

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## PENINSULA TOWNSHIP ZONING BOARD OF APPEALS AGENDA

February 20, 2024

7:00 p.m.

1. Call to Order

2. Pledge

3. Roll Call

4. Approval of Agenda

5. Conflict of Interest

6. Brief Citizen Comments – (for items not on the Agenda)

7. Business:

**1. Public Hearing for Request No. 915, Zoning = R-1B – Coastal Zone**

Applicant/Owner: William T and Janice J Beckett, 671 Hidden Ridge Drive, Traverse City, MI 49686

Property Address: Birch Drive, Traverse City, MI 49686

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 12 feet from the front property line/edge of right-of-way, where 30 feet is required.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 17%.
3. Requesting a variance from Section 7.4.7(A)(1) to construct a new two (2) story single-family residence with attached garage within a delineated wetland, or zero feet from the edge of a delineated wetland, where 25 feet is required.

Parcel Code # 28-11-560-017-00

**2. Public Hearing for Request No. 916, Zoning = R-1B – Coastal Zone**

Applicant/Owner: Kenneth Pratt, Pratt Family Revocable Joint Trust, 12155 Bluff Road, Traverse City, MI 49686

Property Address: 12155 Bluff Road, Traverse City, MI 49686

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a two (2) story addition to an existing single-family residence 21 feet from the front property line/edge of right-of-way, where 30 feet is required.

Parcel Code # 28-11-445-009-00

8. Approval of Minutes from the January 16, 2024, Meeting

9. Citizen Comments

10. Board Comments

11. Adjournment

**Business**

**Request #915**

Peninsula Township Planning & Zoning Department  
**STAFF REPORT**  
ZBA Request # 915  
Physical Address of Subject Property: Birch Drive, Traverse City, MI 49686  
Date: February 20, 2024

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**To:** Peninsula Township Zoning Board of Appeals

**From:** Jenn Cram, AICP, Director of Planning and Zoning

**RE:** Request # 915

**Zoning District:** R-1B Coastal Zone

**Hearing Date:** February 20, 2024 – 7:00 PM

**Applicants/ Owners:** William T and Janice J Beckett, 671 Hidden Ridge Drive, Traverse City, MI 49686

**Subject Property:** Vacant Lot on Birch Drive, Traverse City, MI 49686

**Tax ID:** 28-11-560-017-00

**Request:**

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 12 feet from the front property line/edge of right-of-way, where 30 feet is required.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 17%.
3. Requesting a variance from Section 7.4.7(A)(1) and (2) to construct a new two (2) story single-family residence with attached garage within a delineated wetland, or zero feet from the edge of a delineated wetland, where 25 feet is required.

**Applicant**

**Statement:** Please see the enclosed application submitted by the property owners along with additional information submitted to date, **Exhibit 1**.

**Background Information:**

- The subject property is zoned R-1B – Coastal Zone – Single and Two Family Residential; and the surrounding properties are also zoned R-1B.
- The subject property is 0.33 acres or 14,374 square feet.
- The minimum lot size for the R-1B zone district is 25,000 square feet.
- The Peninsula Township Zoning Ordinance was adopted in 1972.
- The lot was created legally in 1959 prior to the adoption of the Peninsula Township Zoning Ordinance. Thus, the property is legally non-conforming regarding lot size.
- The subject property is currently vacant.
- There is a delineated wetland on the property.

- The property owners have applied for and received a permit from EGLE to place fill in the wetland to construct a 1,911 square foot single-family residence. A complete copy of the permit is attached as **Exhibit 2**.
- Per G. on page 2 of the EGLE permit, the permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- Per W. 6. On page 3 of the EGLE permit, the authority to conduct the activity as authorized by the EGLE permit is granted solely under the provisions of the governing act as identified. The permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.

### **Section 3.2 Definitions:**

***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;*
- (d) *The problem was not self-created. (ADDED BY AMENDMENT 171A)*

### **Section 6.8 Schedule of Regulations: (Revised by Amendment 91), (Amendment 107D)**

*The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning District:*

*R-1B, Suburban Residential:      Front setback = 30 feet  
    Side yard setbacks = 15 feet  
    Rear yard setback = 30 feet  
    Ordinary Highwater setback = 60 feet  
    Allowable percentage of lot coverage = 15%*

### **Section 7.4.7 Floodplain and Wetland Controls: (Revised by Amendment 195)**

#### **(A) Wetland.**

*Definition of Wetland: Land characterized by the presence of water at frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream. This applies to public, commercial, and private lands regardless of zoning or*

ownership. Wetlands are regulated per Part 303 of the Natural Resources and Environmental Act, 1994 PA 451, as amended.

*Development: There shall be no development or modification of any kind within a wetland area without first having been issued a wetland permit by the Michigan Department of Environmental Quality (MDEQ) and/or an Earth Change and Storm Water Permit from Peninsula Township. Any such approved development shall be subject to the following:*

- (1) A setback of 25 feet shall be maintained between any structure or impervious (including but not limited to parking lot, driveway, paths, etc.) surface and wetland.*
- (2) Except as specified in subsection (3), there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations and incorporated in Storm Water Management Plans.*
- (3) Boardwalks 3 feet or less in width shall be permitted following issuance of a Land Use Permit and subject to MDEQ approval, upon finding there will be no adverse impact on ground or surface waters of the wetland. The Zoning Administrator or Planning Commission, as applicable, may require the applicant to obtain a formal determination of the wetland boundary by the MDEQ.*
- (4) Wetland Identification: In the event of reasonable doubt as to the presence of a wetland, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a State of Michigan certified wetland delineator showing the existence, extent, and location of wetland areas. The Zoning Administrator shall use such information provided in making a final determination of the presence of a wetland.*
- (5) Compliance with Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.*

#### **TABLE OUTLINES VARIANCE REQUESTS**

<b>Section 6.8 R-1B Standards</b>	<b>Required</b>	<b>Variance</b>	<b>Conforms to Standards?</b>
Minimum Front Setback	30'	No	No – Variance Requested
Minimum North side yard setback	15'	No	Yes
Minimum South side yard setback	15'	No	Yes
Minimum Rear setback	30'	No	Yes
Minimum OHWM	60'	No	Yes

Percentage of Lot Coverage:	15% max.	No	No - Variance Requested
Section 7.4.7 (A) (1) & (2)	25'	No	No - Variance Requested

**Staff Comments:**

**The purpose of the front setback is to provide safety and separation of structures from the road.**

**The purpose of lot coverage standards is to balance the density and intensity of uses on the land.**

**The purpose of wetland setbacks is to protect natural resources and water quality.**

**Section 5.7.3 Variances:** *The Board of Appeals 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 can be satisfied:*

**1. Basic Conditions:**

- (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.*

**Staff Comment: The lot was legally created in 1959. The lot is only 14,374 square feet in size, which is 10,626 square feet less than the minimum lot size required for the zoning district. There is a delineated wetland on the property.**

- (b) That the need for the variance is not the result of actions of the property (self-created) or previous property owners.

**Staff Comment: As noted above, the lot was legally created in 1959. The lot was created prior to the adoption of the zoning ordinance. The wetland existed on the property prior to the current owners purchasing it in 2017.**

- (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.)

**Staff Comment: In addition to the setback requirements noted in Section 6.8 for front, side, rear and OHWM there is also a 25-setback required from a delineated wetland.**

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

**Staff Comment: Requested variances will allow the property owners to construct a two-story home on the property.**

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

**Staff Comment: The requested variances will not likely cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood as the area has been developed with single-family residences. In addition, the required 15 foot setback for side yards is maintained.**

- (f) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use of r which a conditional use or temporary use permit is required.

**Staff Comment: The R-1B zone district allows for single and two-family dwellings as uses by right along with associated accessory structures. The proposed structure will be used as a dwelling with attached garage consistent with allowed uses.**

**2. Rules:** *The following rules shall be applied in the granting of variances:*

- (a) *The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.*
- (b) *Each variance granted under the provisions of this Ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance; and the occupancy of the land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.*
- (c) *No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.*





**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 915**

Date of Meeting: February 20, 2024

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owners: William T and Janice J Beckett, 671 Hidden Ridge Drive, Traverse City, MI 49686

Parcel Code: #28-11-560-017-00

**Request:**

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 12 feet from the front property line/edge of right-of-way, where 30 feet is required.

Action by the Zoning Board of Appeals:

\_\_\_\_\_  
(Chair)

☐ Yes

☐ No

\_\_\_\_\_  
(Vice Chair)

☐ Yes

☐ No

\_\_\_\_\_  
(Member)

☐ Yes

☐ No

\_\_\_\_\_  
(Member)

☐ Yes

☐ No

\_\_\_\_\_  
(Member)

☐ Yes

☐ No

Board Action:

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 915**

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Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owners: William T and Janice J Beckett, 671 Hidden Ridge Drive, Traverse City, MI 49686

Parcel Code: #28-11-560-017-00

**Request:**

2. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 17%.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 915**

Date of Meeting: February 20, 2024

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owners: William T and Janice J Beckett, 671 Hidden Ridge Drive, Traverse City, MI 49686

Parcel Code: #28-11-560-017-00

**Request:**

3. Requesting a variance from Section 7.4.7(A)(1) and (2) to construct a new two (2) story single-family residence with attached garage within a delineated wetland, or zero feet from the edge of a delineated wetland, where 25 feet is required.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

Board Action:

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# Exhibit 1

# Peninsula Township Variance Application

## Application Guidelines

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

1. Zoning Board of Appeals (ZBA) applications are available from the Peninsula Township Planning & Zoning Department, 7:30 a.m. to 6:30 p.m., Monday, and 7:30 a.m. to 5:00 p.m. Tuesday through Thursday, or online at [www.peninsulatownship.com/zoning](http://www.peninsulatownship.com/zoning).
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Ten (10) copies must be submitted.**
3. If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.
4. It is the applicant's responsibility to review and address the appropriate sections of the Zoning Ordinance prior to submission.
5. It is the applicant's responsibility to ensure that the application is complete upon submission. **Planning and Zoning Department staff will determine and confirm with the applicant that the application is complete.** An incomplete application will not be considered for review by the ZBA.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
8. The applicant will receive a notice of the public hearing in the mail, and is expected to attend the meeting.
9. ZBA meetings are held on the second Thursday of every month, beginning at 7:00 p.m. in the Township Hall, 13235 Center Road, Traverse City, MI 49686.
10. If the variance(s) are granted, **construction authorized by such variance(s) must begin within six (6) months after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance must take place within one (1) year after the granting of the variance.**
11. If the variance(s) are granted, construction authorized by such variance(s) must comply with all other necessary permits. **A variance is independent from, and does not substitute for, all other permits.**
12. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

OFFICE USE ONLY		
Date Received:	Fee Received:	Board Action:
Date Complete:	Meeting Date:	



# Peninsula Township Variance Application

## General Information

A fully completed application form, fee, and all related documents must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the Zoning Board of Appeals meeting. **11 copies are required.**

### **Applicant Information**

Applicant: Name William & Janice J. Beckett  
Address Line 1 671 Hidden Ridge Drive  
Address Line 2 Traverse City, MI 49686  
Phone 231-932-0307 Cell  
E-mail TCBecketts@charter.net

Owner: Name William T. & Janice J. Beckett  
Address Line 1 671 Hidden Ridge Drive  
Address Line 2 Traverse City, MI 49686  
Phone 231-932-0307 Cell  
E-mail TCBecketts@charter.net

*(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)*

### **Property Information**

Parcel ID 11-560-017-00 Zoning R1B  
Address Line 1 Vacant, Lot 17 Plat of Mission View Sub., 15801 Birch Drive  
Address Line 2 Traverse City, MI 49686

### **Type of Request**

Indicate which Ordinance requirement(s) are the subject of the variance request:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Front Yard Setback                       | <input type="checkbox"/> Side Yard Setback       | <input checked="" type="checkbox"/> Rear Yard Setback |
| <input type="checkbox"/> Width to Depth Ratio                                | <input checked="" type="checkbox"/> Lot Coverage | <input type="checkbox"/> Off-Street Parking           |
| <input type="checkbox"/> Signage   | <input type="checkbox"/> Height/Width            | <input type="checkbox"/> Non-Conformity Expansion     |
| <input checked="" type="checkbox"/> Other: Please Describe: Wetlands setback |  |   |

### **Attachments**

- ☒ \$1,200.00 application fee
- ☒ Basic Conditions Worksheet
- ☒ Site plan drawn to scale showing the following:
- a. Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any;
  - b. All existing and proposed structures including decks and roof overhangs;
  - c. Setbacks for existing and proposed structures (varies by zoning district).
- ☒ Front elevation diagram drawn to scale.

# Peninsula Township Variance Application

## Basic Conditions Worksheet

In order for a variance to be justified, the Applicant must meet **all of the Basic Conditions**, as defined in Section 5.7.3(1) of the Peninsula Township Zoning Ordinance. The Applicant must answer the following questions pertaining to the Basic Conditions in detail. Please attach a separate sheet if necessary and label comments on the attached sheet with corresponding number/letter on application.

**Section 5.7.3(1) Basic Conditions:** 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 can be satisfied.**

(1) **BASIC CONDITIONS:** The applicant must meet ALL of the following Basic Conditions. 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.**
  - A. Is this condition met? Please explain: The variance is due to the unique circumstances cited in the ordinance including shallowness, size and shape, water, and topography, as well as wetlands, all lending to a practical difficulty and hardship in meeting the strict limits of compliance.
- b) **The need for the variance is not the result of actions of the property owner (self-created) or previous property owners.**
  - B. Is this condition met? Please explain: The need for the variance boils down to two things; 1) improper zoning classification (R1B rather than R1C) of the subdivision when adopted in 1972 and 2) a culvert pipe discharging water onto the lot resulting in wetlands on site. This parcel was a legal lot of record prior to the zoning ordinance adopted in 1972 and wetland amendment adopted in 2018. The Township zoned the entire neighborhood R1B, when most of the lots did/do not meet the minimum area standards of the zoning classification, making the lot legal, non-conforming. In addition, there is no known easement for the culvert pipe that discharges trespass water from across the road onto this parcel. Because of its size, shape, topography and wetlands, variances are required in order to build our retirement home.
- 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.)**
  - C. Is this condition met? Please explain: The R1B classification in the ordinance requires lot area to be 25,000 SF and above and meet a 30' front yard setback requirement. The ordinance burdens all but a few lot owners in our subdivision. In our case, the lot is 14,374 square feet, or 57% of the required lot



size. It is also only 139' deep at its deepest point. If this house were to be constructed on a conforming 25,000 SF lot, (100' waterfront by 250' deep), we would be covering 11.7% of the lot area and could easily meet both the lot coverage and front yard setback requirements. And we would not be seeking relief for either. In addition, EGLE regulates wetlands and has issued a permit to build in a portion of the wetlands. When the township adopted the wetlands amendment, it rendered our lot unbuildable without obtaining 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.**

D. Is this condition met? Please explain: Granting the variance(s) will provide substantial justice to the applicant and other neighboring residents as has been customary on many of the subdivision lots. To do otherwise would deprive us of our rights to lawful use of the property. We have downsized our plans from 68' wide originally to 42' wide, minimizing the footprint and lot coverage. We propose a modest house, designed for us to "age in place", in a small footprint covering only 2,429 square feet including the house, garage, sun porch and front porch on a legally platted lot of record. A lesser relaxation would not be consistent with other variances granted in the district and neighborhood.

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

E. Is this condition met? Please explain: The variance will not adversely impact the surrounding properties, property values or the use and enjoyment of property in the neighborhood. It has been common for the neighborhood residents to have to request a variance to develop or remodel their property and we are just the next in line to have to do so. The requested variances are reasonable and in line with other variances granted in the neighborhood.

**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.**

Is this condition met? Please explain: The proposed use is allowed by right and does not create a use for which a conditional use or temporary use permit is required.

#### Additional Considerations:

- Our first plan had a footprint of 3,404 square feet, lot coverage of 23.7% and 12.4' front setback. After several redesigns and working with EGLE, our footprint is reduced to 2,429 square feet and 16.9 % lot coverage and 17.3' front setback to minimize variances and impact on the environment and neighbors.

Respectfully submitted by William T. Beckett & Janice J. Beckett



**PROPERTY INFORMATION:**  
**OWNER:** WILLIAM & JANICE BECKETT  
**ADDRESS:** 15801 BIRCH DRIVE  
 TRAVERSE CITY, MI 49686  
**PARCEL ID:** 11-560-017-00  
**LOT SIZE:** 0.33 ACRES  
**ZONING:** COASTAL ZONE RESIDENTIAL

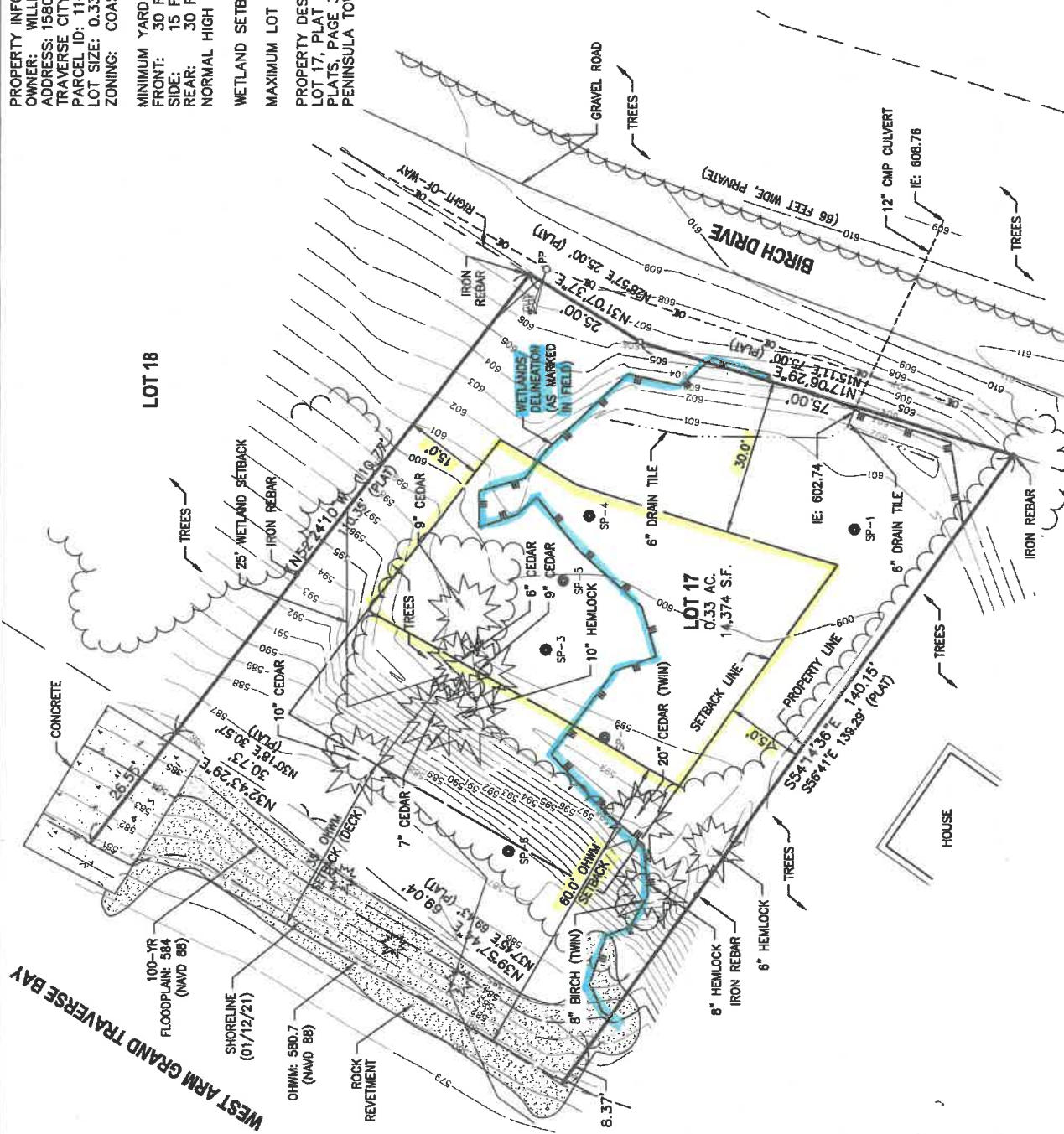
### MINIMUM YARD SETBACKS:

FRONT: 30 FEET  
SIDE: 15 FEET  
REAR: 30 FEET

WETLAND SETBACK: 60 FEET (STRUCTURES)  
35 FEET (DECKS AND S  
25 FEET

MAXIMUM LOT COVERAGE: 15%

PROPERTY DESCRIPTION:  
LOT 17, PLAT OF MISSION VIEW, AS RECORDED IN LIBER 6 OF  
PLATS, PAGE 35, GRAND TRAVERSE COUNTY RECORDS,  
PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN.



DRAWN BY:	JWU
DATE DRAWN:	07/05/23
JOB NO.:	21402001
SCALE:	AS NOTED

REV	DESCRIPTION	DATE	BY
A	COMMENTS	10/17/23	JU
B	COMMENTS	11/15/23	JU
C	COMMENTS	12/11/23	JU
D	2354 SUBMITTAL REV.	12/29/23	BB

15801 BIRCH DRIVE  
TRAVERSE CITY,  
MICHIGAN 49686

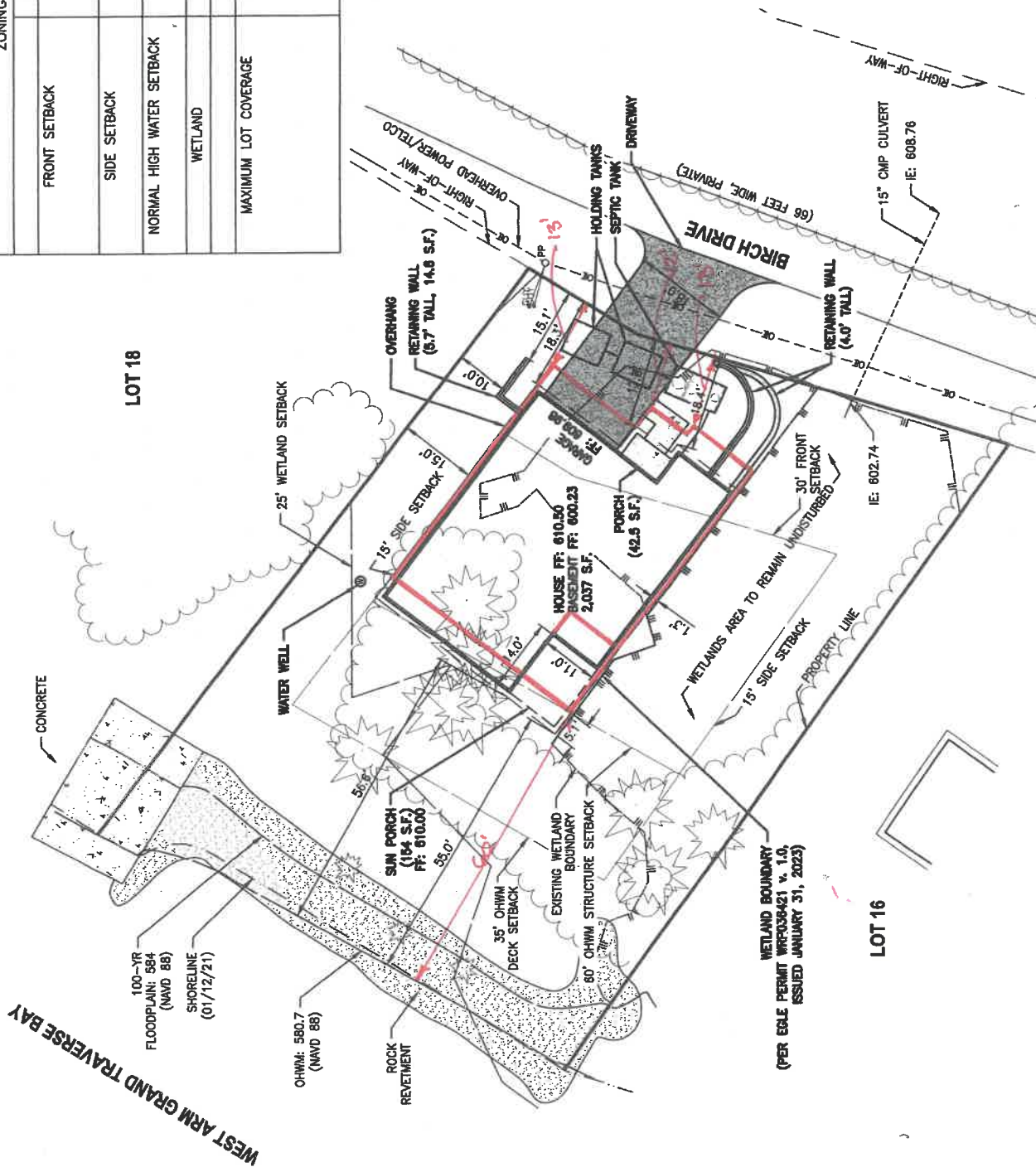
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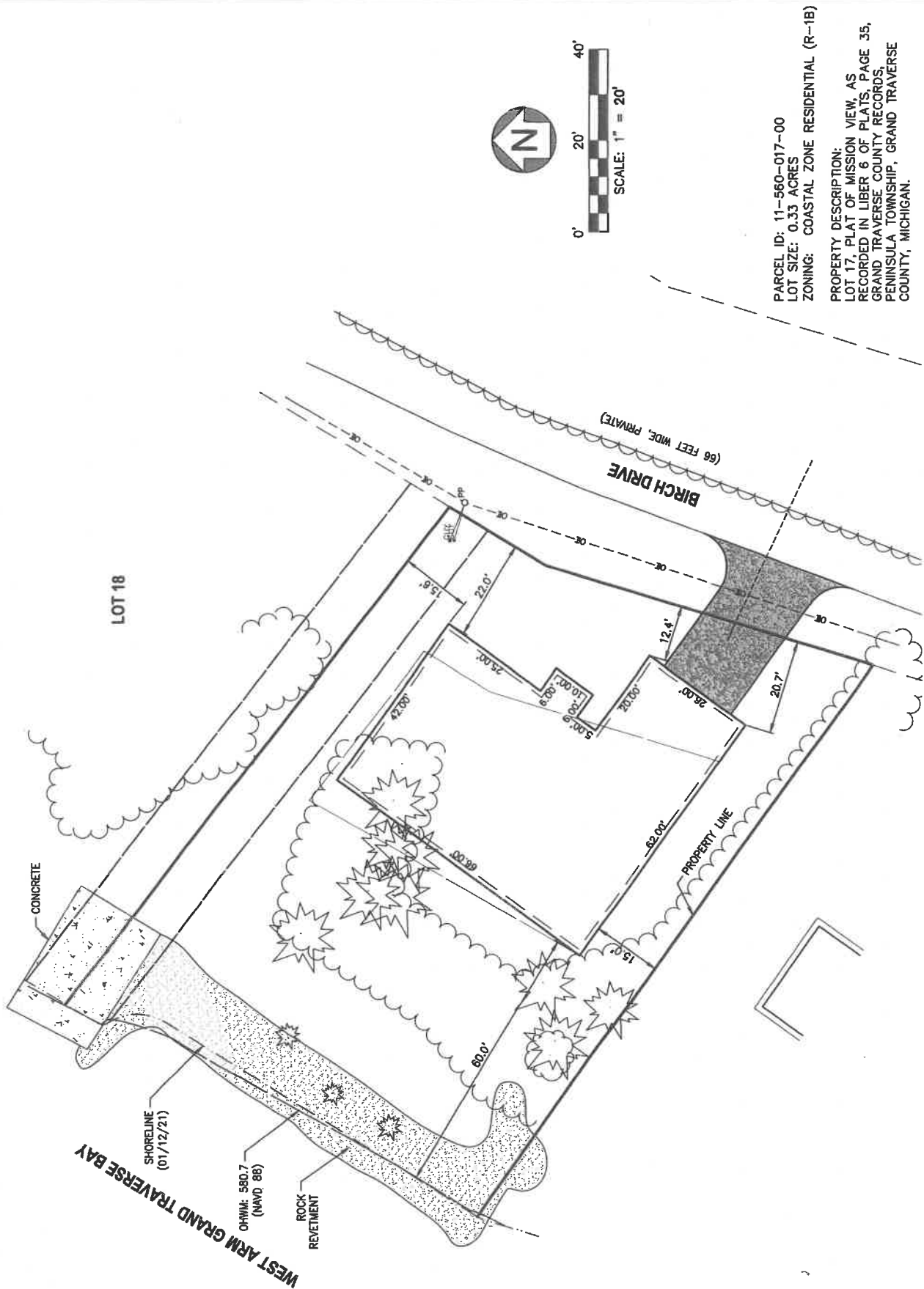
2

ZONING SUMMARY			PROPOSED*
FRONT SETBACK	30 FEET		15' 18" FEET (HOUSE) 17' FEET (COVERED PORCH) 15 FEET (RETAINING WALL)
SIDE SETBACK	15 FEET		15 FEET (HOUSE) 10 FEET (RETAINING WALL)
NORMAL HIGH WATER SETBACK	60 FEET 35 FEET		60' 56" FEET (HOUSE) 61' 55" FEET (SUN PORCH)
WETLAND	25 FEET		NONE
MAXIMUM LOT COVERAGE	15%		HOUSE: 2,414 S.F. RET. WALLS: 14.6 S.F. TOTAL: 2,428.6 S.F. 2,428.6/14,375 = 16.9%

\*SETBACKS MEASURED FROM OVERHANG  
(ROOF EAVE)

\*LOT COVERAGE CALCULATION INCLUDES OVERHANG



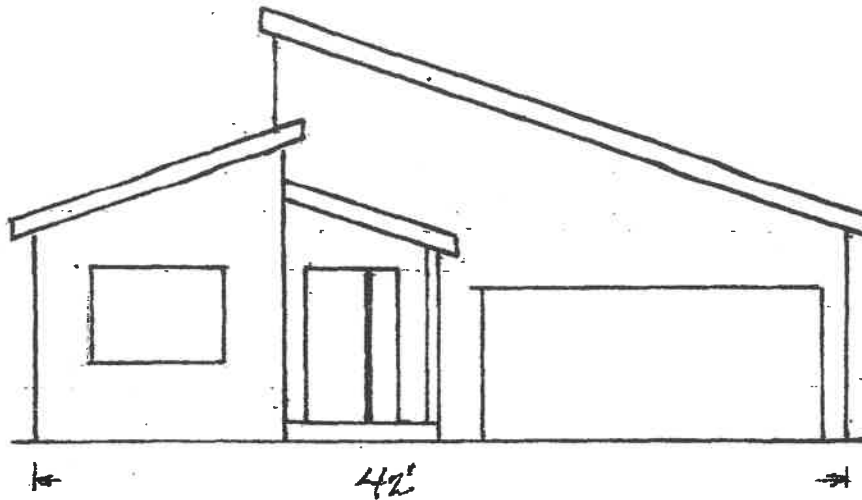




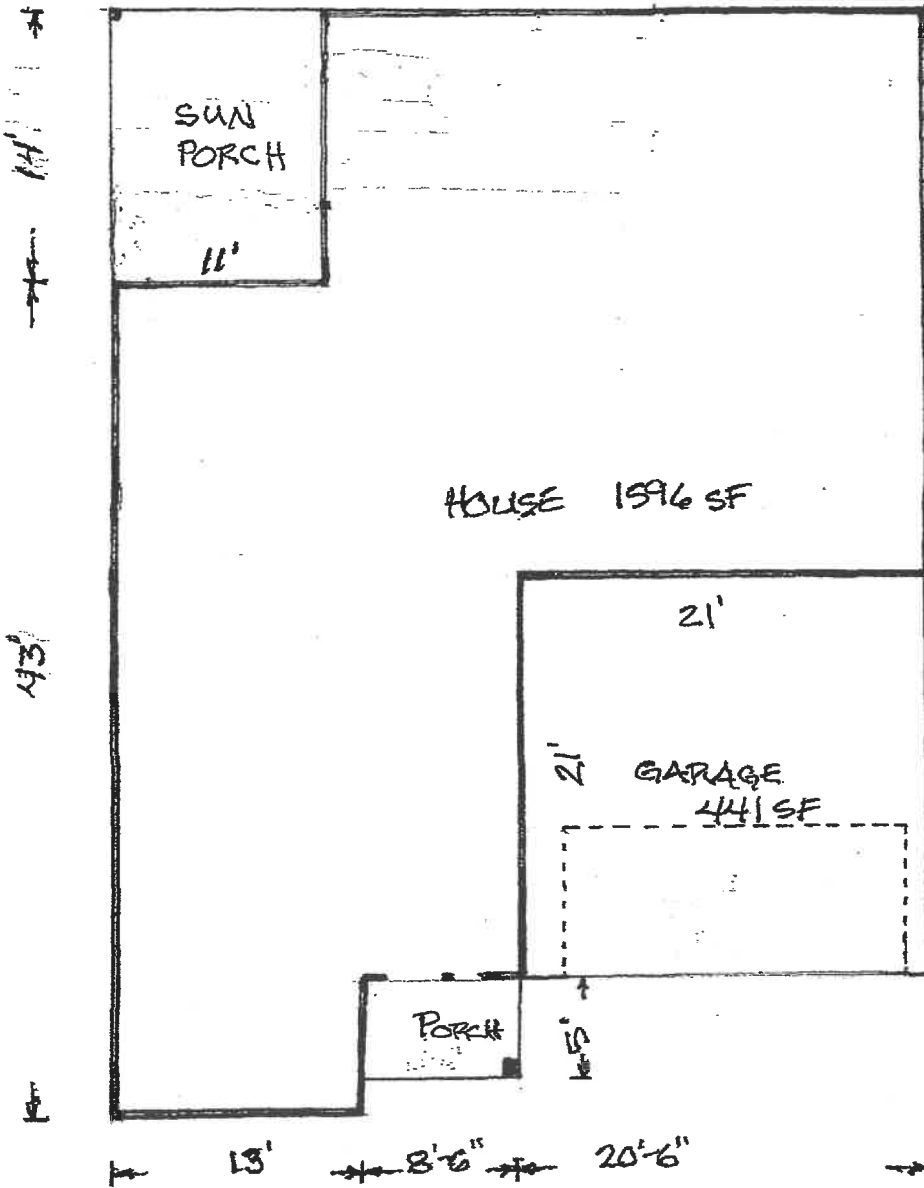
BECKETT

15801 BIRCH DRIVE TRAVERSE CITY, MI

22-141 50 SHEETS  
22-142 100 SHEETS  
22-143 500 SHEETS



22' 4"



50'



## NOTICE OF AUTHORIZATION

**Permit Number: WRP036421 v. 1.0**

**Date Issued: January 31, 2023**

**Site Name: 28-15801 Birch Drive-Traverse City**

**Expiration Date: January 31, 2028**

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- ☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- ☐ Part 301, Inland Lakes and Streams.
- ☒ Part 303, Wetlands Protection.
- ☐ Part 315, Dam Safety.
- ☐ Part 323, Shorelands Protection and Management.
- ☐ Part 325, Great Lakes Submerged Lands.
- ☐ Part 353, Sand Dunes Protection and Management.

Authorized activity:

**An United States Army Corps of Engineers (USACE) permit is required prior to initiating any authorized activity. Place approximately 220 cubic yards of fill within 0.04 acres of forested wetland at 15801 Birch Drive, Traverse City, Michigan to construct a 1,911 square foot house and associated infrastructure. All work shall be completed in accordance with the attached plans and the following permit conditions.**

To be conducted at property located in: Grand Traverse County, Waterbody: wetlands contiguous to Lake Michigan, Section 17, Town 29N, Range 10W, Peninsula Township, Property Tax No. 28-11-560-017-00

Permittee:

William Beckett  
671 Hidden Ridge Drive  
Traverse City, Michigan 49686

**Joshua Crane**

Digitally signed by: Joshua Crane  
DN: CN = Joshua Crane email = Crane.J3@michigan.gov C = US O = WRD  
/OU = EGLE  
Date: 2023.01.31 14:56:04 -0500

Joshua Crane  
Cadillac District Office  
Water Resources Division  
231-577-8112

*This notice must be displayed at the site of work.  
Laminating this notice or utilizing sheet protectors is recommended.*  
Please refer to the above permit number with any questions or concerns.

**EGLE**  
WRP036421 v1.0  
Approved  
Issued On: 01/31/2023



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
PERMIT**

---

**Issued To:**

**William Beckett  
671 Hidden Ridge Drive  
Traverse City, Michigan 49686**

**Permit No: WRP036421 v.1.0  
Submission No.: HPG-0DPA-07SC2  
Site Name: 28-15801 Birch Drive-Traverse City  
Issued: January 31, 2023  
Revised:  
Expires: January 31, 2028**

**This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:**

- |  |   |
|--|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams                                    | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection                              | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands          |
| <input type="checkbox"/> Part 315, Dam Safety  | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) |   |

**EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.**

**Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:**

**Authorized Activity:**

**A United States Army Corps of Engineers (USACE) permit is required prior to initiating any authorized activity. Place approximately 220 cubic yards of fill within 0.04 acres of forested wetland at 15801 Birch Drive, Traverse City, Michigan to construct a 1,911 square foot house and associated infrastructure. All work shall be completed in accordance with the attached plans and the following permit conditions.**

**Waterbody Affected: Wetlands contiguous to Lake Michigan  
Property Location: Grand Traverse County, Peninsula Township, T29N, R10W, Section 17,  
Property Tax No. 28-11-560-017-00**

SUMMARY OF WETLAND IMPACT		
EXISTING WETLANDS ON PROPERTY	5,212 S.F.	0.120 AC.
PROPOSED WETLAND DISTURBANCE	1,557 S.F.	0.036 AC.

PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 Macomber Way, Suite 100, Andover, MA 01810  
214-465-0599 FAX: 214-465-0280 TOLL FREE: 877-262-1400  
www.landtechps.com

DRAWN BY: JWU  
DATE DRAWN: 06/17/22  
JOB NO.: 21402001  
SCALE: AS NOTED

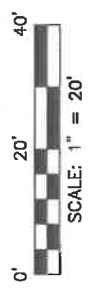
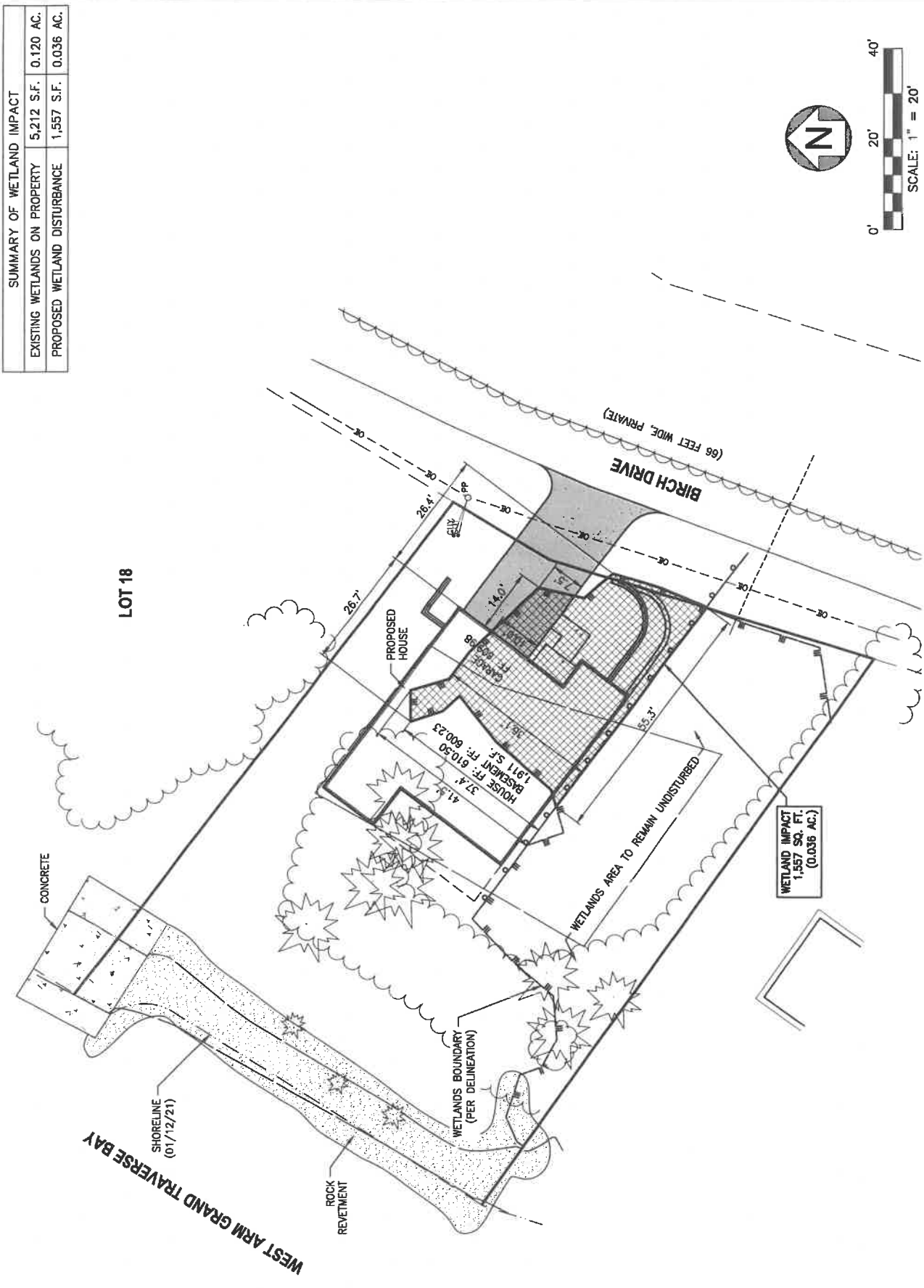
REV	DESCRIPTION	DATE	BY
A	COMMENTS	07/14/22	JU
B	COMMENTS	08/22/22	JU
C	EGL REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

PREPARED FOR:  
**BILL BECKETT**

SHEET TITLE:  
**WETLAND DISTURBANCE MAP**

SHEET NUMBER:  
**2**  
EGLE  
WR7036421 v

ISSUED: 01/20/23





## Exhibit 2



## NOTICE OF AUTHORIZATION

**Permit Number:** WRP036421 v. 1.0

**Site Name:** 28-15801 Birch Drive-Traverse City

**Date Issued:** January 31, 2023

**Expiration Date:** January 31, 2028

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- ☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- ☐ Part 301, Inland Lakes and Streams.
- ☒ Part 303, Wetlands Protection.
- ☐ Part 315, Dam Safety.
- ☐ Part 323, Shorelands Protection and Management.
- ☐ Part 325, Great Lakes Submerged Lands.
- ☐ Part 353, Sand Dunes Protection and Management.

Authorized activity:

**An United States Army Corps of Engineers (USACE) permit is required prior to initiating any authorized activity. Place approximately 220 cubic yards of fill within 0.04 acres of forested wetland at 15801 Birch Drive, Traverse City, Michigan to construct a 1,911 square foot house and associated infrastructure. All work shall be completed in accordance with the attached plans and the following permit conditions.**

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Permittee:

William Beckett

671 Hidden Ridge Drive

Traverse City, Michigan 49686

**Joshua Crane**

Digitally signed by: Joshua Crane  
DN: CN = Joshua Crane email = Crane.JS@michigan.gov C = US O = WRD  
OU = EGLE  
Date: 2023.01.31 14:55:04 -0500

Joshua Crane  
Cadillac District Office  
Water Resources Division  
231-577-8112

*This notice must be displayed at the site of work.  
Laminating this notice or utilizing sheet protectors is recommended.  
Please refer to the above permit number with any questions or concerns.*

**EGLE**  
**WRP036421 v1.0**  
**Approved**  
**Issued On:01/31/2023**  
**Expires On:01/31/2028**



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
PERMIT**

---

**Issued To:**

**William Beckett  
671 Hidden Ridge Drive  
Traverse City, Michigan 49686**

**Permit No: WRP036421 v.1.0  
Submission No.: HPG-0DPA-07SC2  
Site Name: 28-15801 Birch Drive-Traverse City  
Issued: January 31, 2023  
Revised:  
Expires: January 31, 2028**

**This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:**

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Part 301, Inland Lakes and Streams</b>                                    | <input type="checkbox"/> <b>Part 323, Shorelands Protection and Management</b> |
| <input checked="" type="checkbox"/> <b>Part 303, Wetlands Protection</b>                              | <input type="checkbox"/> <b>Part 325, Great Lakes Submerged Lands</b>          |
| <input type="checkbox"/> <b>Part 315, Dam Safety</b>  | <input type="checkbox"/> <b>Part 353, Sand Dunes Protection and Management</b> |
| <input type="checkbox"/> <b>Part 31, Water Resources Protection (Floodplain Regulatory Authority)</b> |  |

**EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.**

**Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:**

**Authorized Activity:**

**A United States Army Corps of Engineers (USACE) permit is required prior to initiating any authorized activity. Place approximately 220 cubic yards of fill within 0.04 acres of forested wetland at 15801 Birch Drive, Traverse City, Michigan to construct a 1,911 square foot house and associated infrastructure. All work shall be completed in accordance with the attached plans and the following permit conditions.**

**Waterbody Affected: Wetlands contiguous to Lake Michigan  
Property Location: Grand Traverse County, Peninsula Township, T29N, R10W, Section 17,  
Property Tax No. 28-11-560-017-00**

**EGLE  
WRP036421 v1.0  
Approved  
Issued On:01/31/2023  
Expires On:01/31/2028**

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. This permit shall not be assigned or transferred without the written approval of EGLE.
- J. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- K. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- L. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- M. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- N. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- O. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- P. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- Q. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit

EGLE

WRP036421 v1.0

Approved

Issued On:01/31/2023

Expires On:01/31/2028



are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

- R. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- S. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- T. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- U. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- V. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- W. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
  - 1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".
  - 2. This permit issued under the authority of Part 303, Wetlands Protection, of the NREPA, is a "State-only" permit and does not carry federal authority. ISSUANCE OF THIS PERMIT DOES NOT AUTHORIZE ANY WORK UNDER THE AUTHORITY OF SECTION 404 OF THE FEDERAL CLEAN WATER ACT. Prior to initiating any construction activities it will be necessary to apply for and receive a federal permit for regulated activities. For further information regarding permit requirements under federal law, contact the United States Environmental Protection Agency, Region 5, Wetlands and Watersheds Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604, at 312-353-2000. Authority granted by this permit does not waive any jurisdiction of the United States Army Corps of Engineers or the need for a federal permit, if required.
  - 3. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing shall be installed as needed to prohibit construction personnel and equipment from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site, the sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
  - 4. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
  - 5. The filled area surrounding building foundations in wetland areas shall not be greater than 2 feet from edge of foundation to toe of slope. Fill slopes shall not be flatter than 1 vertical to 4 horizontal. Additional fill for purposes such as landscaping or recreational facilities are not authorized.
  - 6. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.

7. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
8. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
9. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
10. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

Issued By: Joshua Crane  
Joshua Crane  
Cadillac District Office  
Water Resources Division  
231-577-8112

Digitally signed by: Joshua Crane  
DN: cn = Joshua Crane email = Crane.JR@midlegov.gov c = US o = WRPD-OU = EGLE  
Date: 2023.01.31 14:56:29 -0500

THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

I hereby assure that I have read, am familiar with, and agree to adhere to the terms and conditions of this permit.

---

Permittee Signature

---

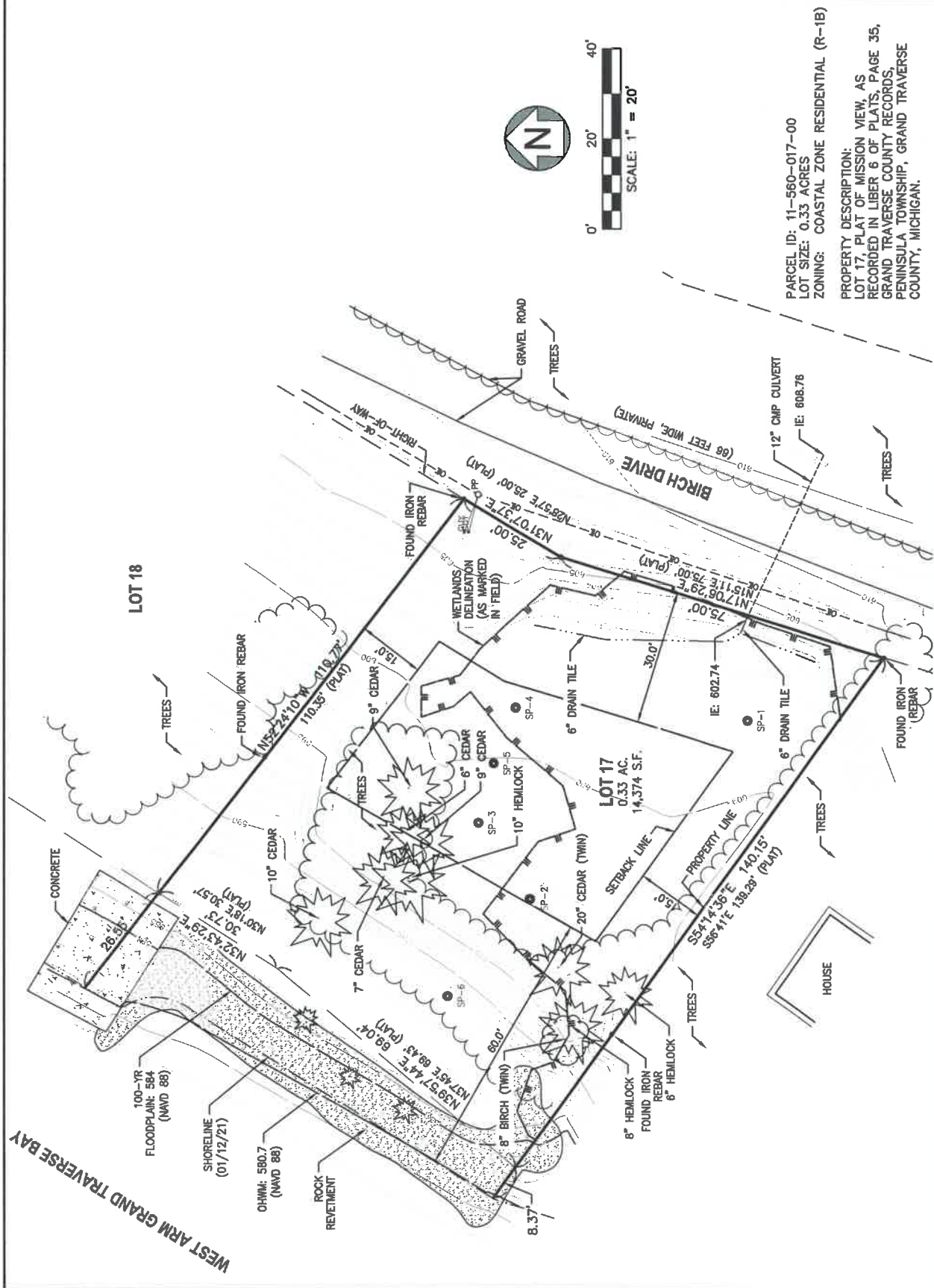
Date

jc/sh

Enclosures

cc: Peninsula Township Zoning Administrator  
Grand Traverse CEA  
Grand Traverse County Clerk  
Nathan Schulz, USACE  
John Urbain, Landtech Professional Surveying & Engineering

**EGLE**  
**WRP036421 v1.0**  
**Approved**  
**Issued On:01/31/2023**  
**Expires On:01/31/2028**





SUMMARY OF WETLAND IMPACT			
EXISTING WETLANDS ON PROPERTY	5,212 S.F.	0.120 AC.	
PROPOSED WETLAND DISTURBANCE	1,557 S.F.	0.036 AC.	

PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McGregor Way, Green, MI 49837  
24843589 FAX 24843588 TOLL FREE 877-652-4460  
www.landtechpis.com

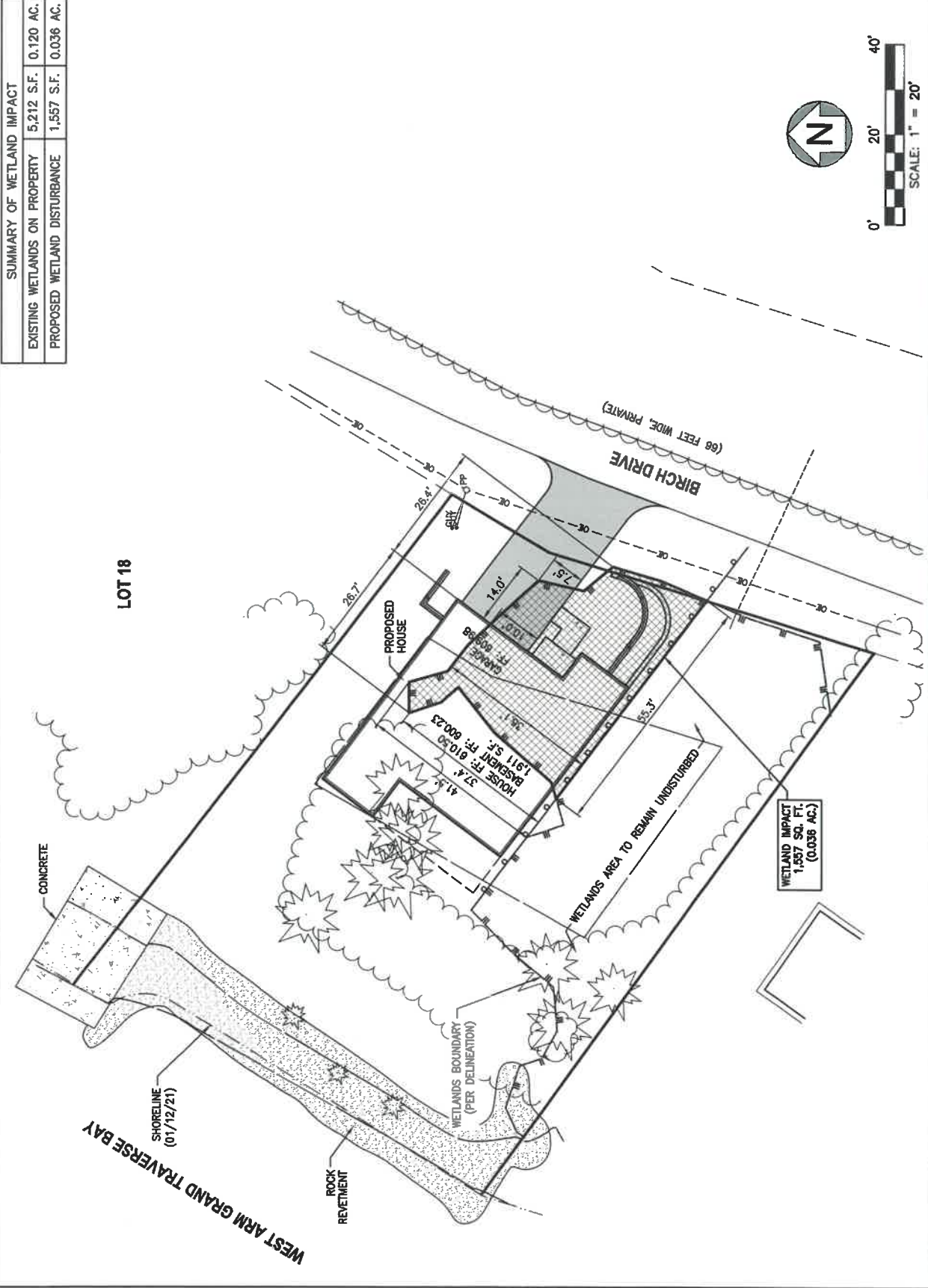
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DATE DRAWN: 05/17/22  
JOB NO.: 21402001  
SCALE: AS NOTED

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B	COMMENTS	08/22/22	JU
C	EGL REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

PREPARED FOR:  
**BILL BECKETT**

SHEET TITLE:  
**WETLAND DISTURBANCE MAP**

SHEET NUMBER:  
**2**  
EGLF: WRP036421 v1.0  
Issued On: 01/31/2023  
Expires On: 01/31/2028





PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McSteger Way, Grafton, MI 48837  
23445400 FAX 23445401 TOLL FREE 877-525-4400  
www.landtechps.com

DRAWN BY: JMW

DATE DRAWN: 06/17/22

JOB NO.: 21402001

SCALE: AS NOTED

REVISIONS

REV	DATE	BY
A	07/14/22	JU
B	08/22/22	JU
C	10/25/22	JU
D	12/15/22	JU
E	01/25/23	JU

DESCRIPTION

REV	DESCRIPTION
A	COMMENTS
B	COMMENTS
C	EGL REVIEW
D	REVISED APPLICATION
E	REVISED APPLICATION

PREPARED FOR:

BILL BECKETT

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

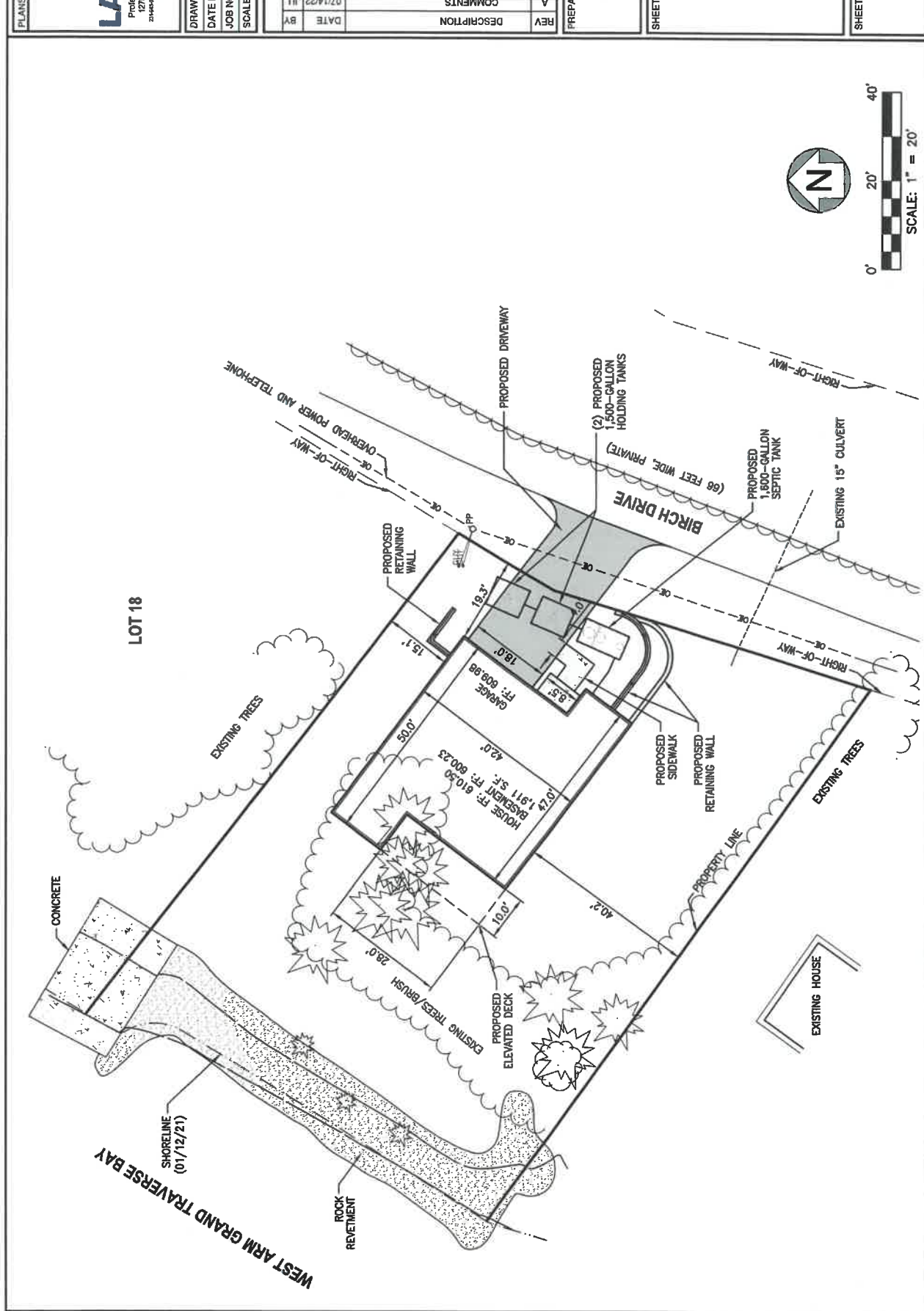
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EGL E

WRP036421 v10

Issued On: 01/31/2023

Expires On: 01/31/2028



PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McInnis Way, Grafton, WI 53024  
262-668-2888 FAX 262-668-2881 TOLL FREE 877-226-2880  
www.landtechps.com

DRAWN BY: JMW  
DATE DRAWN: 05/17/22  
JOB NO.: 21402001  
SCALE: AS NOTED

REVISIONS	
DATE	BY
07/14/22	JU
08/22/22	JU
10/25/22	JU
12/15/22	JU
01/25/23	JU

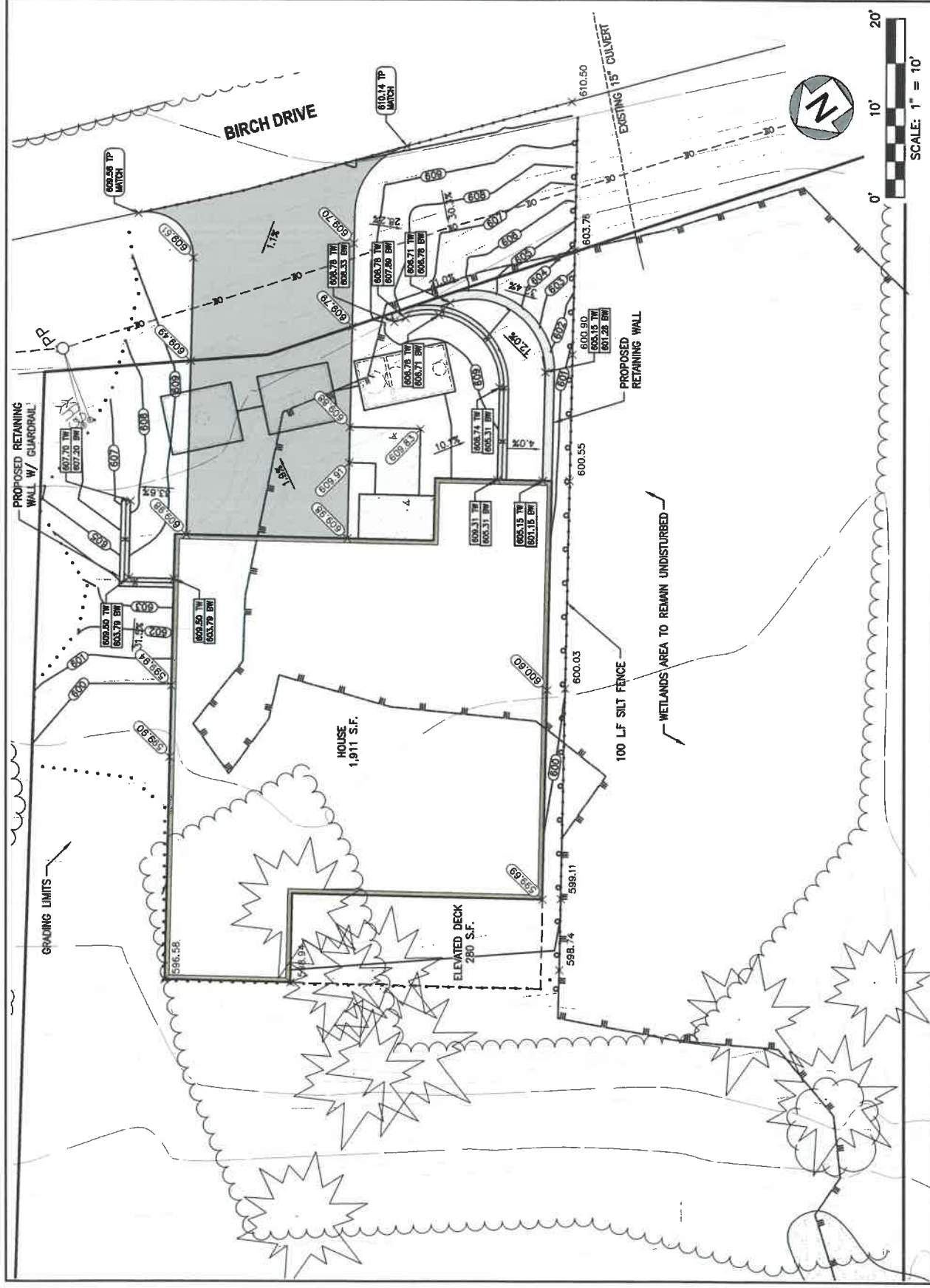
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A	COMMENTS
B	COMMENTS
C	EGLE REVIEW
D	REVISED APPLICATION
E	REVISED APPLICATION

PREPARED FOR:  
**BILL BECKETT**

SHEET TITLE:  
**GRADING PLAN**

SHEET NUMBER:  
**4** ECLJE  
WRP036421 v4.0

Issued On: 01/31/2023  
Expires On: 01/31/2028



PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1276 McGregor Way, Grawn, MI 48837  
248-626-0260 FAX 248-626-0261 TOLL FREE 877-266-6260  
www.landtechps.com

DRAWN BY: JMW  
DATE DRAWN: 08/17/22  
JOB NO.: 21402001  
SCALE: AS NOTED

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B	COMMENTS	09/22/22	JU
C	EGLE REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

PREPARED FOR:

BILL BECKETT

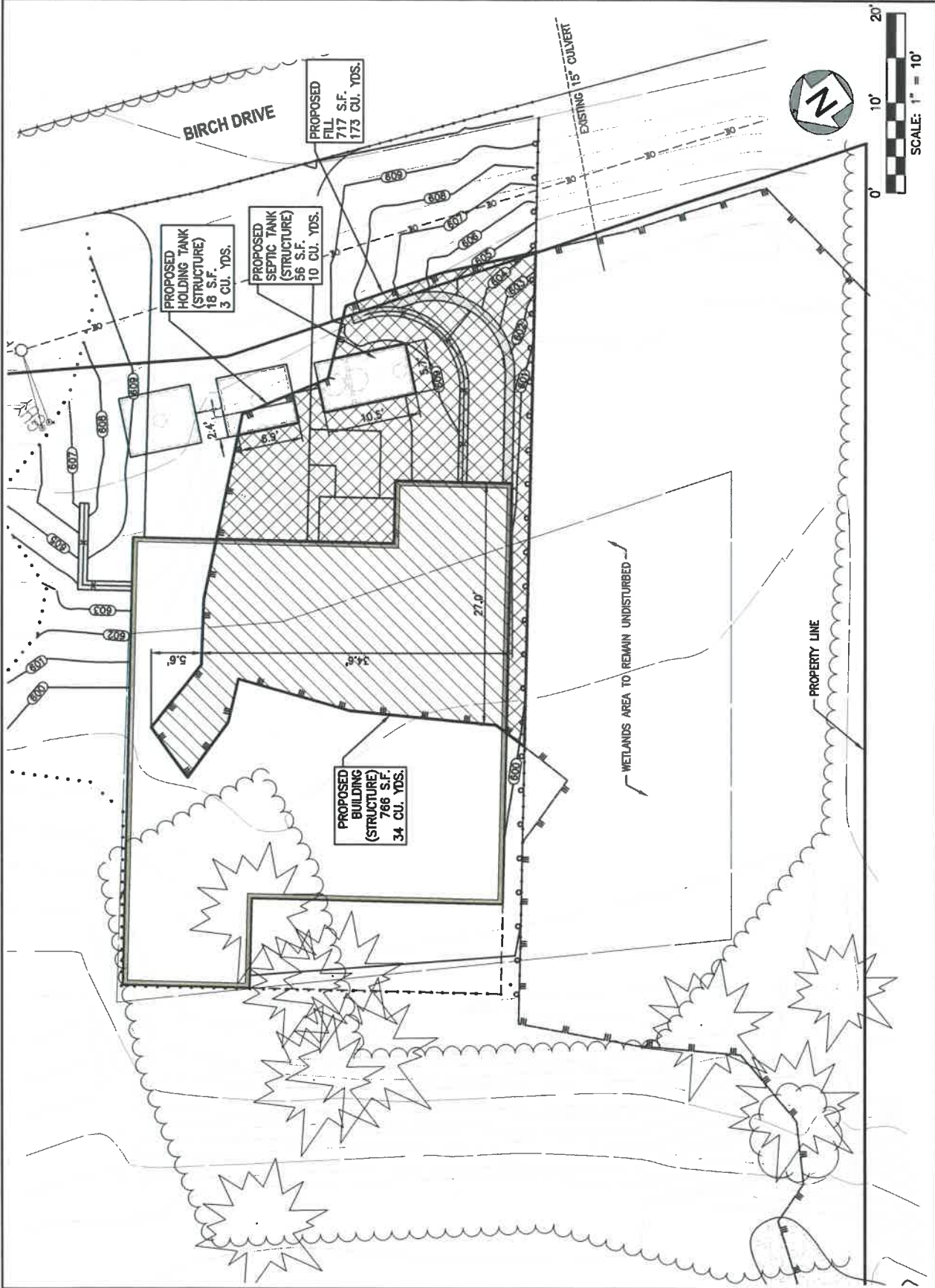
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WETLAND  
IMPACTS

SHEET NUMBER:

**5**  
EGLF  
WRP036421 v3.0

Issued On: 07/31/2023  
Expires On: 01/31/2028





PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 MacCam Road, Suite 100, York, PA 17403  
717-833-5000 FAX: 717-833-5061 TOLL FREE: 877-526-5000  
www.landtechps.com

DRAWN BY: JMW

DATE DRAWN: 06/17/22

JOB NO.: 21402001

SCALE: AS NOTED

REVISIONS

REV	DATE	BY	DESCRIPTION
A	07/14/22	JU	COMMENTS
B	08/22/22	JU	COMMENTS
C	10/25/22	JU	EGLS REVIEW
D	12/15/22	JU	REVISED APPLICATION
E	01/25/23	JU	REVISED APPLICATION

PREPARED FOR:

BILL BECKETT

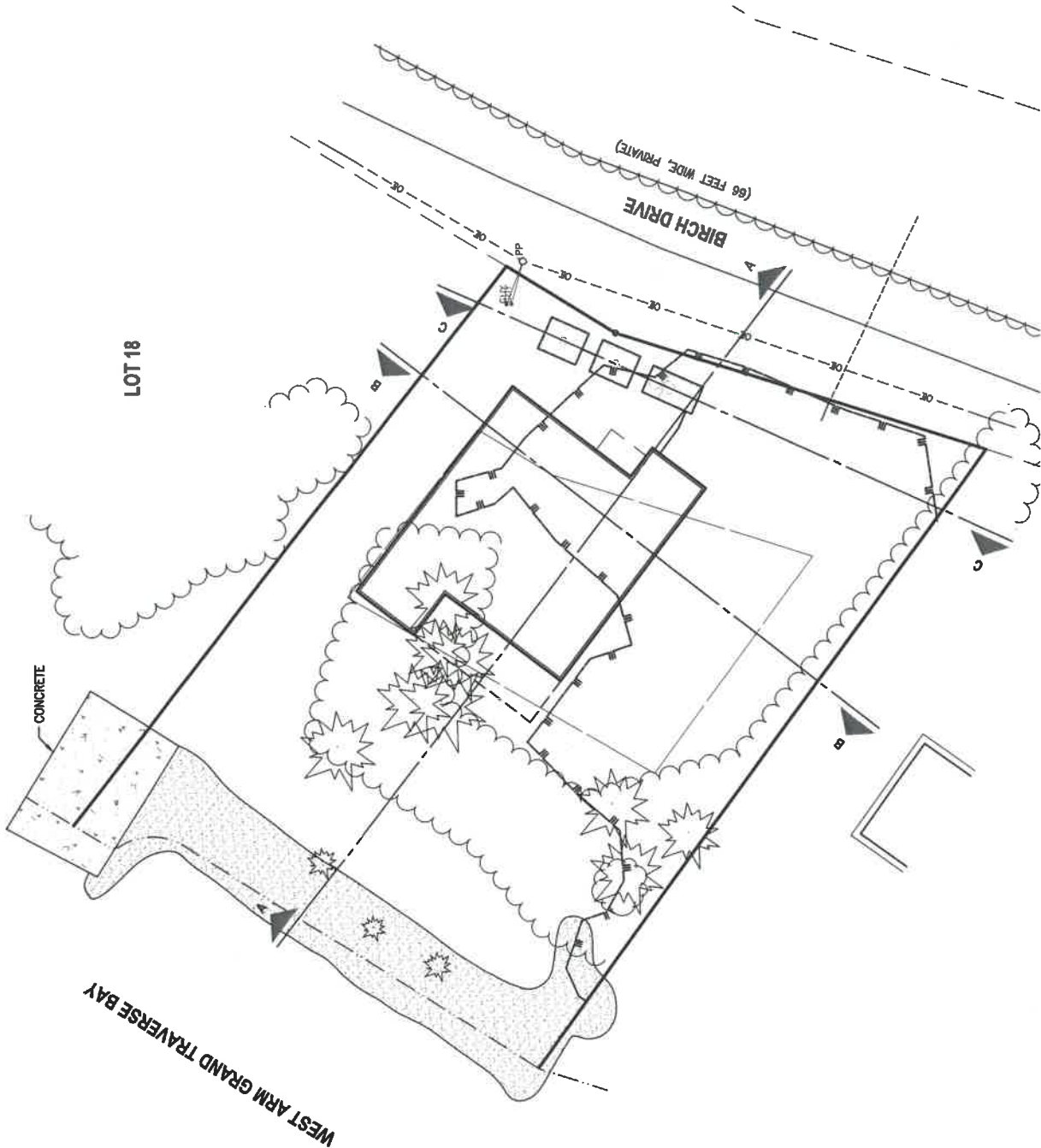
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SECTION  
PLAN

SHEET NUMBER:

**6**  
EGLE  
WRP036421 v1.0  
Approved

Issued On: 07/31/2023  
Expires On: 01/31/2028



PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McGregor Way, Green, MI 48837  
248-660-0000 FAX: 248-660-0001 TOLL FREE: 1-877-254-4460  
www.landtechps.com

DRAWN BY: JMU  
DATE DRAWN: 06/17/22  
JOB NO.: 21402001  
SCALE: AS NOTED

REV	DESCRIPTION	DATE	BY
A	COMMENTS	07/14/22	JU
B	COMMENTS	08/22/22	JU
C	EGLS REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

PREPARED FOR:

BILL BECKETT

SHEET TITLE:

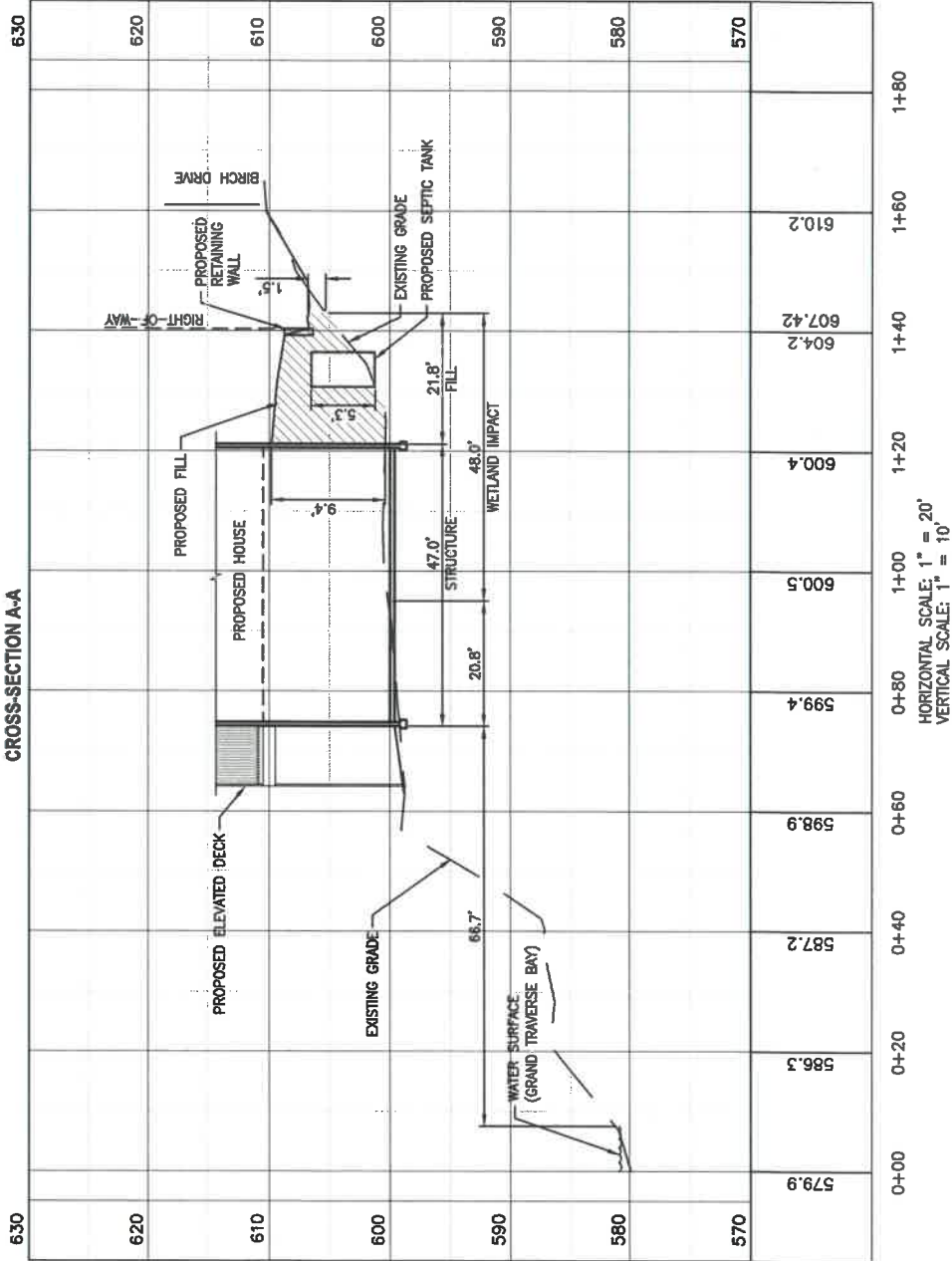
SECTION A-A

SHEET NUMBER:

**7**  
E.C.L.E.  
WRP036421 V1.0

Issued On: 01/31/2023  
Expires On: 01/31/2028

CROSS-SECTION A-A



PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McGregor Way, Gwyn, MI 48837  
248-642-800 FAX: 248-642-001 TOLL FREE: 877-551-2480  
www.landtechps.com

DRAWN BY: JMW

DATE DRAWN: 06/17/22

JOB NO.: 21402001

SCALE: AS NOTED

REVISIONS

REV	DESCRIPTION	DATE	BY
A	COMMENTS	07/14/22	JU
B	COMMENTS	08/22/22	JU
C	EGL REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

PREPARED FOR:

BILL BECKETT

SHEET TITLE:

SECTION C-C  
SECTION D-D

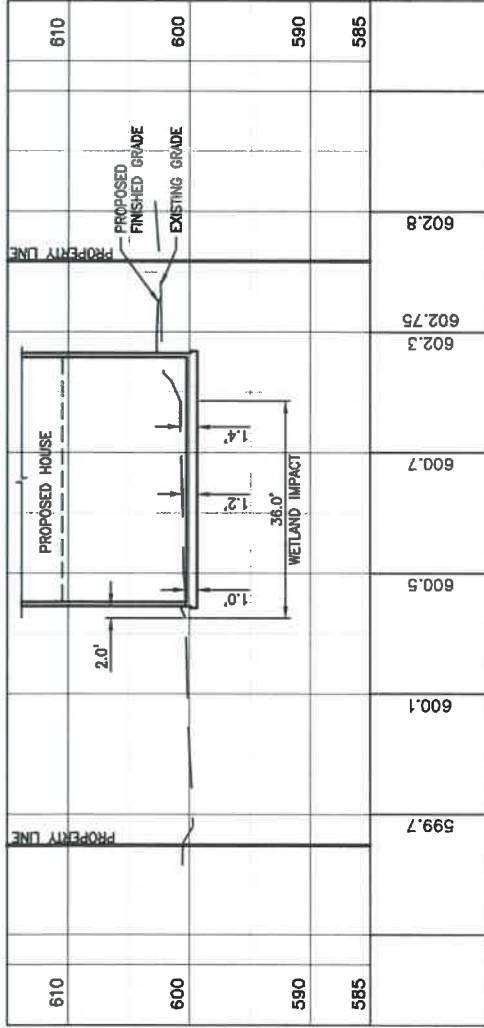
SHEET NUMBER:

8

EGL E  
WRP036421 v1.0

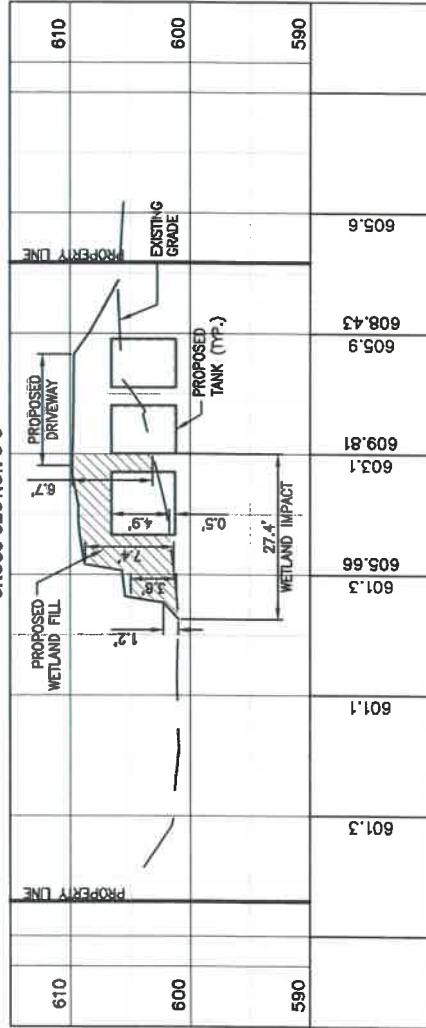
Issued On: 01/31/2023  
Expires On: 01/31/2028

CROSS-SECTION B-B




HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 10'

CROSS-SECTION C-C



HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 10'

PLANS PREPARED BY:



**LANDTECH**  
Professional Surveying & Engineering  
1275 McGregor Way, Grosse Pointe Park, MI 48837  
248-462-0668 FAX: 248-462-0661 TOLL FREE: 877-250-0400  
www.landtechps.com

DRAWN BY: JNU

DATE DRAWN: 06/17/22

JOB NO.: 21402001

SCALE: AS NOTED

REV	DESCRIPTION	DATE	BY
A	COMMENTS	07/14/22	JU
B	COMMENTS	08/22/22	JU
C	EGLE REVIEW	10/25/22	JU
D	REVISED APPLICATION	12/15/22	JU
E	REVISED APPLICATION	01/25/23	JU

REVISIONS

PREPARED FOR:

BILL BECKETT

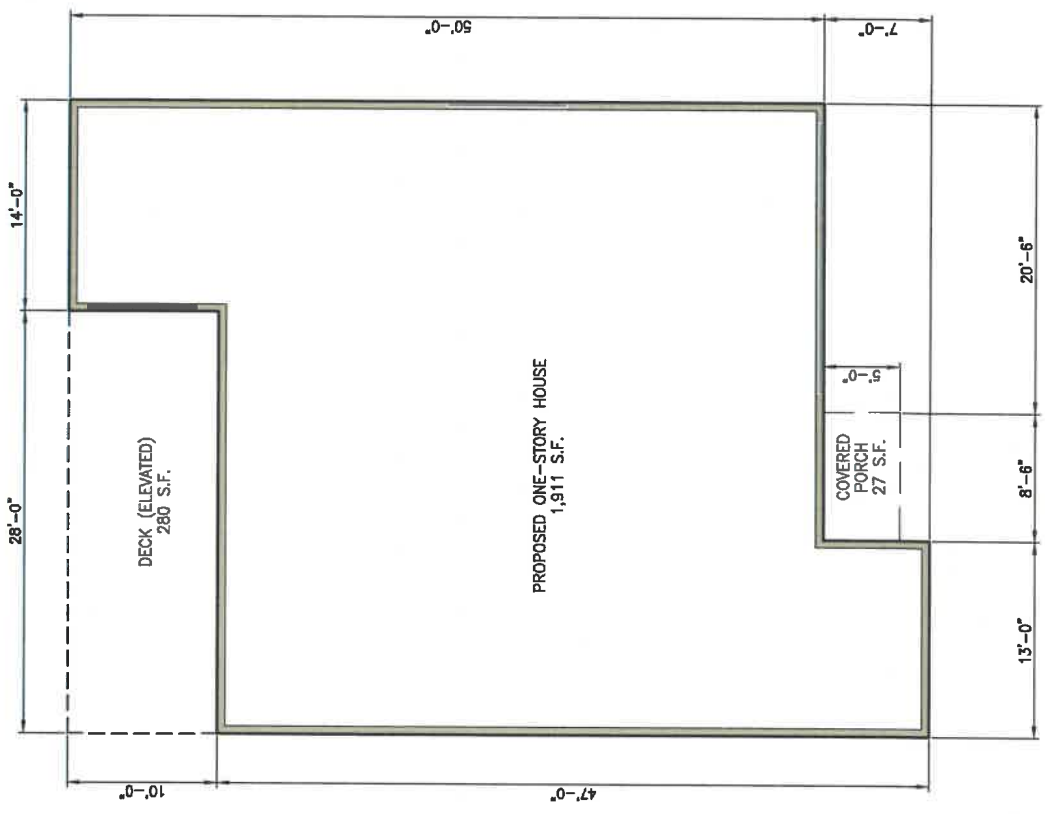
SHEET TITLE:

HOUSE DIMENSIONS

SHEET NUMBER:

9

EGLE  
WRP036421 v1.0  
06/17/2022



Issued On: 01/31/2023  
Expires On: 01/31/2028

**Request #916**



Peninsula Township Planning & Zoning Department  
**STAFF REPORT**  
ZBA Request # 916  
Physical Address of Subject Property: 12155 Bluff Road, Traverse City, MI 49686  
Date: February 20, 2024

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**To:** Peninsula Township Zoning Board of Appeals

**From:** Jenn Cram, AICP, Director of Planning and Zoning

**RE:** Request # 916

**Zoning District:** R-1B Coastal Zone

**Hearing Date:** February 20, 2024 – 7:00 PM

**Applicants/ Owners:** Kenneth Pratt, Pratt Family Revocable Joint Trust, 12155 Bluff Road, Traverse City, MI 49686

**Subject Property:** 12155 Bluff Road, Traverse City, MI 49686

**Tax ID:** 28-11-445-009-00

**Request:**

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a two (2) story addition to an existing single-family residence 21 feet from the front property line/edge of right-of-way, where 30 feet is required.

**Applicant**

**Statement:** Please see the enclosed application submitted by the property owners along with additional information submitted to date, **Exhibit 1**.

**Background Information:**

- The subject property is zoned R-1B – Coastal Zone – Single and Two Family Residential; and the properties to the north and south are also zoned R-1B. The property to the west is zoned R-1A – Rural and Hillside. East Grand Traverse Bay is located to the east.
- The subject property is 1.779 acres or 77,493 square feet in total. The subject property is divided by Bluff Road. The net lot area on the west side of Bluff Road is 67,554 square feet.
- The minimum lot size for the R-1B zone district is 25,000 square feet.
- The Peninsula Township Zoning Ordinance was adopted in 1972.
- The existing residence was constructed in 1957 prior to the adoption of the Peninsula Township Zoning Ordinance.
- The subject property contains an existing legally non-conforming dwelling regarding setbacks and a conforming detached garage.

- A variance was granted in 1989 that allowed an existing porch to be replaced that encroaches into the front yard setback 5 feet at the south end of the existing structure and 2.5 feet at the north end of the existing structure. A copy of variance request number 196 is attached as **Exhibit 2**.
- Public comments received to date is attached as **Exhibit 3**.

### **Section 3.2 Definitions:**

***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;*
- (d) *The problem was not self-created. (ADDED BY AMENDMENT 171A)*

### **Section 6.8 Schedule of Regulations: (Revised by Amendment 91). (Amendment 107D)**

*The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning District:*

*R-1B, Suburban Residential:      Front setback = 30 feet  
    Side yard setbacks = 15 feet  
    Rear yard setback = 30 feet  
    Ordinary Highwater setback = 60 feet  
    Allowable percentage of lot coverage = 15%*

### **TABLE OUTLINES VARIANCE REQUEST**

<b>Section 6.8 R-1B Standards</b>	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	No	No – Variance Requested
Minimum North side yard setback	15'	No	Yes
Minimum South side yard setback	15'	No	Yes
Minimum Rear setback	30'	No	Yes
Minimum OHWM	60'	No	Yes
Percentage of Lot Coverage:	15% max.	No	Yes

**Staff Comments:**

**The purpose of the front setback is to provide safety and separation of structures from the road.**

**Section 5.7.3 Variances:** *The Board of Appeals 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 can be satisfied:*

**1. Basic Conditions:**

- (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.*

**Staff Comment: The existing residence was constructed in 1957 prior to the adoption of the Peninsula Township Zoning Ordinance. A variance was granted in 1989 allowing a porch to be replaced within the front yard setback. The location of the existing on-site septic system to the north and west and location of the driveway to the south limit where an addition can be constructed.**

- (b) That the need for the variance is not the result of actions of the property (self-created) or previous property owners.

**Staff Comment: As noted above, the existing residence was constructed in 1957 prior to the adoption of the Peninsula Township Zoning Ordinance.**

- (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.)

**Staff Comment: As noted above, the buildable area on the subject property is limited based on the location of the existing on-site septic system to the north and west and location of the driveway to the south.**

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

**Staff Comment: The requested variance will allow the property owner to construct an addition to the existing residence to serve family needs.**

- (e) That the variance will not cause adverse impacts on surrounding property, property

values or the use and enjoyment of property in the neighborhood.

**Staff Comment: The requested variances will not likely cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood as the existing residence has existed since 1957 and the porch replacement since 1989. In addition, the required 15 foot setback for side yards is maintained. Letters of support have been received from neighbors.**

- (f) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use of r which a conditional use or temporary use permit is required.

**Staff Comment: The R-1B zone district allows for single and two-family dwellings as uses by right along with associated accessory structures. The existing residence and proposed addition will be used as a dwelling consistent with allowed uses.**

**2. Rules:** *The following rules shall be applied in the granting of variances:*

- (a) The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.*
- (b) Each variance granted under the provisions of this Ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance; and the occupancy of the land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.*
- (c) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.*

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 916**

Date of Meeting: February 20, 2024

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owners: Kenneth Pratt, Pratt Family Revocable Joint Trust, 12155 Bluff Road,  
Traverse City, MI 49686

Parcel Code: #28-11-445-009-00

**Request:**

1. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a two (2) story addition to an existing single-family residence 21 feet from the front property line/edge of right-of-way, where 30 feet is required.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

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# Exhibit 1

# Peninsula Township Variance Application

## Application Guidelines

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

1. Zoning Board of Appeals (ZBA) applications are available from the Peninsula Township Planning & Zoning Department, 7:30 a.m. to 6:30 p.m., Monday, and 7:30 a.m. to 5:00 p.m. Tuesday through Thursday, or online at [www.peninsulatownship.com/zoning](http://www.peninsulatownship.com/zoning).
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Twelve (12) copies must be submitted.**
3. If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.
4. It is the applicant's responsibility to review and address the appropriate sections of the Zoning Ordinance prior to submission.
5. **It is the applicant's responsibility to ensure that the application is complete upon submission. Planning and Zoning Department staff will determine and confirm with the applicant that the application is complete.** An incomplete application will not be considered for review by the ZBA.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
8. The applicant will receive a notice of the public hearing in the mail and is expected to attend the meeting.
9. ZBA meetings are held on the third Tuesday of every month, beginning at 7:00 p.m. in the Township Hall, 13235 Center Road, Traverse City, MI 49686.
10. **If the variance(s) are granted, construction authorized by such variance(s) must begin within six (6) months after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance must take place within one (1) year after the granting of the variance.**
11. **If the variance(s) are granted, construction authorized by such variance(s) must comply with all other necessary permits. A variance is independent from, and does not substitute for, all other permits.**
12. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

OFFICE USE ONLY		
Date Received:	Fee Received:	Board Action:
Date Complete:	Meeting Date:	

# Peninsula Township Variance Application

## General Information

A fully completed application form, fee, and all related documents must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the Zoning Board of Appeals meeting. **12 copies are required.**

### Applicant Information

Applicant: Name Kenneth S. Pratt  
Address Line 1 12155 Bluff Road  
Address Line 2 Traverse City, MI 49686  
Phone \_\_\_\_\_ Cell 314-753-0511  
E-mail kenpratt@hotmail.com

Owner: Name Same as above  
Address Line 1 \_\_\_\_\_  
Address Line 2 \_\_\_\_\_  
Phone \_\_\_\_\_ Cell \_\_\_\_\_  
E-mail \_\_\_\_\_

*(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)*

### Property Information

Parcel ID 445-009-00 Zoning R-1B  
Address Line 1 12155 Bluff Road  
Address Line 2 Traverse City, MI 49686

### Type of Request

Indicate which Ordinance requirement(s) are the subject of the variance request:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Front Yard Setback | <input type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Rear Yard Setback        |
| <input type="checkbox"/> Width to Depth Ratio          | <input type="checkbox"/> Lot Coverage      | <input type="checkbox"/> Off-Street Parking       |
| <input type="checkbox"/> Signage                       | <input type="checkbox"/> Height/Width      | <input type="checkbox"/> Non-Conformity Expansion |
| <input type="checkbox"/> Other: Please Describe: _____ |  |   |

### Attachments

- ☒ \$1,200.00 application fee
- ☒ Basic Conditions Worksheet
- ☒ Site plan drawn to scale showing the following:
- a. Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any;
  - b. All existing and proposed structures including decks and roof overhangs;
  - c. Setbacks for existing and proposed structures (varies by zoning district).
- ☒ Front elevation diagram drawn to scale.



# Peninsula Township Variance Application

## Basic Conditions Worksheet

In order for a variance to be justified, the Applicant must meet **all of the Basic Conditions**, as defined in Section 5.7.3(1) of the Peninsula Township Zoning Ordinance. The Applicant must answer the following questions pertaining to the Basic Conditions in detail. Please attach a separate sheet if necessary and label comments on the attached sheet with corresponding number/letter on application.

**Section 5.7.3(1) Basic Conditions:** 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 can be satisfied.**

**(1) BASIC CONDITIONS:** The applicant must meet ALL of the following Basic Conditions. 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.

Is this condition met? Please explain: See attachment p1

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

Is this condition met? Please explain: See attachment p2

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- 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.)

Is this condition met? Please explain: See attachment p2

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- 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.**

Is this condition met? Please explain: see attachment p2

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

Is this condition met? Please explain: See attachment p2

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- 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.**

Is this condition met? Please explain: See attachment p 2-3

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Peninsula Township Variance Application: PRATT 02/06/2024

ATTACHMENTS:

(1) **BASIC CONDITIONS:**

- a) That the need for 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.

Is this condition met? Please explain:

My request for variance is due to several unique circumstances. My property includes 1.77 acres along Bluff Road. (See [Supplemental Document 1](#), SITEPLAN/SURVEY). The house, as originally built by my Grandmother, in 1957, was and still is a one-bedroom structure. (See [Supplemental Document 2](#), SITEPLAN.) The front porch of the original structure was located five feet inside of what was later defined as the "30' Front Set Back Line". (See [Supplemental Document 3](#), 1957 Photo.)

My intent is to spend my retirement years living in this house. At the same time, it is my desire to be able to host family and friends in my house. In a one bedroom house that is nearly impossible.

When I embarked on the project to expand my house, over two years ago, I first envisioned adding a "carriage house" living quarters above the garage. That plan was derailed when I learned that under the current (1972) Peninsula Township Zoning Ordinance I am not allowed to build an Additional Dwelling Unit on my property. It's not that an ADU is expressly forbidden. It is simply that the Township Zoning Ordinance does not yet specifically address the topic of ADU's in areas zoned R-1B, Single and Two-Family Residential.

Therefore, any expansion of my house is required to be "attached" to the existing structure.

I have considered the possibility of a ground-level addition to the existing house. However, a ground-level expansion to the north of the existing structure would overlay the existing septic field. Expansion to the south would overlap the existing driveway and effectively block access to the detached garage located behind the house. Similarly, expansion behind the house, to the west, would impinge on the two 800 gallon septic tanks located in the backyard. (See [Supplemental Document 4](#), Health Department Sketch.)

At this point I think that it is also important to address the environmental impact of a ground-level addition. First of all, as I'm sure you are aware, it takes considerably more energy to heat and cool a ground-level structure, as opposed to having the addition added above the existing house. Equally important is the fact that a ground-level addition introduces twice as much impervious surface area as a two-story structure of similar size.

Therefore, the only practical and environmentally-friendly option is to expand the structure upwards by adding a second story. Along the front of the house, the proposed addition would overlay much of the same area as the approved, 1989 zoning variance. (See [Supplemental Document 5](#), 1989 Approved Variance.) The proposed, front porch extension would connect the existing porch with the study alcove to the north. (See [Supplemental Document 6](#), Photograph of proposed porch eave line.)

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

Is this condition met? Please explain:

The original house was built in 1957, well before the existence of the current (1972) Zoning Ordinance. At that time the front porch extended about 5' into what was later identified as the "Front Set Back Line". The current front porch was built in accordance with an approved 1989 ZBA variance. The proposed new addition will occupy area which was previously occupied by both the original front porch as well as the previously allowed variance. The need for the variance is not "self-created".

**(c) That strict compliance with...setback...requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.**

Is this condition met? Please explain:

The only other alternatives to render the proposed plan (second floor addition) in compliance with the current setback requirements would be to either demolish and rebuild the existing structure or to have it moved 8' further away from Bluff Road. Either of which would be "unnecessarily burdensome".

**(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.**

Is this condition met? Please explain:

This proposed variance will have no adverse impact, whatsoever, on other property owners. That is true simply because the proposed construction principally falls within the footprint of the existing structure. At the end of the day other property owners will drive by and say, "...that looks nice, hasn't it always been that way?" (See [Supplemental Document 7](#), East Elevation.)

Furthermore, a second story addition will not interfere with any other property owner's view of East Bay. Both of my closest neighbors, to the north and the south, have their own unobstructed water-view. The property to the west adjoins my lot at the top of a very steep bluff. That property, at an elevation of 100+ feet above my property, is currently undeveloped and partially wooded and partially planted with orchards.

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

Is this condition met? Please explain:

The only impact this variance will have on surrounding properties will be in a positive direction. My proposed addition will measurably improve the neighborhood and thus only serve to increase property values. It will also provide increased tax revenue for Peninsula Township.

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

Is this condition met? Please explain:

My property is zoned R-1B, Single and Two-Family Residential. It is currently used exclusively for that purpose. The requested variance will in no way alter that use.

**ADDITIONAL COMMENTS:**

Peninsula Township Zoning Ordinance Section 7.5.4: Repair and Alteration of Non-Conforming Structure.

With regard to Section 7.5.4, this Variance Application is for the purpose of “alteration” and “improvement...of a non-conforming building or part thereof...”

There will be “...no change in the use of said building or any part thereof.”

Peninsula Township Zoning Ordinance Section 7.5.5: Additions to Non-Conforming Structure.

With regard to Section 7.5.5, this Variance Application is “for the addition to a lawful non-conforming structure” and “all of the following are met:

- (a) The addition is not located in any required yard or ordinary high water mark setback; and
- (b) ...all other dimensional requirements on the subject parcel shall be satisfied (other than what is lawfully non-conforming.)”

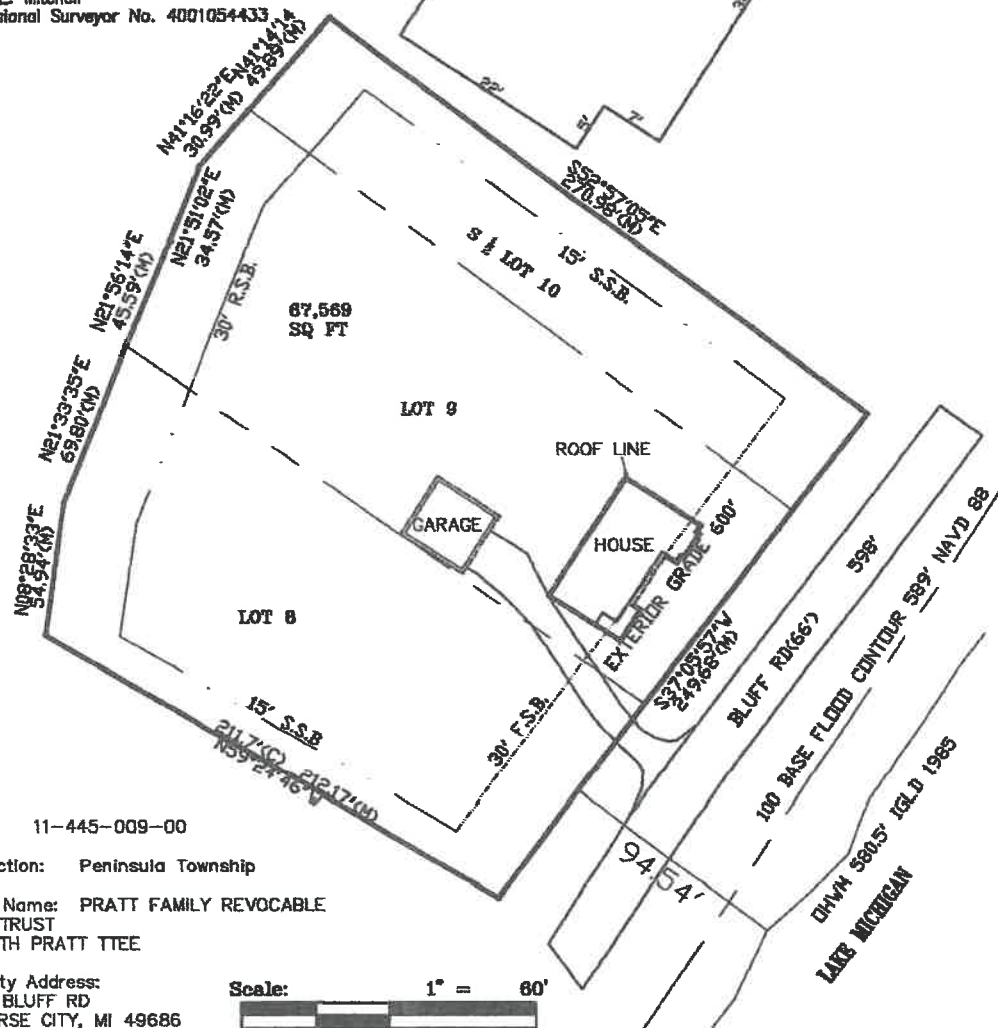
### Legend

- IRON SET
- IRON FOUND
- ⊙ MONUMENT FOUND
- ⊕ GOVERNMENT CORNER
- (R) RECORD
- (M) MEASURED



**Jesse E. Mitchell**  
Professional Surveyor No. 4001054433

## DETAIL



**Scale:**  $1" = 60'$



A horizontal scale bar with tick marks at 0, 30, 60, and 120 feet. The segments between 0 and 30, 30 and 60, and 60 and 120 are shaded gray.

BASIS OF BEARING: NAD 83 ME CENT SPCS  
ESTIMATED ABSOLUTE ACCURACY IS 0.20' PER CORNER



**BOB MITCHELL & ASSOCIATES**  
SURVEYING / ENGINEERING

404 West Main Street P.O. Box 306 NORTH 1ST STREET  
Kingsley, MI 48648 Harrison, MI 48625  
(231) 263-8483 • FAX (231) 263-7821  
Toll Free in Michigan 1-800-633-8827  
email [jesse@mapcitysurvey.com](mailto:jesse@mapcitysurvey.com)

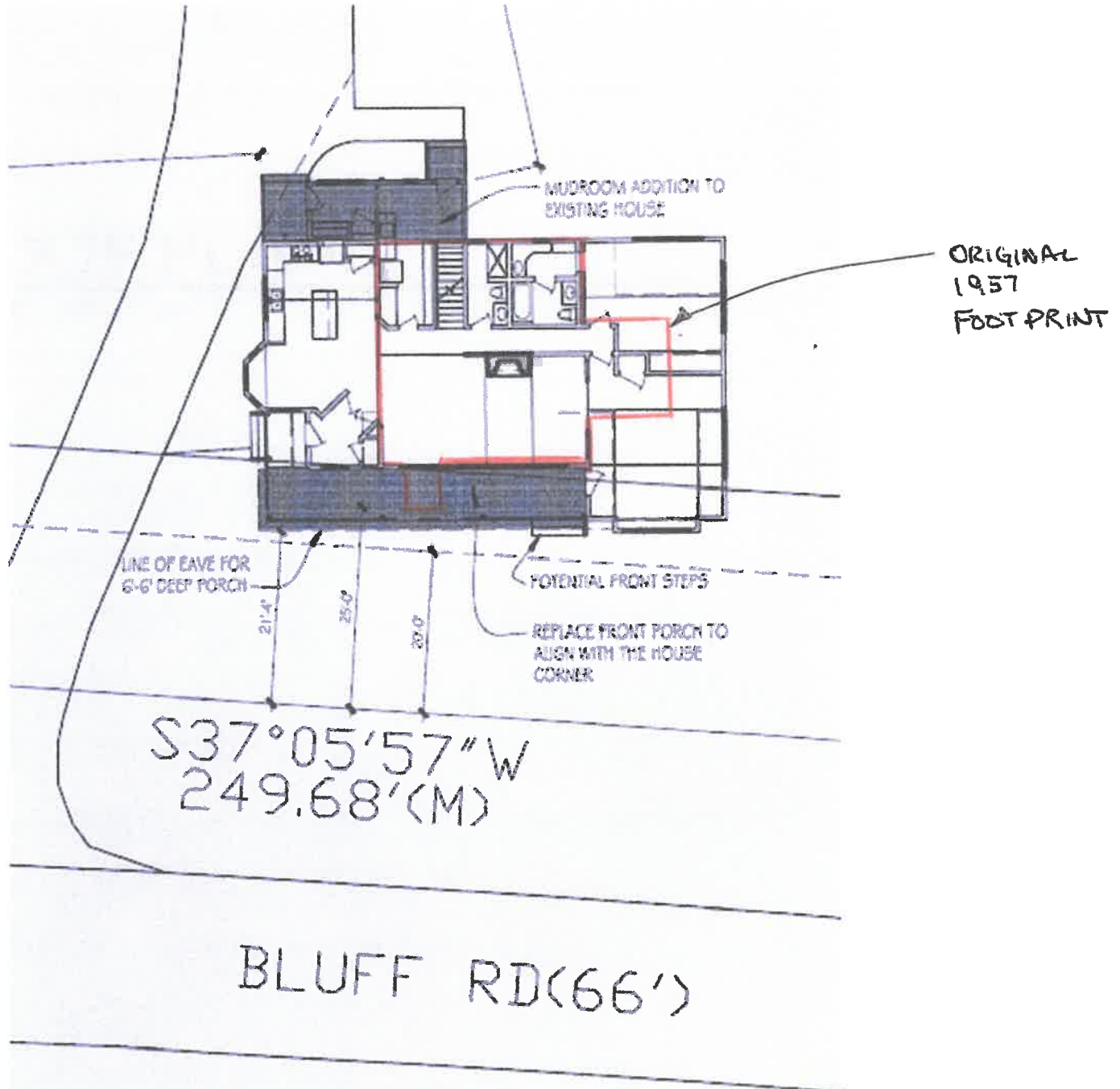
CR. WPM	FD. BK. X	PG. X	SHEET 1 OF 1
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SUPPLEMENTAL DOCUMENT 1



From: Ken Pratt kenpratt@hotmail.com  
Subject: 12155 Bluff Road  
Date: Feb 7, 2024 at 12:09:31  
To: Ken Pratt kenpratt@hotmail.com

Site Plan: Front Set Back detail.



Supplemental Document 2. 2/6/24

From: Ken Pratt kenpratt@hotmail.com  
Subject: November, 1957 photo  
Date: Dec 18, 2023 at 22:09:21  
To: Ken Pratt kenpratt@hotmail.com

12155 N Bluff Road  
Traverse City, Michigan



Supplemental Document 3



# GRAND TRAVERSE, LEE LANAU & BENZIE DISTRICT HEALTH DEPARTMENT

No 12582 ✓

GRAND TRAVERSE-LEE LANAU COUNTIES  
P.O. BOX 905  
TRAVERSE CITY, MICHIGAN 49685  
PHONE 941-2243

BENZIE COUNTY  
GOVERNMENTAL BUILDING  
P.O. BOX 335  
BEULAH, MICHIGAN 49617  
PHONE 882-4409

28-11-445-009-00

OWNER Donald Pratt  
MAILING ADDRESS 12155 N. BLUFF ROAD  
TYPE OF ESTABLISHMENT House NEW ☒ EXISTING ☐  
PROPERTY LOCATION 12155 N. BLUFF ROAD  
TOWNSHIP PENINSULA SECTION 34  
COUNTY GRAND TRAVERSE DATE 7-23-85  
SOIL: LOAM  
SOIL TYPES TO A DEPTH OF 6' SAND  
DEPTH TO GROUND WATER TABLE N.A.  
NO. OF BEDROOMS 3 NUMBER OF BATHS 2  
SEPTIC TANK SIZE EXISTING 800 LAUNDRY YES  
TILE FIELD NEW 800 DISHWASHER YES  
TRENCH WIDTH \_\_\_\_\_ GARBAGE DISPOSAL YES  
LINEAL FEET \_\_\_\_\_ OTHER \_\_\_\_\_  
DRAIN BED 18' 50" WATER SUPPLY:  
LINEAL FEET 300' CITY NO WELL YES  
SQUARE FEET 900' WELL TYPE \_\_\_\_\_  
TILE LINES ON 3' Center DEPTH \_\_\_\_\_  
OTHER \_\_\_\_\_ APPROVED \_\_\_\_\_

PERMIT TO INSTALL, CONSTRUCT OR REPLACE  
EXPIRES 3 YEARS AFTER DATE OF ISSUE

ISSUED TO Donald Pratt  
DATE 7-23-85 BY Raymond Carpenter  
HEALTH DEPT REPRESENTATIVE  
PCL. 7/24/85 # 014387  
RECEIVED 30.00 FOR SEWAGE DISPOSAL PERMIT  
FOR WELL PERMIT

## AGREEMENT

I HEREBY AGREE TO COMPLY WITH REQUIREMENTS OF THE SANITARY CODE FOR THE COUNTIES OF GRAND TRAVERSE, LEE LANAU AND BENZIE, AND THE APPLICABLE LAWS OF THE STATE OF MICHIGAN IN THE INSTALLATION OF A SEPTIC TANK SEWAGE DISPOSAL SYSTEM &/OR WELL INSTALLATION ON THE ABOVE DESCRIBED PROPERTY, AND TO CONSTRUCT THE SAME ACCORDING TO THE PLANS AND SPECIFICATIONS AS DESCRIBED AND APPROVED ABOVE; OTHERWISE I UNDERSTAND, THE PERMIT WILL BE VOID

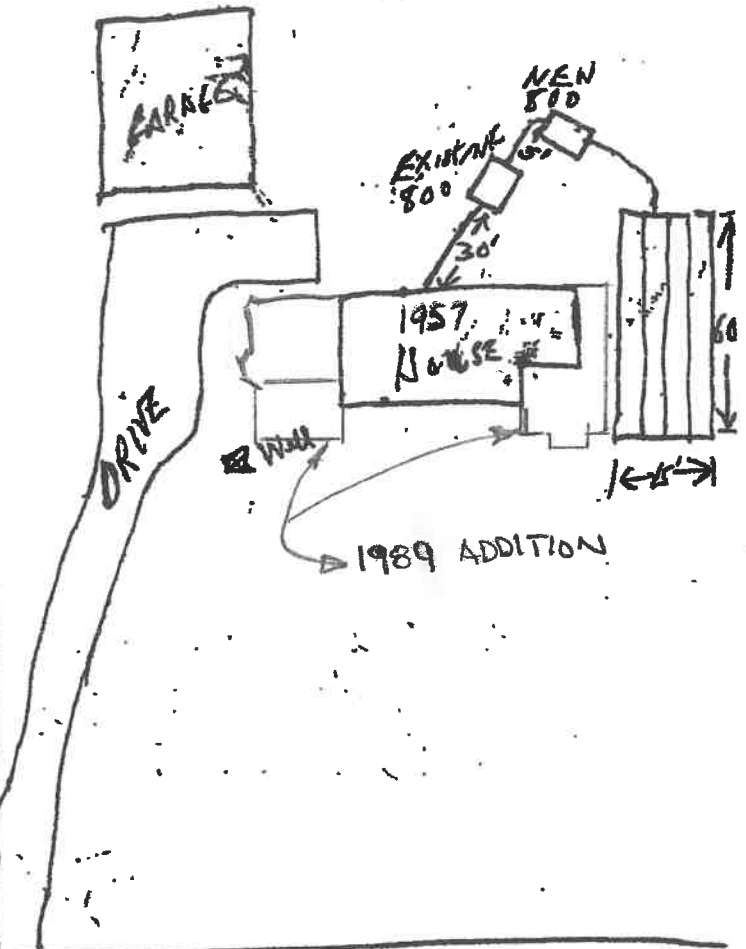
FINAL INSPECTION REQUIRED BEFORE COVERING. ONE DAY NOTICE SHALL BE GIVEN FOR INSPECTION.

SIGNED Raymond Carpenter  
OWNER FOR AGENT

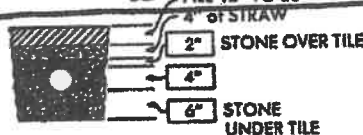
DIAGRAM

NON-TRANSFERABLE PERMIT

SEWAGE PERMIT ☒  
WELL PERMIT ☐



BLUFF ROAD



ALLOW 1" SLOPE PER 50 FEET OF TILE  
1/2 - 1 1/2 IN. DIA. CLEAN & OR WASHED STONE  
4" OF STRAW TO BE PLACED OVER STONE

ISOLATION DISTANCES FOR PRIVATE HOMES:  
SEWAGE DISPOSAL SYSTEM SHALL BE LOCATED AT LEAST 60 FEET FROM ANY POTABLE WATER SUPPLY, WELL, SPRING, OR UNPROTECTED WATER SUCTION LINE. BURIED OR UNEXPOSED SEWERS OR PIPES THROUGH WHICH SEWAGE MAY BACK UP SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET FROM ANY POTABLE WATER WELL OR SUCTION PIPE. SUCH SEWERS OR PIPES SHALL BE CONSTRUCTED OF SCHEDULE 40 OR OTHER APPROVED (HEALTH DEPT.) MATERIAL.

## CERTIFICATE OF INSPECTION (PERMIT TO COVER)

SEWER EXISTING SEPTIC TANK EXISTING 800  
FINAL DISPOSAL OK 15' 60" ISOLATION DIST. OK  
NOTES 7-23-85 Full Order Construction at time of inspection  
INSPECTION BY Raymond Carpenter

CONTRACTOR Raymond Carpenter  
APPROVAL OF A PLAN AND THE INSTALLATION CANNOT BE CONSIDERED BY THE OWNER AS A GUARANTEE THAT SUCCESSFUL OPERATION IS ASSURED. THERE ARE MANY WAYS A SYSTEM CAN BE ABUSED CAUSING FAILURE.

SUPPLEMENTAL DOCUMENT 4

2/6/24

REQUEST FOR VARIANCE #196

Code # 28-11-445-009-00

PENINSULA TOWNSHIP  
Board of Zoning Appeals  
13235 Center Road  
Traverse City, Mich. 49684

From Donald S. Pratt

Address 12155 Bluff Road

Phone 223 7494

Date July 31, 1989

Zoned R-1B

COPY

Members, Board of Zoning Appeals:

We are requesting a variance from the Zoning Ordinance as follows:

Zoning Administrator's Decision and/or Zoning Ordinance Reference

Section 6.8.1 requires a thirty (30) foot front yard setback.

Basis for Variance Request

The present home is constructed at a slight angle to the setback line. To improve the quality of the home it is desired to enlarge the foundation at the N.E. corner and also at the south. The present porch, now extending beyond the setback line, is to be removed. While most of the home's walls would remain behind the setback line there would be a slight encroachment at two points-- the southeast corner of the proposed study, and a portion of the new exterior

porch. There is a constraint to construction to the north side of the building due to the presence of the septic tank drain field, and a large tree we would like to keep. Expansion beyond to the south beyond that shown on the attached drawing would cut into the driveway, and require the building of a new driveway and make entrance to the garage very difficult. See attached drawings.

APPEAL BOARD ACTION Specific Request: Variance of 5 feet at the south end 2.5 feet at the north end of the house from the front yard setback.

<u>Rozek</u>	<u>yes</u>
<u>Verhage</u>	<u>yes</u>
<u>Houlihan</u>	<u>yes</u>
<u>Fulmer</u>	<u>yes</u>

8/10/89

Fees: Regular hearing - \$60.00 Special hearing - \$320.00  
Fees are non-refundable

Donald S. Pratt  
Applicant's Signature

Check drawn to the order of  
PENINSULA TOWNSHIP TREASURER July 31 89  
(date)

SUPPLEMENTAL DOCUMENT 5

From: Ken Pratt kenpratt@hotmail.com  
Subject: 12155 Bluff Road  
Date: Feb 6, 2024 at 14:03:49  
To: Ken Pratt kenpratt@hotmail.com

---

Proposed eave line along the front porch.



2/6/2024 Supplemental Document 6



From: Ken Pratt kenpratt@hotmail.com  
Subject: 12155 Bluff Road/East Elevation  
Date: Dec 18, 2023 at 22:41:12  
To: Ken Pratt kenpratt@hotmail.com

December 2023



Proposed second floor addition.



Supplemental Document 7.

# The Pratt Addition

12155 Bluff Road, Traverse City, MI

## SHEET INDEX

- A0.0 COVER SHEET
- A1.0 DEMOLITION & ROOF PLANS
- A1.1 FOUNDATION & FIRST FLOOR PLANS
- A1.2 SECOND FLOOR PLAN
- A2.0 EXTERIOR HOUSE ELEVATIONS
- A2.1 WALL SECTIONS
- E1.0 ELECTRICAL PLANS

## GENERAL NOTES

1. THE ARCHITECT HAS REVIEWED THE RECORD PLANS AND SPECIFICATIONS FOR THE PROJECT AND HAS FOUND THEM TO BE COMPLETE AND CORRECT. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS.

## STRUCTURAL NOTES

1. THE ARCHITECT HAS REVIEWED THE RECORD PLANS AND SPECIFICATIONS FOR THE PROJECT AND HAS FOUND THEM TO BE COMPLETE AND CORRECT. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS.

## STRUCTURE DESIGN CRITERIA

1. THE ARCHITECT HAS REVIEWED THE RECORD PLANS AND SPECIFICATIONS FOR THE PROJECT AND HAS FOUND THEM TO BE COMPLETE AND CORRECT. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS.

## ZONING INFORMATION

1. THE ARCHITECT HAS REVIEWED THE RECORD PLANS AND SPECIFICATIONS FOR THE PROJECT AND HAS FOUND THEM TO BE COMPLETE AND CORRECT. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS.

## CERTIFICATION

1. THE ARCHITECT HAS REVIEWED THE RECORD PLANS AND SPECIFICATIONS FOR THE PROJECT AND HAS FOUND THEM TO BE COMPLETE AND CORRECT. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS. THE ARCHITECT HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AND HAS NOT VERIFIED THE EXISTING CONDITIONS.

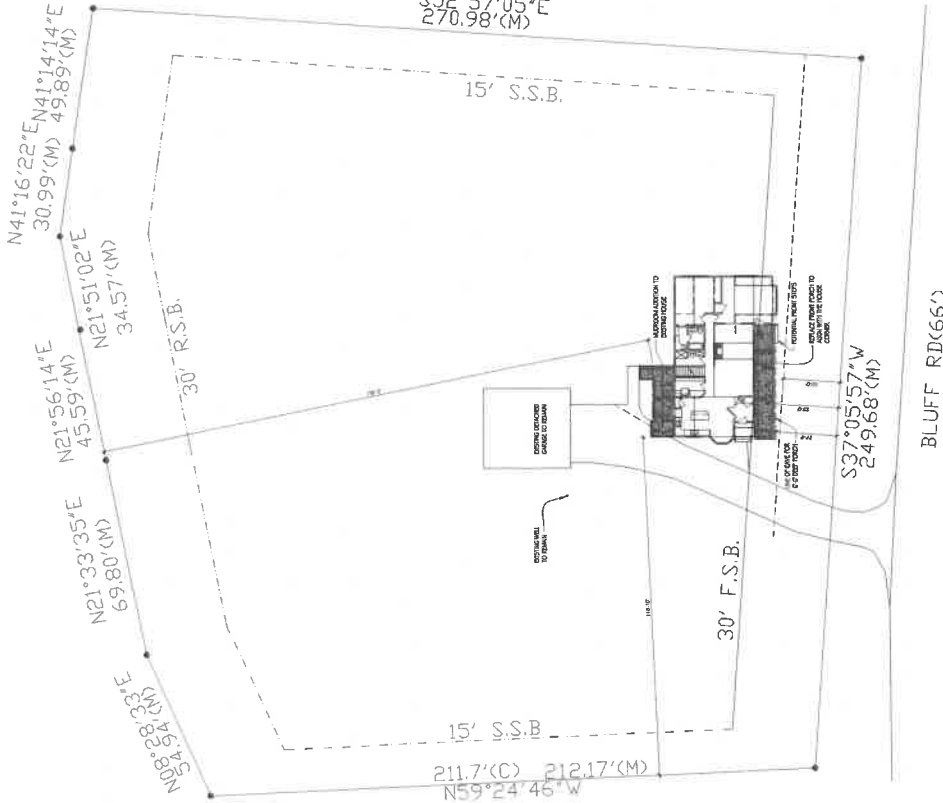
EAST TRAVERSE BAY

SITE PLAN

SCALE: 1"=20'-0"

kbb-arch.com

COPYRIGHT 2020, KBB ARCHITECTS, LLC



The Pratt Addition  
12155 Bluff Road, Traverse City, Michigan

K.b.h architects  
8604 S. Duran Farm Road - Maple City, MI 49864  
231.835.0072  
kbbarch@cloud.com



DATE 11/13/23  
REV. FOR CONST. 2/5/24  
DRAWING

PROJECT 23010  
SHEET A0.0



DATE: 2/5/24

## DEMOLITION NOTES



Copyright 2003. All rights reserved. All trademarks are the property of their respective owners.

CENTER AT NOTES

STAYING IN CONTACT WITH CONTACT SONGS.

- [illegible]

## The Pratt Addition

K.O.H. architects  
8904 S. Durms Farm Road - Maple City, MI 49664  
231.835.0072  
koharch@icloud.com



DATE 11/13/23

REV. FOR CONST. 2/5/24

PROJECT 23010

A1.0



61	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
62	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
63	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
64	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
65	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
66	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.
67	COATING SLURRY PUMP TO REMAIN. IN 10 MIN. TAIL TO DRYING.

[illegible]

<b>SQUARE FOOTAGE</b>	
FIRST FLOOR	= 1,600 S.F.
SECOND FLOOR	= 1,400 S.F.
TOTAL	= 3,000 S.F.

COMPLUGHT 2023. ksh architects, ltd.



PULL DOWN SLIDE FOR KEY ACCESS

30

30

10-7

This is a detailed architectural floor plan of a house, oriented with the front entrance at the top. The plan includes the following rooms and features:

- Front Entrance:** A small entry area with a closet (CL) and a coat closet (CC).
- Living Room:** A large central space with a fireplace, a large window, and a door leading to the back porch.
- Dining Room:** Adjacent to the living room, featuring a breakfast bar and a door to the back porch.
- Kitchen:** Located at the rear, with a sink, stove, and a door to the back porch.
- Back Porch:** A large outdoor area with a patio and a door leading to the living room.
- Bedroom 1:** A large bedroom with a closet and a door to the back porch.
- Bedroom 2:** A medium-sized bedroom with a closet.
- Bedroom 3:** A small bedroom with a closet.
- Bathrooms:** Two full bathrooms, one located near the living room and another near the bedrooms.
- Study:** A room with a desk and a door to the back porch.
- Game Room:** A room with a pool table and a door to the back porch.
- Family Room:** A room with a fireplace and a door to the back porch.
- Hallways:** Multiple hallways connecting the rooms, including a central hallway and a rear hallway.
- Closets:** Several closets throughout the plan, including a linen closet (LINEN), a broom closet (BROOM), and a storage closet (STORAGE).
- Dimensions:** The overall dimensions of the house are 36'-0" wide by 50'-0" deep. Individual room dimensions are provided throughout the plan.
- Notes:** Various notes are scattered throughout the plan, such as "2" WIDE DOOR @ 5'0" ACCESS PANEL", "3" WIDE DOOR @ 5'0" ACCESS PANEL", and "2" WIDE DOOR @ 5'0" ACCESS PANEL".

## A1.2



GENERAL NOTES

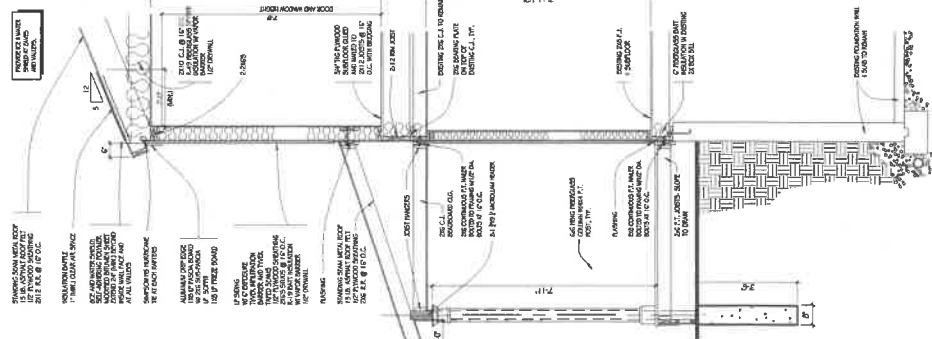
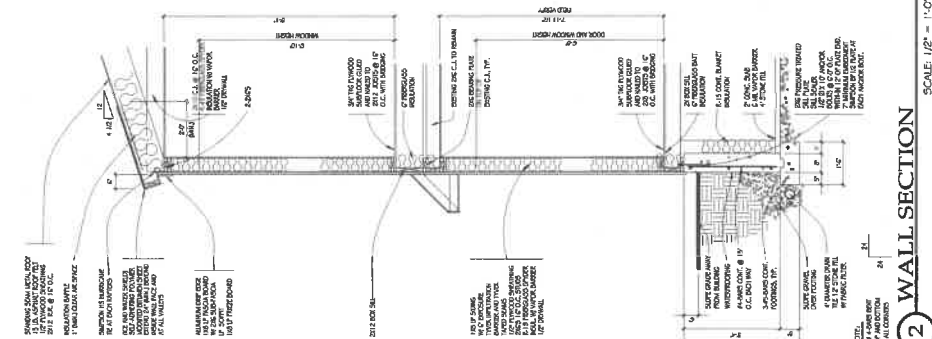
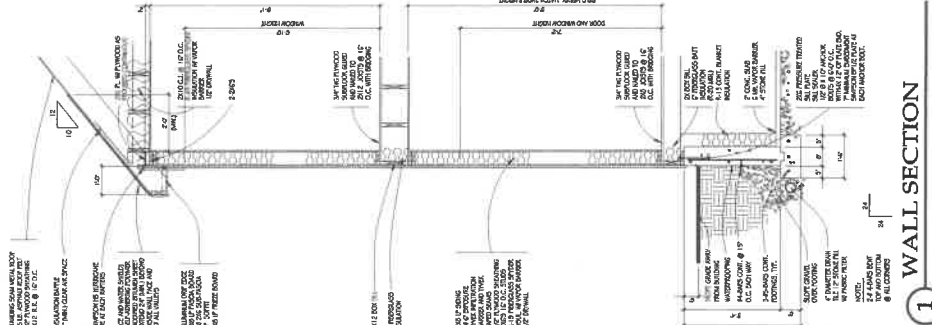
The Pratt Addition  
12155 Bluff Road, Traverse City, Michigan

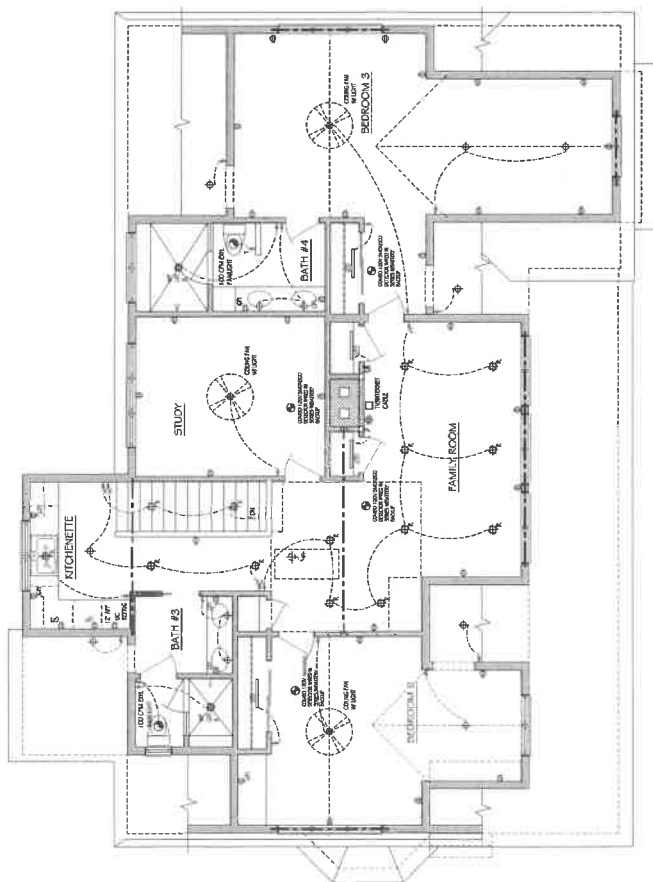
K.b.h architects  
8904 S. Durms Farm Road - Maple City, MI 49664  
231.835.0072  
kbarh@cloud.com



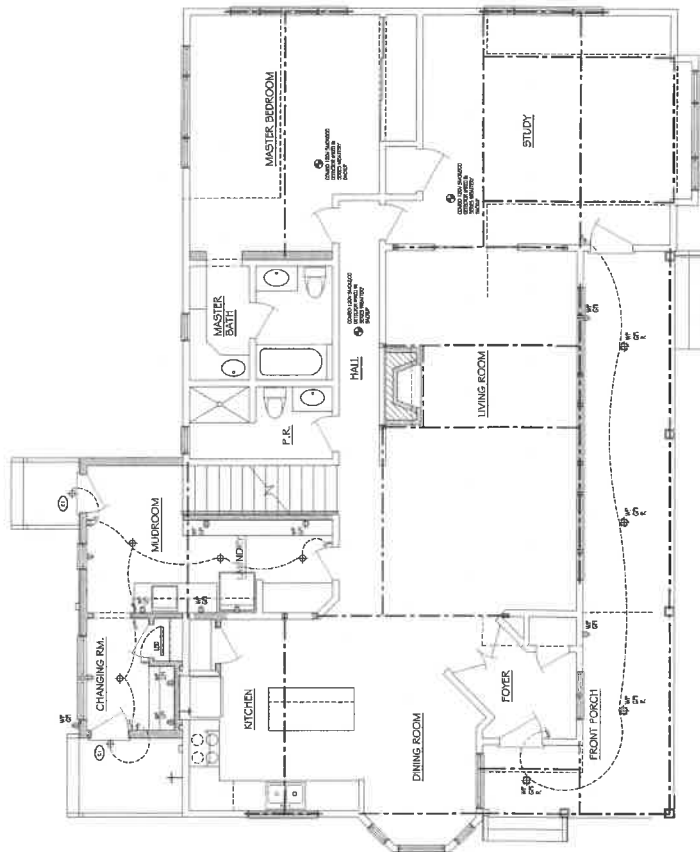
DATE	11/13/23
REV. FOR CONST.	2.5.24

PROJECT  
23010  
SHEET  
A2.1



[illegible]

SCHEM:  $14^3 = 1.0^3$



SCALE: 1/4" = 1'-0"

## Exhibit 2

# REQUEST FOR VARIANCE #196

PENINSULA TOWNSHIP  
Board of Zoning Appeals  
13235 Center Road  
Traverse City, Mich. 49684

Code # 28-11-445-009-00

From Donald S. Pratt

Address 12155 Bluff Road

Phone 223 7494

Date July 31, 1989

Zoned R-1B

Members, Board of Zoning Appeals:

We are requesting a variance from the Zoning Ordinance as follows:

Zoning Administrator's Decision and/or Zoning Ordinance Reference

Section 6.8.1 requires a thirty (30) foot front yard setback.

## Basis for Variance Request

The present home is constructed at a slight angle to the setback line. To improve the quality of the home it is desired to enlarge the foundation at the N.E. corner and also at the south. The present porch, now extending beyond the setback line, is to be removed. While most of the home's walls would remain behind the setback line there would be a slight encroachment at two points-- the southeast corner of the proposed study, and a portion of the new exterior porch.

There is a constraint to construction to the north side of the building due to the presence of the septic tank drain field, and a large tree we would like to keep. Expansion beyond to the south beyond that shown on the attached drawing would cut into the driveway, and require the building of a new driveway and make entrance to the garage very difficult. See attached drawings.

## APPEAL BOARD ACTION

Specific Request:

Variance of 5 feet at the south end 2.5 feet at the north end of the house from the front yard setback.

8/10/89

<u>Rozek</u>	<u>yes</u>
<u>Verhage</u>	<u>yes</u>
<u>Houlihan</u>	<u>yes</u>
<u>Silmer</u>	<u>yes</u>

Fees: Regular hearing - \$60.00 Special hearing - \$320.00  
Fees are non-refundable.

Donald S. Pratt  
Applicant's Signature

Check drawn to the order of  
PENINSULA TOWNSHIP TREASURER

July 31, 89  
(date)



PENINSULA TOWNSHIP  
ZONING BOARD OF APPEALS  
13235 Center Rd.  
Traverse City, Michigan 49684

Appeal Board Hearing  
Place: Township Hall 13235 Center Rd. Traverse City, MI  
Date: August 10, 1989  
Time: 7:30 p.m.

A public hearing will be held as indicated by the Peninsula Township Board of Zoning Appeals. The following applicants will be heard:

APPLICANT	LAND INVOLVED	DISCUSSION ON:
Donald S. Pratt	12155 Bluff Rd. Parcel # 28-11-445-109-00	Request for a 5 foot variance from the front yard setback to add to the residence.
Don & Joan Hayden	6436 East Shore Rd. Parcel # 28-11-031-030-00	Request for an 8 foot variance from the sideyard setback for a garage and approval for an addition to the residence.

The hearing is open to the public and all wishing to speak will be heard. Written comments will be received until 4:30 p.m. the day of the hearing at the Township Hall.

THERE WILL BE A FIELD TRIP AT: 4:00 p.m.

Peninsula Township Zoning Board of Appeals

Kell A. Soule, Chairperson  
Michael Houlihan  
Lynn Ferris  
Warren Verhage  
Gary Fulmer  
Jean Roach, Alternate

August 5, 1989 lt.

PENINSULA TOWNSHIP  
ZONING BOARD OF APPEALS  
13235 Center Road  
Traverse City, Mi. 49684

Minutes for Appeal Board

August 10, 1989

-----  
Present; Fulmer, Verhage, Houlihan, Alt. Roach, ZA Hayward, RC  
Gore, RC Hepner. Absent; Chr. Soule, Ferris.

The first order of business was to nominate an acting chairperson. Verhage/Fulmer motion to appoint Houlihan as acting chairperson for this meeting. Carried, unan. Chr. called the meeting to order at 7:28 p.m. at the Town Hall by stating the basic & special conditions that must be satisfied to approve a variance.

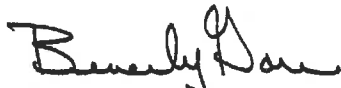
Donald S. Pratt, 12155 Bluff Road, 445-009-00. An application for variances of 5 ft. at the south end & 2.5 ft. at the north end of the house from the front yard setback. Zoned R-1B, zoning ref:6.8.1. Mr. Pratt stated that the home is 30 years old & that he & his wife wish to improve the quality of the home by enlarging the foundation at the NE corner & also the south. There is constraint to construction on the N side due to a septic drain field, & on the S side due to the driveway. Chr. commented that the adjacent property to the south is owned by the applicant. There were no written communications received & no audience comments. Shall the application of Donald S. Pratt, of 12155 Bluff Rd., for variances of 5 ft. at the south end & 2.5 ft. at the north end of the house from the front yard setback be granted? Roach: Yes, I believe all basic & specific conditions have been met. Verhage: Yes, with the applicant owning the adjacent property I see no problem. Fulmer: Yes, because of the location of the septic drain field this is his only alternative for adding on. Houlihan: Yes, the actual variance being sought is rather small, it will not infringe on any neighbor, & the applicant has shown practical difficulty. Carried, unan.

Don & Joan Hayden, 6436 East Shore Rd. 031-030-00. An application for a variance of eight ft. from the side yard setback line for the addition of a garage. They are also asking for approval of a 15X30 ft. addition to the house which would require a 3 ft. variance from the side yard setback & A 4 ft. variance from OHWM. Zoned R-1B, zoning ref:6.8.1 & 7.5.5 regarding the extension of a non-conforming structure. ZA Hayward reported receiving a call from Reuben Helton, the neighbor to the north at 6456 E. Shore Rd. Helton would like the Haydens to have a garage, but he would like it moved away from the creek as far as possible. Chr. expressed concern for the large variance that would be required to build the garage at the proposed location. Chr. also stated that the Hayden's request for the proposed house addition was quite modest. Shall the application of Joan & Don Hayden for a variance of 3 ft. from side yard setback & 4 ft. from OHWM for a 15X30 ft. addition to their home be granted? Fulmer: Yes. Verhage: Yes. Roach: Yes. Houlihan: Yes. Carried, unan. Shall the application of Joan &

Don Hayden for an 8' variance from side yard setback, for the construction of a garage, be granted? Verhage: No, I feel the garage can be located in such a way that a variance would not be needed & I have concern for the creek. Roach: No, the garage could be better placed on the lot. Fulmer: No, for the same reasons as his colleagues. Houlihan: No, given the degree of the variance none of the specific conditions have been satisfied. The applicant has failed to demonstrate that there are not alternatives for resolving concerns created by this application. **Variance denied.** Verhage/Fulmer motion to approve the minutes of July 13, 1989. **Carried, unan.**

**Zoning Report:** ZA Hayward reported on the following; Jonathon Wege, 10623 Peninsula Dr. has removed the offending deck; Mrs. Van Farrowe is now in compliance; Martin Ghastin, 13024 Peninsula Dr., has moved his deck; Old World Carpentry signs are now in compliance.

Fulmer/Verhage motion to adjourn at 8:10 p.m. **Carried, unan.**



Recording Clerk for Michael Houlihan,  
Acting Chairman for the Zoning Board of Appeals

PENINSULA TOWNSHIP  
ZONING BOARD OF APPEALS  
13235 Center Rd.  
Traverse City, Michigan 49684

Appeal Board Hearing

Place: Township Hall 13235 Center Rd. Traverse City, MI

Date: August 10, 1989

Time: 7:30 p.m.

A public hearing will be held as indicated by the Peninsula Township Board of Zoning Appeals. The following applicants will be heard:

APPLICANT	LAND INVOLVED	DISCUSSION ON:
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Don & Joan Hayden	6436 East Shore Rd. Parcel # 28-11-031-030-00	Request for an 8 foot variance from the sideyard setback for a garage and approval for an addition to the residence.

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THERE WILL BE A FIELD TRIP AT: 4:00 p.m.

Peninsula Township Zoning Board of Appeals

Kell A. Soule, Chairperson

Michael Houlihan

Lynn Ferris

Warren Verhage

Gary Fulmer

Jean Roach, Alternate

August 5, 1989 lt.

REQUEST FOR VARIANCE #196

PENINSULA TOWNSHIP  
Board of Zoning Appeals  
13235 Center Road  
Traverse City, Mich. 49684

Code # 28-11-445-009-00

From Donald S. Pratt

Address 12155 Bluff Road

Phone 223 7494

Date July 31, 1989

Zoned R-1B

Members, Board of Zoning Appeals:

We are requesting a variance from the Zoning Ordinance as follows:

Zoning Administrator's Decision and/or Zoning Ordinance Reference

Section 6.8.1 requires a thirty (30) foot front yard setback.

Basis for Variance Request

The present home is constructed at a slight angle to the setback line. To improve the quality of the home it is desired to enlarge the foundation at the N.E. corner and also at the south. The present porch, now extending beyond the setback line, is to be removed. While most of the home's walls would remain behind the setback line there would be a slight encroachment at two points-- the southeast corner of the proposed study, and a portion of the new exterior

Specific Request

porch. There is a constraint to construction to the north side of the building due to the presence of the septic tank drain field, and a large tree we would like to keep. Expansion beyond to the south beyond that shown on the attached drawing would cut into the driveway, and require the building of a new driveway and make entrance to the garage very difficult. See attached drawings.

APPEAL BOARD ACTION Specific Request: ☒ Variance of 5 feet at the south end 2.5 feet at the north end of the house from the front yard setback.

Fees: Regular hearing - \$60.00 Special hearing - \$320.00  
Fees are non-refundable

Donald S. Pratt  
Applicant's Signature

Check drawn to the order of  
PENINSULA TOWNSHIP TREASURER

July 31 89  
(date)

Code # 28-11-031-030-00

PENINSULA TOWNSHIP  
Board of Zoning Appeals  
13235 Center Road  
Traverse City, Mich. 49684

From Don and Joan HaydenAddress 6436 East ShorePhone 929-2035Date 7/31/89Zoned R-1C

Members, Board of Zoning Appeals:

We are requesting a variance from the Zoning Ordinance as follows:

Zoning Administrator's Decision and/or Zoning Ordinance Reference

Section 6.8.1 requires a fifteen (15) foot sideyard setback.

Section 7.5.5 requires approval of the Board of Appeals for the extension of a non-conforming structure.

Basis for Variance Request

We have future plans of adding another bedroom on the North end of the building. We want to attach the garage and have one structure when we are finished. We have considered alternative places for the garage, but due to the angle of the property line and the angle of the house placed on the hill, we feel that any other placement would detract from the value of the neighborhood and also for the future value of the property.

Specific Request

\* Variance of eight (8) feet from the side yard setback line for the garage.

Approval of 15 foot by 30 foot addition to the house.

APPEAL BOARD ACTION

Fees: Regular hearing - \$60.00 Special hearing - \$320.00  
Fees are non-refundable

  
Applicant's SignatureCheck drawn to the order of  
PENINSULA TOWNSHIP TREASURER

CK# 1351

7/31/89  
(Date)

## Exhibit 3



## Jennifer Cram

---

**From:** Aggie Ochs <aaochs@charter.net>  
**Sent:** Sunday, February 11, 2024 1:06 PM  
**To:** Jennifer Cram  
**Cc:** aaochs@icloud.com  
**Subject:** Mr. Ken Pratt identified as case # 916

Dear Ms Cram:

I am Mr Pratt's next door neighbor to the north.

I have discussed his building plan with him. I have no objections to his proposed plan.

His request for a variance from the standard Front Setback Line seems reasonable and necessary.

I encourage the ZBA to approve his request,

Thank You,  
Agnes K Ochs  
12221 Bluff Road  
Traverse City, Mi 49686

Aggie Ochs 12221 Bluff Road Traverse City, mi 49686 cell 231-218-3663

## Jennifer Cram

---

**From:** Bruce Wiegand <bwiegang9122@gmail.com>  
**Sent:** Monday, February 5, 2024 2:24 PM  
**To:** Jennifer Cram  
**Subject:** Case 916

Jenn Cram,

I'm writing to support the request by Kenneth Pratt to come before the Board.

The residence was built in the 1950's and remodeled decades later by the owner's daughter. Ken Pratt is the third generation to live there and desires to make another remodel. The property now extends some 250 feet along Bluff Road.

The proposed architect-designed renovation will add a second floor and upgrade the utilities, adding value to the current 1-bedroom configuration.

I recommend approval of the request by Mr. Pratt.

Bruce Wiegand  
9122 Peninsula Drive  
Old Mission

bwiegang9122@gmail.com

## Jennifer Cram

---

**From:** MARK JOHNSON <markmajohnson@aol.com>  
**Sent:** Sunday, February 4, 2024 10:27 AM  
**To:** Jennifer Cram  
**Subject:** Request No. 916 / PRATT / 12155 Bluff Road

Re: ZBA Meeting on February 20, 2024

Dear Ms Cram & ZBA members -

We are writing in support of the subject variance requested by our next-door neighbor Ken Pratt. We have reviewed his plan and believe his project will be a great enhancement to the Buena Vista Beach neighborhood. We fully support approval of the variance.

Mark & Amy Johnson  
12113 Bluff Rd, Traverse City, MI 49686  
Sent from my iPad

# Minutes

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686  
Ph: 231.223.7322 Fax: 231.223.7117  
[www.peninsulatownship.com](http://www.peninsulatownship.com)

## PENINSULA TOWNSHIP ZONING BOARD OF APPEALS MINUTES

January 16, 2024  
7:00 p.m.

1. **Call to Order** by Dolton at 7:00 p.m.
2. **Pledge**
3. **Roll Call** Dloski, Serocki, Dolton, Wahl, Dunn, Cram, Director of Planning and Zoning, Chris Patterson and Wayne Beyea, township attorneys
4. **Approval of Agenda** Dloski moved to approve the minutes with a second by Dunn.  

**Approved by consensus**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – (for items not on the Agenda)** None
7. **Business:**
  1. **Public Hearing for Request No. 912, Zoning = A-1 – Agricultural (Tabled from December 19, 2023, meeting)**  
**Applicant/Owner:** Luke C Miller Trust, 2465 Carroll Road, Traverse City, MI 49686  
**Property Address:** 11586 Center Road, Traverse City, MI 49686
    1. Requesting an appeal to the zoning administrator's determination that concrete crushing is a heavy industrial use or activity and not allowed within the A-1 Agricultural District.**Parcel Code # 28-11-004-008-00**

**Cram:** this property came to the township's attention in June/July of 2023. The enforcement officer, zoning administrator, and myself met Mr. Miller on the property to discuss the white concrete block office building and the piles of concrete and his plans to clean up the site. A demolition permit was issued by the previous zoning administrator in 2020. The permit allowed the demolition of 2 buildings on the property. One has been demolished and the other is still standing with a collapsed roof. The township is concerned about the public safety of the remaining building. Mr. Miller was looking to hire a contractor to crush the existing concrete on the property. The township responded to an email from Mr. Miller in September 2023 stating concrete crushing was not an activity allowed in the A-1 agriculture district. Under the zoning ordinance Section 6.6 details what uses are allowed by right in the A-1 Zone District and what uses are allowed by special use permits. Neither concrete crushing nor heavy industrial uses are listed as uses permitted. The zoning ordinance functions as a permissive zoning ordinance, so there is the assumption if something is not listed as being allowed, then it is not permissible. Mr. Miller is appealing this determination here tonight.

**Greg Luyt 7235 Henderson:** I am the attorney for the Millers. Mr. Miller is under the weather tonight. First, let me say the applicants want to be good neighbors. Cleaning up this property is a good thing for everyone. There are letters of support in your packet from neighbors and we are not aware of any opposition to the application. There was no attempt to hide the plan for crushing. The demolition permit was issued and allowed for concrete crushing. We had an EGLE permit issued. The substance of the appeal hinges on a determination whether this constitutes a heavy industrial use that is not specifically listed in the ordinance as permitted and therefore cannot be done. We see this as the wrong framework for the analysis. If you look at the definition of use under the ordinance, it is really directed at what the primary use of the property is. If you look at the list of uses permitted in the agricultural zoning district there are things like farming operations and migrant housing. I grant you if we were talking about establishing a commercial concrete crushing operation, the answer would be no. I would not even be here. That is not what we are talking about. This is temporary use that will take 5 days maximum. Nowhere in the zoning ordinance does it say construction or demolition is a permitted use or activity. No one would say you cannot do construction or demolition in the zoning district. The other point is there was no hiding what the intent was and before the demolition permit was issued, Luke Miller sent an email to the prior zoning administrator stating the plan was to crush the concrete. There was no additional discussion and the permit was issued. If the crushing was not going to be allowed, the Millers would not have broken up the concrete and put it in the state it is now if they knew they could not crush it. The permit reads demolition of the concrete pad and I think a fair reading would be crushing. I would also note this is the last page in the packet that was disseminated. In an email from Dave Sanger related to an interview he conducted on the property with Luke Miller in September, 2022. It confirms what everybody understood at this point. Sanger writes Luke was very cordial and told Sanger he had not been able to find a contractor to crush the old pavement. The one he had lined up this summer backed out. The former zoning administrator confirmed Luke had a demo permit for the work. That is an acknowledgement the demolition permit included concrete crushing. With regard to the EGLE permit, there is a memo in the packet that the permit was incorrect because the wrong county is listed. Miller's contractor did submit the application and there was an error when that was submitted, but the EGLE representative who came out to the property to talk with Miller confirmed the analysis of the permit was related to this property and this error was not material to the consideration of the permit. There is also a mention in the packet of a 500 foot setback that is true. This is why part of the mitigation measures was put in the EGLE permit because it was within that setback. In the packet, there is a statement to just haul the concrete away and this is not a viable alternative. We have been in discussions with other contractors and they state it would take 100's of truckloads to haul this away and then the Millers would have to repurchase the crushed concrete the Millers intended to use at the cost of hundreds of thousands of dollars. This appears as an undue burden. The other item is we do not want to tie this crushing to the other building still standing. The building has asbestos and the Millers are in the process of working to figure out the best remediation method. I am open to answer any questions.

**Cram:** thank you for the clarification on the EGLE permit. That permit has now expired and there would need to be another permit request.

**Luyt:** Correct.

**Cram:** with regard to the standing building, would there eventually be another concrete crushing request related to the building?

**Luyt:** I do not know the answer to this. I wish Mr. Miller was here. I can try texting him for the answer.

**Wahl:** so you want to know if the pile of concrete could be crushed and then what is proposed for the other buildings concrete?



**Luyt:** we know this is a permitted activity pursuant to demolition provided the appropriate requirements are met.

**Wahl:** I think the apprehension might be because there is asbestos in that building; we want to know exactly what the plan for the building is. Did the demolition permit apply to just the building taken down already?

**Luyt:** it may have applied to both, but I think when the Millers encountered the issues with the standing building, the decision was to deal with what is there now in the broken concrete.

**Cram:** it was a warehouse that was demolished in 2021 and if you go back and look at historic pictometry there was a lot of concrete on the surface as well. This was broken up and put in the concrete pile as well.

**Wahl:** it sounds like your client does intend to use some of that concrete and that is the purpose of crushing what is on site.

**Luyt:** absolutely correct.

**Wahl:** he has no affiliation with Great Lakes Crushing; it is not his business and is an independent entity?

**Luyt:** correct and that is who they hope to get to do the work, provided they are available.

**Dloski:** if an appeal was granted, when would you start the work?

**Luyt:** we would start as soon as we possibly could get the EGLE permit, and the contractor was available. When we were here in December 2023, the contractor was available. We are not sure of the availability now. There are things that are outside of our control including when the EGLE permit is issued and the contractor's availability.

**Dunn:** how long will the work take?

**Luyt:** 5 days

**Dolton:** there were some allegations and I want to just clarify, was any additional concrete brought to the site?

**Luyt:** no. There was a complaint and it was actually sand brought to the site. This was investigated and the complaint is closed.

**Wahl:** do you know what your client plans to do with the property?

**Luyt:** I do not.

**Wahl:** he is not planning on running a concrete crushing business?

**Luyt:** no, and if that was the request, I would not even be here. That is not what is being requested.

**Dunn:** have you done a full environmental study on the asbestos in the standing building?

**Luyt:** no

Luyt finished his presentation.

**Dolton:** is there anyone who wishes to speak in favor of the request?

**Greg Fisher 12349 Center Road:** this issue has been going on for almost 3 years now. The primary issue with moving the concrete is money. The Cornerstone Construction Company originally ripped up all of the old brine pits of the old Kroupa property and they took the warehouse concrete and shoved it in the pile. At that time, the contractor gave Mr. Miller a price to remove the concrete, crush it, and sell it back to him for close to 6 figures. So, the owner of the property decided not to pay for it. The township is in dereliction of duty for allowing this to go on for so long. We now have the administration building for the Kroupa property, where the roof is caved in and the building is full of asbestos. So, every time it rains, guess where the asbestos material goes, into the soil. So how long are we going to continue having asbestos leaking into the soil? Every time I go to the board, the answer is we are working on it. There are people who live around the site who are thoroughly disgusted with looking at a concrete

rubble pile for 3 years. In the meantime, Miller oil used it for construction site deposits, removal, deposits, removal. The owner of the property bought what he bought and he decided he wanted to clean it up, but he decided he did not want to pay for it. I know various people who offered to take the concrete and use it for fill and he doesn't want to pay for that either. So here we are back to crushing concrete and the site soil samples show the property is highly contaminated. For you to approve the crushing, which is fine, what are you going to do with it? Is it going to be left there in a crushed pile for another 2 years before they decide to haul it away or are they going to spread it on the ground? This is contaminated brine pit material from maraschino cherries and what are you going to do about the building? I do not think it is acceptable to wait until the owner decides to do something. The open roof continues leaking asbestos into the ground. I complained about the roof leaking, and he boarded up the windows so no one could see in. That was last year. I commend him for wanting to crush it, but what are you going to do with it? He does not want to pay to haul it away. The board has not done anything either.

**Dolton:** I am not sure if you are in favor of this proposal or against?

**Fisher:** yes, if he would haul it away. I do not care how they get rid of it, but the fact of the matter is this is contaminated material. My property has a 300 foot well and I have contaminants in my well. I have to use filters. The contaminants are from an old cherry orchard. Water usually goes down rather than going up, so whatever happens to the site, it needs to be cleaned up in the proper way. Not with a band-aid fix.

**Nancy R. Heller 3091 Bluewater Road:** I am in the same situation as the gentleman who just spoke. There is not enough information submitted to say yes or no to this request. I would like to express some of my concerns. If you agree to the crushing, I am concerned about dust for the health, safety, and general welfare of the residents. When you crush anything like this, you get particle drift. No matter how good you are, there will be particle drift. I'm wondering what to do with the surrounding soils, existing crops, or animals. The gentleman who just spoke was correct that the demolished building was used in the Kroupa operation. I have lived on this peninsula for 54 years. I am in the Ag business. I am wondering where liquid spilled or powder spilled on that concrete. If I were to do a remediation request, things would have to be done to that concrete. Once concrete is crushed and distributed as is being suggested, it dries. Activity on the area could create dust; is it safe? The attorney expressed the EGLE permit was issued in the wrong county. It seems everyone is expressing, but where is the proof? I am not calling anyone a liar, but there is nothing submitted from EGLE. There is also a request in the packet by the people who are doing the crushing. They say they have a permit, but how do we know what they asked for? How do we know what EGLE's rules are, and what was asked for? No copy of Baseline Environmental Assessments. If you approve this, you need to have some authority. Conversations are not acceptable proof in a court of law. You need valid proof. I am the first person to be hollering about private property rights. I appreciate the Millers wanting to do the right thing, but we do not know what the right thing is. You need to have valid documentation. I am very, very concerned about the health, safety, and welfare of the public. With agricultural property owners, if you want your product to go to the majority of the processors, they require what is called a GAAMP certification. I'll repeat again the health, safety, and welfare of the residents and the public are paramount.

**Donald Bor 2399 Carol Road:** I am an adjoining property owner. I also happen to be a retired developer, builder and I've done this exact kind of project before myself. We were required to have sprinklers running on the crusher to knock the dust down. I am pretty sure Luke (Miller) would get all the exterior concrete out when the crusher is there. It is not easy to get a crusher to come out for just 5

days. They want to set up for months on a project. I am in favor of getting it done and winter is an ideal time to do it.

**Dolton:** is there anyone who wants to speak in opposition to this proposal? Seeing none I am now closing the public portion of the meeting.

**Luyt:** I just had a text. I can patch Miller by phone.

**Wahl:** so just to be clear, we are not dealing with the asbestos and the standing building?

**Luyt:** correct.

**Dolton:** the board does not seem to have any questions for Mr. Miller at this time. The ZBA is not responsible for enforcement. I would encourage the township to step up its enforcement. The attorney has laid out some options we should consider. Perhaps we should hear from the township attorney before we engage in our discussion.

**Dloski:** why?

**Wahl:** I would like to have our discussion first.

**Dolton:** Alright, who wants to start?

**Dloski:** To me, this is nothing but a construction operation. You are bringing in materials, you are laying the materials on the ground; eventually all of it will be gone. This is temporary. Put some restrictions on the project. This use of the land is not going to be permanent. I am inclined to grant the appeal.

**Wahl:** I agree in terms they are not putting up a crushing facility. This is incidental to the demolition permit. There is also email correspondence very specific to this piece of property that he would be crushing the concrete on site. This was communicated to the former zoning administrator, who then issued the permit. This is not something we would allow on every single demolition, but here the intent was known and the permit was issued. I think this is more incidental to the construction work. This is how he was advised by a contractor.

**Dunn:** basically, this is preconstruction as opposed to an actual construction use, so I would agree with this request.

**Serocki:** yes, I agree. This is a temporary situation. I do worry about the concrete having any residual lead paint or chemicals. This would be going into the ground water. If EGLE is permitted this, it must be known to someone.

**Wahl:** we do not regulate soil testing. I would assume the owner would want to get soil tests and test the air in the standing building for asbestos.

**Dolton:** I understand why the previous zoning administrator came to her determination. Our zoning ordinance is basically silent on demolition. The word does not appear anywhere in the ordinance, so we need to use the part of the ordinance which talks about uses in agricultural districts. Concrete crushing as a use by right or use by special use permit would not be allowed. What was not considered perhaps was whether or not concrete crushing and demolition is customary with respect to a large demolition project of this nature. It appears this is up to the person having the property demolished. In this case, my understanding is this material is going to be used on site and no additional materials from an external source are going to be brought onto this site. I concur that this feels like an adjunct to the existing demolition project. All of the permits have now expired. New permitting from the county would now be required. If we decide to go ahead with this, we will require the town board to issue the appropriate land use permit for this purpose. All of the appropriate mitigations outlined by EGLE or other regulations must be followed. This board is not in a position to create a policy or ordinance guidelines unilaterally, so I am reluctant to go down that path.

**Wahl:** this is a unique situation and we have to look at these on a case-by-case basis and the zoning administrator is going to have to look at them on a case-by- case basis. This needs to be based on the

property, the use of the property, and buildings on the property.

**Dolton:** we do have a permissive zoning ordinance. If it is not delineated, it is not allowed. This is why there is an appeals process. It sounds like the board's preference is to affirm the zoning administrator's decision that this is not an allowed use per our ordinance in an agricultural district. The emails show it was authorized and this particular project was allowed to go through with appropriate conditions.

**Dloski:** I move to grant the appeal and be subject to the crushing being started and completed within 5 consecutive working days, they have to implement certain controls for the dust; the material must be used on site, cannot be removed, and cannot be sold.

**Wahl:** I think we need to approve some parts and deny others. We are accepting the zoning administrator's determination as to use. The work can commence incidental to the demolition permit and the unique circumstances of the property. The property owner needs to abide by the EGLE requirements.

**Dolton:** we are not affirming concrete crushing is part of demolition. This has been described in 2 fashions, one being more general than the other. I am going to read the request as stated in the agenda as words matter here.

Requesting an appeal to the zoning administrator's determination that concrete crushing is a heavy industrial use or activity and not allowed within the A-1 Agricultural District.

The staff report reads the determination that concrete crushing as part of a demolition of an existing building or structure is a heavy industrial use or activity and not allowed within the A-1 agricultural district. I would like to hear our attorney's opinion.

**Chris Patterson:** the application filed by the applicant is twofold as it is stated on the agenda. It is the planning director and zoning administrator's determination under the zoning ordinance that this use is not permitted; therefore, the demolition permit could not have included crushing or otherwise be permitted. The words I have heard here are words like "grant, affirm, or approve". The terminology I would use since you are looking at this in an appeals perspective is to affirm the planning director and zoning administrator's part and then reverse in part allowing the activity or use to proceed forward as approved under a proper permit. As you have already noted with respect to the expiration of the permits and then providing those conditions that are relevant. I think the two items you quoted and stated really say the same thing, which is the reading of the zoning administrator of the zoning ordinance prohibition of allowing this activity to be approved. An appeal was filed, and the appellant has argued various arguments asking this to reverse in full based upon reasoning and the end result. The information we provided in our supplemental information does not go to the analysis of the question. The information helps to tell this body the options you have, which is the use of the terminology such as affirming in full that would then be the status quo. The activity cannot be conducted under the permit that was issued and expired or they could not get a new permit or affirming the analysis as a land use as it is not permitted. You could be reversing to the extent you are approving the activity because of the unique circumstances and the items noted by one of your ZBA members. You have 2 other options. This would be to reverse with some type of additional conditions.

**Dolton:** Dloski has a standing motion, is there a second for Dloski's motion? Hearing none, that motion fails. One of the items we need to talk about are the appropriate conditions. We have nothing in our ordinance other than noise and perhaps pollution. We need EGLE standards to control issues like on-site dust activity, containment, contamination. I do not think it is our job to tell them what to do with the product once it is crushed. They are making a recommendation this will be used on site. I do not think

we can control other activities within an agricultural district, whether we can control the disposition of that property.

**Dloski:** what if they don't. What if they crush it and sell it?

**Cram:** if they crushed it and sold it, that would make it a commercial activity.

**Wahl:** it is not the owner of the property who is doing the crushing. It is a third party who would be bound by the EGLE permit.

**Dloski:** the company could say I am going to crush it and then buy it from you.

**Cram:** this is one of the arguments Mr. Luyt made against hauling it away. There would be noise and potential road damage from having these heavy trucks needed to haul this amount away.

**Wahl:** if we affirm the finding by the zoning administrator's determination as to the use of the property, it limits what their abilities are. We are not changing the use of the property and we are not saying it's permitted. We are saying it is incidental to a demolition temporary crushing permit.

**Dolton:** could we say something like a minimum of 75% of the crushed product needs to be used on site. This will give the applicant a little leeway if they find they cannot use 100% of the product.

**Wahl:** you have a home; you are destroying your home and you are selling things to clear out the home. This could be an estate sale, or you are selling lumber still intact or whatever it is. We cannot control this. Here we have a zoned property in an agricultural district. This was a demolition permit; incidental to the permit they are allowed to do this. This is a unique situation, and we are not setting a precedent here.

**Cram:** I recommend the order this process would follow is first Mr. Miller obtain the EGLE permit, then to Peninsula Township for a demolition permit and a land use permit and finally the Grand Traverse Construction code permit. The work should be done in the wetter seasons with snow or rain.

**Dolton:** we can give the applicant reasonable timeframes such as 6 months from the date of approval on the permitting. Hopefully, EGLE will not take too long to reissue their permit. A timeframe should be put into place for the work, say 7 days. What does the client think is a reasonable timeframe Mr. Luyt?

**Luyt:** the issuing time of the EGLE permit is out of our control and contractor availability is another issue out of our control as is the weather (goes to call Mr. Miller).

**Dolton:** what are the timeframes for permits?

**Cram:** a land use permit is good for 1 year and he could come in for an extension prior to the land use expiring.

**Dolton:** it seems reasonable to get this done within 6 months and they know they can come in and ask for an extension.

Mr. Miller calls in on the conference phone line.

**Cram:** the question is how long do you think it will take to get the EGLE permit and can you do the work in the wetter season?

**Miller:** EGLE said they could turn the permit around with the correct county on the permit. Our first application was an 8 month process where we had to ultimately hand deliver our permit to EGLE because they said they were only in the office every 2 weeks. When I spoke with them 2 weeks ago, they said it should not take long, but this is the state and things don't always go as planned.

**Cram:** and then Great Lakes Crushing, the company you have hired to do the work for you, do you have any idea of their availability?

**Miller:** we are a very small job, so if he runs into problems on other jobs, this might delay the work being done.

**Cram:** so, if this board allowed you to move forward with the temporary crushing of concrete associated with a demolition permit and they put a timeframe for this to be completed within 6 months and of

course you could come in and apply for an extension if something did not go right, do you think this gives you a good opportunity to complete this?

**Dolton:** do you have to delineate concrete crushing as an activity of demolition with the county or not.

**Miller:** I do not know how the county looks at a demolition permit.

**Cram:** so, the concrete you are crushing is surface concrete and not something from the demolished building?

**Miller:** the building removed was made of metal and the floor was concrete. There was no concrete in the building itself.

**Wahl:** I move to affirm the zoning administrator's decision, but due to the unique circumstances associated with the demolition permit to allow the concrete crushing to commence as to the building that has already been demolished in light of the applicant's obtaining an EGLE permit and a county permit, and appropriate land use permit as well as the work being completed within 6 months. The applicant does have the right to apply for an extension if necessary with a second by Dunn.

Roll call vote:

Yes-Dunn, Wahl, Serocki, Dloski, Dolton  
Request 912 is approved,

Approved Unanimously

## **2. Public Hearing for Request No. 913, Zoning = R-1C – Suburban Residential**

**Applicants:** Greg and Janet Heinlein, 886 Rosastone Trail, Houston, TX 77024

**Owners:** SGBR 2007 Management Trust, 886 Rosastone Trail, Houston, TX 77024

**Property Address:** 7470 East Shore Road, Traverse City, MI 49686

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 18 feet from the front property line/edge of right-of-way, where 25 feet is required.
3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 44 feet from the ordinary high water mark, where 60 feet is required.

**Parcel Code #** 28-11-030-023-00

Cram gave an overview of the request.

**Dloski:** what is the square footage of the house there now?

**Cram:** I do not know.

**Dloski:** what is the square footage of the proposed house?

**Cram:** I do not know.

**Dolton:** the applicant should know this. Are they going to be within the lot coverage?

**Cram:** yes.

**Dolton:** do we know what the additional space will be used for?

**Cram:** the proposed addition to the north is for storage space off of the garage to keep gardening equipment and the addition to the south would be an activity room and a bedroom. The master bedroom would be on the main level as the home is intended to allow the property owner to age in place.

**Wahl:** will they need a demolition permit?

**Cram:** yes, they will need to come in and apply for a partial demolition for the roof and the main level of the house and then a land use permit for the new construction.

**Wahl:** and is the setback certification part of this?

**Cram:** this would be part of the land use permit and that is to confirm the setback of the existing eaves.

**Dolton:** let's hear from the applicant.

**Greg Heinlein 7470 East Shore Road:** our home is non-conforming. The home was built in 1970, before the zoning ordinance was in place. The lot slopes toward the water. To summarize, we are not adding an additional floor, we are simply raising the walls and the roof line still within the maximum heights allowed. We are adding new construction with 2x6 walls as opposed to 2x4 walls to have better insulation value. We are asking for a variance under 7.5.6 to replace a non-conforming structure on an existing foundation, to raise the walls and roof. We have filled out the application with what we believe to be solid information with good, descriptive answers and hope it speaks for itself. We have offered less non-conformity for the ordinance by taking 2 feet off of the garage from the water edge and staying within the front setbacks. The net is 9 inches off the garage and if any of you appreciate your garage as many people do losing 9 inches is precious real estate. We prepared the certification of the architect tonight as requested by Cram to have the reduction of the eaves. When you are raising the slope of the roof, you end up with smaller eaves so we are going from 24 to 18 inches. This concludes our remarks and I will take any questions you might have.

**Dolton:** any questions for the applicant?

**Wahl:** I have a question for Jenn (Cram). Would he not need variances if this was a legal, conforming lot.

**Cram:** correct. We are here because they are replacing a non-conforming structure and the replacement still does not meet the setbacks.

**Dolton:** Is there anyone who is in favor of this request? Seeing none is there anyone who wishes to speak in opposition to the request. Hearing none, I now close the public portion of the meeting and bring it back to the board for discussion. There are additional conditions when the structure is going to be replaced under 7.5.6 and then all 6 conditions must be met. I would like to ask counsel if variance request 1 is approved, could we take the requests 2 and 3, which are dimensional requests at the same time?

**Patterson:** are you asking if you have to go through the conditions for each of the 3 requests? As there are overlapping factors in all 3 requests, I have no problem with combining those.

**Cram:** if we run through the standard for 7.5.6, I have no problem combining all 3 requests under the 6 basic conditions:

**Dloski:** is the reason for this variance the expansion of the footprint of this home?

**Cram:** the reason for the variance is because section 7.5.6 says the township zoning board of appeals may grant a variance for moving or replacing a residential structure on a legal, non-conforming lot so the continued intensity of residential use is substantially the same as in the pre-existing structure provided all the conditions are met. They are removing an existing structure and the replacement structure still does not meet the required setbacks.

**Dloski:** can the structure be re-constructed meeting all of the zoning ordinance requirements?

**Cram:** if you look at what the constraints are, they would be limited to a building that is this narrow because here's the 60 foot setback and this is the existing structure (referring to site diagram) that is non-conforming and here is the front yard setback. So, this would create a funky, little triangle in order to meet all of the required setbacks. They are proposing to reuse the existing foundation and just replace the main level, which would be an improvement.

**Wahl:** it is my understanding they are just tearing down walls and putting them back up.



**Dloski:** they are expanding by putting in a structure off the garage.

**Cram:** the additions do not require a variance because they meet the setbacks.

Dolton would entertain a motion to go through the requirements for Section 7.5.6.

**Dunn moved to consider a request to replace an existing two (2) story non-conforming structure per Section 7.5.6 with a second by Wahl.**

Roll call vote:

Yes: Serocki, Dunn, Wahl, Dloski, Dolton

**Passed Unanimously**

**Dolton:** Section 7.5.6 concerns the moving or replacing of a non-conforming structure.

Item 1 requires "the moved or replaced structure must be less non-conforming than the previous structure". Any discussion that the eaves on one side will be reduced by 6 inches and the garage will be moved by 2 feet.

**Wahl:** yes, they are making it more conforming.

**Wahl, Dloski, Serocki, Dolton, Dunn verbally approve this condition has been met.**

**Dolton:** Item 2 requires "there is increased safety to the residents of the structure and to the traveling public on the road providing access to the parcel". I am not sure this is even applicable in this case.

**Wahl:** I agree they are replacing this with a more conforming structure.

**Dolton:** I will entertain a motion that this condition is non-applicable.

**Dunn moved this condition is not applicable with a second by Serocki.**

Roll call vote:

Yes: Wahl, Serocki, Dolton, Dunn, Dloski

**Passed Unanimously**

**Dolton:** Item 3 requires "safety and substantial justice is achieved".

**Wahl:** safety is not really applicable here because the proposed location of the replacement is the same as the existing structure with the exception of reduction of the eaves

**Dolton:** asks Cram about the element of safety:

**Cram:** it is not in the road right-of-way and it is staying in its existing location. Substantial justice is served by allowing them to replace the structure using the existing foundation making it less non-conforming by reducing the eaves.

**Dolton:** I will entertain a motion that item 3 is achieved.

**Dunn makes a motion that safety and substantial justice is achieved with a second by Wahl.**

**Dolton:** please justify the reason for your vote.

**Wahl:** yes, for the reasons stated in the staff report.

**Serocki:** yes, for reasons in the staff report.

**Dunn:** yes, for the same reasons.

**Dolton:** the comments in the staff report are germane here.

**Dloski:** yes, for the reasons previously stated.

**Dolton:** the house does not encroach into the ordinary high water line any further. The

ordinance reads:

If the variance allows the structure to encroach into the setback from the Ordinary High Water Line, conditions of approval shall include:

- (a) provisions for stabilization of the shoreline so that the structure is not likely to be damaged by high water or wave action;
- (b) there is no additional detriment to adjacent properties;
- (c) shoreline vegetation is existing or established consistent with the intent of Section 7.4.4 Removal of Shore Cover ; and
- (d) sea walls will not be allowed unless it is determined that there is no feasible alternative

**Cram:** if you look at the staff comments based upon what they are proposing, they are using the existing foundation and not getting any closer to the ordinary high water line. There is no need for stabilization of the shoreline, they are not going to be removing any existing vegetation, and there are no sea walls proposed. Even though the existing structure and the proposed structure do not meet the setback from the ordinary high water mark, this standard is not applicable based on the reconstruction.

**Dunn made a motion this standard has been met with a second by Wahl.**

**Dolton:** yes, for reasons Cram just stated.

**Dunn:** yes, for reasons stated.

**Serocki:** yes, for items stated in the staff report.

**Wahl:** yes, for reasons already stated.

**Dloski:** for reasons stated.

**Passed Unanimously**

**Dolton:** we will now be evaluating all 3 variances requests under 5.7.3

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 18 feet from the front property line/edge of right-of-way, where 25 feet is required.
3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new two (2) story single-family residence with attached garage 44 feet from the ordinary high water mark, where 60 feet is required.

**Section 5.7.3 (1) BASIC CONDITIONS:** The applicant must meet ALL of the following Basic Conditions.

(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.

Dloski: yes, for the reasons stated during this hearing.

Dolton: yes, they are working off the existing foundation and this is a unique circumstance and not due to the applicant's activities.

Dunn: yes, for reasons previously stated.

Serocki: yes, the lot is shallow.

Wahl: yes, for reasons previously stated and the staff report.

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

Dolton: yes, this property was built before the zoning ordinance was in place and the circumstances were not created by the owner or previous owners.

Dloski: yes, for the same reasons.

Serocki: yes, for the same reasons.

Dunn: yes, for reasons already stated.

Wahl: yes, for the same reason.

(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.

Dunn: yes, for reasons previously stated.

Serocki: yes, the staff comments explain this well.

Wahl: yes, based on the staff comments and this is a unique piece of property and I do want to emphasize under this plan, they are not increasing the non-conformity and are actually decreasing non-conformity.

Dloski: yes.

Dolton: yes, while it would be theoretically possible to build and meet all of the requirements, it would be unnecessarily burdensome.

(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.

Dunn: yes, for reasons previously stated.

Serocki: yes, staff comments cover it well.

Dloski: yes, for reasons previously stated.

Dolton: yes, for reasons previously stated.

Wahl: yes, for reasons previously stated.

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

Dolton: yes, I think this may enhance the neighborhood

Dloski: yes.

Wahl: yes, I agree with Dolton's comments.

Serocki: yes, I also agree with Dolton's comments as well.

Dunn: yes, I agree with Dolton as well.

(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.

Dolton: yes, there is no change in use by right. It is zoned residential and remains residential.

Wahl: yes, the condition has been met.

Serocki: yes, I agree staff comments covered this well.

Dunn: yes, condition has been met by what has already been stated.

Dloski: yes, there is no change in right.

**Cram:** there were unanimous yes votes on the special conditions for moving or replacing a non-conforming structure (7.5.6) with the other 2 variance requests meet the additional 6 Basic Conditions.

Dolton: all three variances have been approved. Request 913 is approved.

**8. Approval of Minutes from the December 19, 2023, Meeting: Dunn moved to approve the minutes with a second by Serocki.**

**Approved by**

**Consensus**

**9. Citizen Comments none**

**10. Board Comments**

**Dloski:** do we need to have legal counsel at every ZBA meeting? We are spending so much money on legal fees.

**Wahl:** we needed them here tonight as the first case was a tricky one.

**Cram:** it is my experience, especially for the ZBA, that legal counsel is always present to answer questions. I understand fiduciary responsibility, but I think it is necessary to have legal counsel here based on the responsibility this board has for reviewing variances and appeals.

**Dloski:** since I have been on this board, this is a new policy because we did not have lawyers at every meeting and we seemed to function pretty well. We have got to do something to control these legal costs.

**Wahl:** the first case was an appeal case, which I have never done before on this board. It was helpful. There are 3 attorneys on this board.

**Dunn:** I was on another ZBA board for 12 years and we had lawyers there probably 4 times.

**Dloski:** I would be comfortable with Dolton talking to the planner regarding requests and determine if they think legal counsel needs to be present or just provide them with information before the meeting and not necessarily attend each meeting.

**Dolton:** I would be comfortable with that, and I would also be comfortable deferring to Jenn's (Cram) opinion on a case-by-case variance request.

**Dloski:** I disagree we need legal at every meeting.

**Dolton:** I am willing to talk with Cram regarding each case and see if we think legal counsel needs to be present. We can see how that works going forward.

**11. Adjournment** Dloski moved to adjourn with a second by Dunn. Approved by Consensus

Adjourned at 8:58 p.m.