amount of shoreline as seen in the photographs I submitted. The ground water table has risen substantially and has penetrated into the house. The

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previous owners sold the house as they did not want to continue dealing with this issue. I was willing to take this on and I have a drainage system with numerous pumps. I have applied for the required permits for the interior of the house and am now working to address the ground water issue on the basement level. The property has to deal with the high water table of the lake and ground water plus water running from Peninsula Drive and Grayhawk Rd, which is a private road. A culvert off Peninsula Dr. running from the east side to the west side dumps water down onto our property. All of these issues has caused the soil to be compromised. The driest part of my property is the northwestern corner which is where the addition is proposed. We are also seeking to put in a seawall; that permit is pending with EGLE. We want to put in a steel sea wall with boulders in front of it. The neighbor to the south of us has just installed a sea wall and the neighbor to the north of us installed cement bags with stones and boulders that jetty out into the bay. This is great for those properties, but this might be causing this property frontage to erode at a faster pace. There is really no other alternative except a steel wall with boulders in front of it. Because this property is so unique in its shape, it is not just a rectangle, but is more cone shaped. The narrowest portion is to the south and widest portion is to the north. The northwest corner lends itself best to this addition. Condition One B is not the result of the property owner. The house was built 30 years ago in 1947 and predates any zoning ordinance. Two additions to the house occurred in 1986 and 1992 and I have provided picture of these for you. Since then, the requirements for the high water mark setback has changed. The property is compliant with all side yard and front yard setbacks. The next point is that we are trying to align the master bedroom addition to be aligned with the western plane. The lot coverage is 11.24 and with the decks 14.28, which results in 25% lot coverage. Item C. of the requirement is met by the northwest corner and nearly meets the high water mark requirement. There is 160 feet of shoreline on this lot. The construction raises 8-12 inches from the existing building which will provide additional safety not only us, but future owners of the house. For item D the variance will do substantial justice to the applicant as well as to other property owners in the district. I believe this action makes the home safer. This allows me to have additional housing on a lot with a huge amount of density still permitted in the highest and driest part of the property. Adding onto a house is always driven by the mechanicals such as where is the electrical, where is the gas. That is the rational for the location of the addition on the property and still leaves plenty of room for more density going forward. The neighbors to the north and south sent letters of support. This action aids in stabilizing the shoreline and helping to get the vegetation going again. If you look at this property from the lake, the houses around it are much taller than my structure. Item E. That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood. Both neighbors have given support to the project, which is modest in size. We are trying to use the deepest part of the lot. This will improve the property values of the houses around us as we are updating the 30 year old structure and keep the wooden density in place. The steel sea wall is a public benefit as it aids in preserving the shoreline and once the water goes down as it one day, people will be able to walk on the beach. Item F. The variance shall not permit the establishment within a district of any use which is not permitted by right. This property is zoned R-1C, so that should meet the requirement. The other items are any special

conditions.

Deeren: The special conditions are no longer in use.

Dingeman: Ok, great.

John Dancer architect 12180 Peninsula Drive

We have worked really hard to use the existing pad and get the angle right and we need to tie into the existing house. The addition needs to line up with the house.

Deeren: In looking at your site plan, if you were to pull that building back within your building envelope and square it off with the house, in my opinion a variance would not be necessary. Was that anything you considered?

Dancer: Yes, we did try to do this and again the issue is tying into the existing house. Once we pull it back it becomes really difficult to tie into the existing house. The addition needs to line up with the house. In pushing it out elevates the house not just 4 feet, the one corner of the house becomes more like 8- 10 feet because of the oddly shaped property.

Rowlett: Mr. Dancer said it would be very difficult to make that hallway line up with the addition to the existing house. Sometimes difficult does not mean impossible.

Dancer: It does not make the plan work very well. It doesn't logically lay out very well.

Dingeman: This would make the existing stair well that goes down stairs, it would make the existing hallway begin in the stairwell and then you would be starting the hallway in the existing stairwell and that it would drive it right through where the existing laundry area is now. This starts a domino effect where one thing leads to another. First you would have to move the existing stairwell, which is not an easy thing to do and then you need to move the laundry room which is easier to do, but now you need to move all of the utilities that tie into the house.

Deeren: We were not given a floor plan; we were just given the exterior plan of the house. There is no way for us to see how this ties into the interior of the existing house. I could permit this if that turn was straightened out. With this turned the way you have proposed you are trying to encapsulate more of the view of Traverse City. The water mark has not changed since the 1980s and that line is actually a water marker in the lake. So, they don't take it from the water line moving, but the elevation of the lake and that is how the 60 foot setback is determined.

Rowlett: We did receive a letter from the Traverse City Baykeepers recommending we not give this variance. How much do we pay attention to this?

Dingeman: That is the first I heard of this letter.

Deeren: It just came in this afternoon.

Dingeman: What is a little bit lost is I am taking the water from the neighborhood and moving it across my property. As you go east from the proposed site, it gets wet. That is not ground water; it is ordinary water runoff. The culvert from Grayhawk Road does not have an easement.

Soutar: The letter is not to be considered tonight as we have not all seen it.

Dolton: In looking at this orientation it appears to be designed to gain a better view line of Traverse City. It looks to me if you straighten that addition you would have more of a view of

the tree that is there and not the city. Did the view line have any aspect on this design?

Dancer: It was a secondary piece. We certainly want to keep the willow tree that is there. We were trying to work more with the setback.

Dolton: I was taking Deeren's suggestion that if you pull the building more to the east and straightening it out, you would be more within the setback. However, your view line would change.

Dingeman: It would be a shame to have to take that majestic tree out.

McBride: Could you talk more about the area that is wet. Given these wet lands this makes me wonder if the addition is placed where it should be.

Dancer: There is a culvert on Grayhawk that goes underneath Peninsula Drive. While the property is high at Peninsula Drive, it then dips down just a little bit and then it goes back up. There can literally be standing water there. We are trying to get it out of that wet area. In addition, we are actually pushing up so that it is 12 inches higher than the existing basement floor.

Deeren: We have a survey by Bob Mitchell that does not show any elevation. It shows it goes from 586 to 584 and that is all that is shown on here.

Dancer: You are exactly right that this goes in 12 inch increments. If you walk around the house you will see there is an area that actually holds water. You can see the culvert on the topo map at 586.

Deeren: The culvert does not show on the survey.

Rowlett: Have you had made any attempt to help you such as the DNR with this water issue? It seems to me if you have a water runoff problem someone might be able to assist you in this.

Dingeman: No, we have not.

McBride: Will this addition help with the beach maintenance and help the property from eroding further?

Dingeman: The question is how much of an investment is one prepared to make. The previous owners were so concerned about the water in the basement; the suggestion was made to just tear the house down. I am trying to save the house as it is not very old. This is a large piece of property that one can hardly see from the road. If I am going to make this investment, I want to build the steel seawall to protect it.

Soutar: (Garbled question due to technology) We do not have complete information.

Dancer: Goes through the history of the property from 1947 to present day.

Deeren: Asks for public comment and there is none.

Soutar: Is there anyone who wishes to speak in favor of the proposal? Hearing none is there anyone who wishes to speak against the proposal? No.

Soutar: Are there any other board comments?

Dingeman: I am surprised by the letter from the Baykeepers coming in so late. We were on the agenda back in November, December, January, and now February.

Deeren: This case was published in the Record Eagle in January. The Baykeeper watches for watershed issues along the lakeshore.

Dolton: There is a strong argument in that 66% of the existing building is beyond the setback, certainly the percentage of the addition is no more than 5-10% over the setback. The squaring

of the configuration of the house in the SSW orientation moves the house with more of a view of the large tree which appears important in reducing additional erosion. We need to trust the architect in the tie-in to the existing with the issues of existing hallways and stairways. The applicant has made a reasonable effort to comply with the setbacks with the certain limitations.

McBride: There has been an effort by the applicant to address all of the required conditions for a variance. The question is this is such a small variance, why it necessary when there are other solutions for the proposed addition. I am stuck on condition C, that strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. This condition has not been met.

Rowlett: If we move from requiring a 60 foot setback to granting 54 feet; this would affect future cases.

Soutar: One does not know if spending money on the water issue, which is already requiring pumps, would solve the water issue. The slight turn of the house is architecturally desirable, but we are not here to design the house.

Dolton: The applicant should be aware there is not a full quorum on this case due to Couture's refusal. Does he want to come back when there is a full board?

Deeren: Yes, I would have to get a second alternate to have a full quorum if this gets tabled.

Soutar: A vote of a 2-2 tie would mean disapproval of the variance request. Mr. Dingeman, what would like to do?

Dingeman: Yes, I would like to come back in March.

Rowlett moved the case be moved to a date certain of March 16, 2021 with a second by McBride.

Roll call vote: Yes Dolton, McBride, Soutar, Rowlett

Passed unam

2. Request No. 886, Zoning R-1B

Applicant: Wayne M. Eaker, 12440 Bluff Rd., Traverse City, MI 49686

Owner: Wayne M. Eaker, 12440 Bluff Rd., Traverse City, MI 49686

Property: 12440 Bluff Rd., Traverse City, MI 49686

1. Requesting a variance from the required fifteen (15) foot side yard setback to ten (10) feet on the northerly property line in order to place a 160 square foot shed.
2. Requesting a variance from the required fifteen (15) foot side yard setback to ten (10) feet on the southerly property line in order to place a 160 square foot shed.
3. Requesting a variance from the Definition of Lot: The parcel of land having frontage along a street or right-of-way on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two (2) or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance. Unless otherwise provided in this Ordinance; public and private streets and road rights-of-way, and easements for ingress and egress shall divided lots (including parcels and sites) for purposes of this Ordinance (**REVISED BY AMDEDNMENT 158**)

Parcel Code # 28-11-134-026-00

Wayne Eaker 12440 Bluff Road

Eaker: The property is extremely narrow and small and the house is only 630 square feet. This does not leave room for the required setbacks on either side of the house or the opposite side of the road for a conforming structure. We would like to build a 10X16 foot shed across the street from the cottage where we live. This allows us to store a lawn mower and other tools to better care for the property. In going through the 6 required **conditions. Item A)** that the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved. This property is definitely narrow and small. **Item B)** the need for the variance is not the result of actions of the property owner (self-created) or previous property owners. This property was created by a division of a large parcel that happened before the zoning laws were in effect. There was no way of knowing this division would prevent building a shed on the property. **Item C.** That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose. We meet this requirement because an accessory building such as a garage or shed is a typical, a permitted feature of properties in the neighborhood. However, the shape of our property in combination with the required setbacks and other zoning requirements means there is no place on the property where one could build without a variance. **D.** That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. With the shed in this location, there is room in front of the shed. This allows us to use the existing driveway, park cars, and turn a car or a car pulling a trailer around without difficulty. We understand the placement of the shed does not minimize the variance request. Moving the proposed shed forward would change the side yard setback to 1.5 feet over the allowed setback requirement. We are open to moving the placement of the shed in order to get the variance. **E.** That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property. The shed will be on the other side of the road so there is no issue in obstructing the lake views of the surrounding homes, both of which are on the lake side. The structure fits into the character of the neighborhood. Lastly, **Item F.** that the variance shall not permit the establishment within a district of any use which is not permitted by right. Having a shed is a permitted use. The only reason we need this variance is due to the narrowness of the property that does not allow a conforming structure to be built. Only a non-conforming building would fit into this property and this is not permitted.

Soutar opens the meeting up for board discussion.

McBride: Is there any way you could put the shed right next to the garage?

Eaker: In looking at the site plan, I do not believe there is any other place for the shed that would not change the setbacks on the side or front.

Rowlett: This appears to be difficult to put the shed on the same side of the street as the

house.

Soutar: The only place it appears to work is to put the shed on the deck on that side of the house. Basically, what we have here is an unbuildable lot and this makes it difficult.

Couture: The placement of a structure on the other side of the road appears that we are changing the definition of a lot. I do not believe the zoning board of appeals has the authority to define a lot. I would want a legal definition of a lot from our attorney.

Deeren: The current definition of a lot in the zoning ordinance reads "Unless otherwise provided in this ordinance; public and private streets and road right-of-way and easements for ingress and egress shall divide lots. You cannot build on a divided lot. You cannot have your house on one side and your garage on the other. If a portion of the land across the street were to touch the other side, such as a corner, then the two properties could be joined for zoning purposes. He would need two variances for the side yard setbacks.

This is treated as two separate lots. You cannot add an accessory structure unless it is tied into a residential building.

Couture: I am not comfortable rendering an opinion tonight. The township attorney needs to give us an opinion on this issue.

Soutar: Would Eaker be alright to moving to a date certain?

Eaker: I would be amenable to that.

Couture moved the case be moved to a date certain of March 16, 2021 with a second by Dolton.

Roll call vote: Yes Dolton, McBride, Soutar, Rowlett, Couture

Passed unam

3. Request No. 887, Zoning R-1C

Applicant: Richard M. & Dianne L. Frank, 7215 Peninsula Drive, Traverse City, MI 49686

Owner: Richard M. & Dianne L. Frank, 7215 Peninsula Drive, Traverse City, MI 49686

Property: 7215 Peninsula Drive, Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high waterline to forty-six (46) feet in order to construct a 112 square foot addition to the existing non-conforming garage structure.
2. Requesting a variance from the required fifteen (15) foot side yard setback to thirteen (13) foot side yard setback on the southerly property line to construct an 84 square foot addition to the existing non-conforming garage structure.
3. Requesting a variance from the required twenty-five (25) foot front yard setback to a zero (0) front yard setback on the southerly line in order to construct an 84 square foot addition to the existing non-conforming garage structure.
4. Requesting a variance from the required twenty-five (25) foot front yard setback to a twelve (12) foot front yard setback on the northerly corner in order to construct a 112 square foot addition to the existing non-conforming garage structure.
5. Requesting a variance from the required 25 percent of lot coverage to 52 percent in order to construct a 639 square foot addition to existing non-conforming garage structure.

Parcel Code # 28-11-325-036-00

Richard and Diane Frank, 7215 Peninsula Drive

R. Frank: The house was built in the 1960s and a 1 ½ car garage was added in the late 1970's. The garage is 2 stories with the garage being on the upper portion even with the street and the bottom is at the lake level. The garage needs to be rebuilt because the concrete planks that form the floor of the garage are eroded and need to be replaced. In the process of rebuilding, we would like to expand the structure into a 2 car garage. We want to keep the existing foundation and extend the garage only on the upper story. On order to accomplish the, we need to expand the garage in both directions. (Frank goes through the site plan with the board). The existing structure is non-compliant with the ordinary high water mark, the right-of-way side yard setback, and the lot coverage, multiple variances is required. A new variance in the shape of a triangle to the south is requested. The existing garage was built 40 years ago, when smaller garages might have been more acceptable.

The existing garage is too small for our 2 cars and other items such as bicycles, snow blowers, and garden equipment. The constrained lot size makes it impossible to expand the garage without variances. In considering only expanding the garage to the north, this would require new foundation walls. With only one car in the garage at a time, one of the cars is usually parked in the driveway in front of our house. Keeping all the cars in an expanded garage improves the overall appearance of the house. None of the requested variances substantially affect the neighbors, who both live across the street. The benefits of a 2 car garage outweigh the minor impact from the variances. A 2 car garage is a use permitted by right subject to approval of the request.

Soutar: Are there any questions from the board?

McBride: No questions.

Rowlett: We also received an email today from the Baykeeper's stating they are not in favor of this request. Again, as not all members of the board have seen the email and will not be a factor in this case. This request is for a large variance. Is there any way to move the garage closer to the house?

R. Frank: This would make the high water mark infringement worse and we would need to lose our deck. We might need a column if we were to move closer to the house. Going out 4' on one

Jeff Simonis Construction, 5833 Kilton Rd. Traverse City 49684

Simonis: We are trying not to disturb the existing footprint. It is already non-conforming so we are cantilevering the deck to achieve a wider garage and I know this encroaches on the setbacks. It is going to be 9' up in the air. We are leaving the foundation where it is as to not enlarge the existing footprint.

Couture: He wants to expand the footprint as he wants to get 2 cars in his garage.

Simonis: Yes, the foundation is staying in place and would not increase the footprint.

Deeren: You are requesting 5 variances. If you move this more toward the house you would only need 3. I would move it more toward the house and away from the road. We can take variance request number 5 off as they meet the lot coverage requirement. My other concern is the property line being right on the road. If the Grand Traverse Road Commission wanted to widen the road, you would have a problem.

Dolton: I am concerned with the 0 foot side yard setback and that you are right on the road. Economic considerations cannot be used by the zoning board in making decisions.

Soutar: Is there anyone who wishes to speak in favor of this proposal-hearing none is there anyone who wishes to speak against this proposal? Hearing none the meeting now goes back to the board.

Couture: This is already a non-conforming property and this request would make it more non-conforming. While I understand you want to park 2 cars, this is not a requirement to repair the failing foundation.

Dolton: My concern is moving to zero the setback on the road side.

McBride: I agree with my colleagues that a garage is not a right.

Rowlett: I would like to see the structure moved closer to the house and away from the road.

McBride moved to approve variance request number 1 if all 6 basic conditions are met with a second by Rowlett. Passed unam

Soutar: The Board will now go through the 6 Basic Conditions that must be met for each variance. This is for variance request number 1.

A. That any variance from this Ordinance: a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

B. The need for the variance is not the result of actions of the property owner (self-created) or previous property owners.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

C. That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

D. That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Rowlett, Dolton, Couture, McBride, Soutar **all agree** the condition has been met.

E. That the variance will not cause adverse impacts on surrounding property, property values or

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the use and enjoyment of property in the neighborhood.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

F. That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar **Passed unam**

Deeren: Variance Request number 1 is approved.

McBride makes a motion that variance request 2 be denied with Rowlett providing a second.

Roll call vote-Rowlett, Dolton, Couture, Soutar, McBride Passed unam

Deeren: Request for variance number 2 is denied.

McBride moves to deny Variance Request number 3 with a second by Couture.

Roll call vote: Yes Couture, Dolton, McBride, Rowlett, Soutar Passed unam

Deeren: Request for variance number 3 is denied.

McBride moved to approve variance request variance number 4 if all 6 basic conditions are met with a second by Rowlett. Passed unam

Soutar: The Board will now go through the 6 Basic Conditions that must be met to approve variance request number 4.

A. That any variance from this Ordinance: a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

B. The need for the variance is not the result of actions of the property owner (self-created) or previous property owners.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

C. That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

D. That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial

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relief to the owner of the property involved and be more consistent with justice to other property owners.

Rowlett, Dolton, Couture, McBride, Soutar **all agree** the condition has been met.

E. That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

F. That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar **Passed unam**

Deeren: Variance Request number 4 is passed.

Variance requests 1 and 4 are approved and variance requests 2 and 3 are denied.

4. Request No. 888, R-1B

Applicant: Nathan & Karley Elkins, 13024 Peninsula Drive, Traverse City, MI 49686

Owner: Nathan & Karley Elkins, 13024 Peninsula Drive, Traverse City, MI 49686

Property: 13024 Peninsula Drive, Traverse City, MI 49686

1. Requesting a variance from the required fifteen (15) foot side yard setback to twelve (12) foot side setback on the southerly property line in order to construct a 60 square foot addition to the existing non-conforming structure.
2. Requesting a variance from the required thirty (30) foot rear setback to ten (10) foot rear setback in order to construct a 1248 square foot detached garage structure.
3. Requesting a variance from the required fifteen (15) foot side yard setback to thirteen (13) foot side yard setback on the southerly property line in order to construct a 1248 square foot detached garage.
4. Requesting a variance from the required fifteen (15) percent lot coverage to twenty-three (23) in order to construct a 1248 square foot detached garage structure.

Parcel Code # 28-11-128-037-00

Nathan Elkins, 13024 Peninsula Drive

Elkins: We have reached out to our 3 surrounding neighbors and they approve of our plan. This project meets all 6 conditions for approval. (Site plan is shared with all participants through screen share). 1. Requesting a variance from the required fifteen (15) foot side yard setback to twelve (12) foot side setback on the southerly property line in order to construct a 60 square foot addition to the existing non-conforming structure.

An existing structure on the north side of the house will be removed and this allows for a driveway to be constructed on the north side to access the new garage. The rest of the variance requests are to allow the garage to be built. The location of the garage placement is to allow for

the required well and septic requirements.

2. Requesting a variance from the required thirty (30) foot rear setback to ten (10) foot rear setback in order to construct a 1248 square foot detached garage structure.
3. Requesting a variance from the required fifteen (15) foot side yard setback to thirteen (13) foot side yard setback on the southerly property line in order to construct a 1248 square foot detached garage.
4. Requesting a variance from the required fifteen (15) percent lot coverage to twenty-three (23) in order to construct a 1248 square foot detached garage structure. In reviewing other lots in our neighborhood, the lot coverages range from our 17% up to 25%. So we are well under the required lot size.

Soutar: Are there any questions from the board?

Couture: Why is the garage so large?

Elkins: We want to go as large as possible. We want to be able to fit 2 cars in the garage and have plenty of additional storage.

Couture: Can you move the garage closer to the house? Or put it on the northern side?

Elkins: The garage cannot go into the septic reserve drain field. To move the garage to the north would require cutting down old oak trees.

Dolton: The garage is 51 feet wide which is larger than a typical 4 car garage.

Elkins: This allows room for the cars, storage, and a bonus room.

Dolton: What do you mean by bonus room?

Elkins: I mean room for storage. We have a small house and a growing family.

Deeren: You need to understand you can have no living quarters in that space. There can be no bathroom or kitchen in the garage.

McBride: The property already has a garage. This does not seem like an extraordinary situation and while we all want more storage you do not need to increase your lot coverage.

Chris Moyer, 13044 Peninsula Drive

I am in favor of this proposal. I am the neighbor to the north.

Elise Steffe, 13140 Peninsula Drive

Please take into consideration the increased building space to the south of this property. I am the daughter of the owner in the property to the southern side.

Dolton: I want to acknowledge he is removing the existing garage structure on the northern side. I am concerned about the size of the proposed garage and the southern setback.

McBride: I do not have a problem with request 1. However, I cannot support 2 and 4. Having a garage this large is not a right.

Rowlett: Are you living in the house full time? What kind of pathway would you have from the house to the garage?

Elkins: Yes. We have 3 boys. The garage driveway would be pavers or concrete.

Couture moves to approve Variance Request 1. McBride seconds.

Passed unam

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

B. The need for the variance is not the result of actions of the property owner (self-created) or previous property owners.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

C. That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

McBride, Rowlett, Dolton, Couture, Soutar **all agree** the condition has been met.

D. That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Rowlett, Dolton, Couture, McBride, Soutar **all agree** the condition has been met.

E. That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

F. That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

Soutar, McBride, Rowlett, Dolton, Couture **all agree** the condition has been met.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar Passed unam
Deeren: Variance request number 1 is approved.

Couture moved to deny variance request number 2 with a second by McBride.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar Passed unam
Deeren: Variance request number 2 is denied.

Couture moved to deny variance request number 3 with a second by Dolton.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar Passed unam
Deeren: Variance request number 3 is denied.

Couture moved to deny variance request number 4 with a second by McBride.

Roll call vote-Yes Rowlett, McBride, Couture, Dolton, Soutar Passed unam
Deeren: Variance request number 4 is denied.

Deeren: Variance request 1 is approved and 2, 3, 4 are denied.

2. Approval of Minutes from November 17, 2020 Regular Meeting

Rowlett moved to approve the minutes with a second by Dolton. Passed unam

Peninsula Township
Zoning Board of Appeals
February 16, 2021
Lola Jackson-Recording Secretary

8. Citizen Comments-None

9. Board Comments- Dolton commented that a letter from Haggard's Plumbing and Heating was submitted for multiple cases.

Deeren: Yes, the letter is being submitted to all planning board cases as well. This business is in Charlevoix and has no standing with this board.

10. Adjournment Couture moved to adjourn the meeting with a second by McBride.

Passed unam

Meeting adjourned at 10:49 p.m.