

# 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

March 21, 2023

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. 909, Zoning = R-1B – Coastal Zone**

Applicant: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

Owner: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

Property Address: 12051 Bluff Road, Traverse City, MI 49686

Requesting a variance from Section 6.8 – Schedule of Regulations to exceed the maximum fifteen (15) percent lot coverage up to twenty-one (21) percent in order to add an approximately 15 ft. by 13 ft. one story addition for a laundry and mud room, an approximately 16 ft. by 13 ft. one story addition for a closet and bathroom, and an approximately 8 ft. by 9 ft. covered entryway to the existing residential structure and remove a non-conforming deck.

Parcel Code # 28-11-445-004-00

8. **Approval of Minutes from the November 15, 2022 Regular Meeting**
9. Citizen Comments
10. Board Comments
11. Adjournment

Peninsula Township Planning & Zoning Department

**EXHIBIT LIST**  
**ZBA Request # 909**

Owner: Anita Burke

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Physical Address of Subject Property: 12051 Bluff Road, Traverse City, MI 49686

Hearing date: March 21, 2023

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**EXHIBIT LIST**

1. Application for variance request from the applicant
2. Conceptual construction plans and survey
3. Staff report from Peninsula Township Director of Zoning
4. Zoning Board of Appeals Variance from July 28, 1999
5. Public Notice for properties within 300 feet of subject site
6. Public Notice – Record Eagle
7. Certificate of Notification
8. Correspondence

EXHIBIT

NO. 1

# 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 Anita M. Burke  
Address Line 1 12051 Bluff Road Traverse City MI 49686  
Address Line 2 \_\_\_\_\_  
Phone (248) 404 8016 Cell Same as Phone  
E-mail burkeanitam@gmail.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 11-445-004-00 Zoning R-1B  
Address Line 1 12051 Bluff Road Traverse City MI 49686  
Address Line 2 \_\_\_\_\_

### Type of Request

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

<input 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 checked="" type="checkbox"/> Lot Coverage	<input type="checkbox"/> Off-Street Parking
<input type="checkbox"/> Signage	<input type="checkbox"/> Height/Width	<input checked="" type="checkbox"/> Non-Conformity Expansion
<input type="checkbox"/> Other: Please Describe: _____		

### Attachments

- ☒ \$1,000.00 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:

Topography of the site limits buildable envelope due to the bluff located rear of house. In addition, the township's clarified lot coverage is calculated only on property owned west side of road R.O.W. (12,184 sqft lot size), and it does not allow for inclusion of property owned east side of R.O.W. (2,045 sqft lot size).

**Lot:** The parcel of land having frontage along a street or right-of-way on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two (2) or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance. Unless otherwise provided in this Ordinance; public and private streets and road rights-of-way, and easements for ingress and egress shall divide lots (including parcels and sites) for purposes of this Ordinance. (REVISED BY AMENDMENT 158)

Existing house, garages and decks total 2,339 sqft and present current non-conformity of 21% lot coverage, versus the allowed lot coverage of 15 %, 1,828 sq.ft. To help with non-conforming lot coverage the owner proposes to remove the existing non-conforming deck structure at the house to keep lot coverage at a zero gain in fact there is a 4 sq. ft. reduction in lot coverage.

- 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 existing house was built in 1984. The prior owner added a 3<sup>rd</sup> car garage at rear of house and added a deck outside the setbacks on the front of house contributing to the existing non-conformity of lot coverage currently 21% vs the 15% that is allowed. The current owner/variance applicant purchased house in 2012.

With this proposal all setback requirements will be met and the total square footage of non-conformity will be reduced from 2,531 sq.ft. to 2,527 sq.ft- this is a reduction of 4 sq.ft. and maintains the 21% lot coverage that is existing. The existing deck encroaches into the road side setback; this deck structure will be removed and replaced with a patio on grade, as allowed by zoning ordinances. Patio on grade is not required inclusion in lot coverage allocation. The house addition will be on the bluff side of the house within setback areas and creating no more additional coverage than exists today.

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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: \_\_\_\_\_

This variance request is to add an addition to the back of the house for a bathroom connected to the first floor main bedroom. The house is planned to be the owner's retirement home with intention to "age in place". The current and only first floor bathroom location is not accessible and is extremely limited with compromised mobility. This was verified by current owner's injury experience (fracture vertebrae February 2021). With this proposal: removal of existing non-conforming deck to offset the lot coverage all setback requirements will be met and the total square footage of non-conforming lot coverage will be reduced from 2,531 sq.ft. to 2,527 sq.ft- this is a reduction of 4 sq.ft. and maintains the 21% lot coverage that is existing

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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: \_\_\_\_\_

This variance will provide both justice to the owner as well as other property owners. The variance will reduce lot coverage area from existing conditions and maintain existing lot coverage percentage of 21%. Also, with the approval of this variance, the owner will be amending the current setback non-conformity of the deck and allow them to continue to utilize their property as planned for in their future life stages.

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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: With the granting of this variance for an addition to the back of the house, the owner can continue to present an aesthetically pleasing and seamlessly integrated design that is viewed by neighbors and public along Bluff Road. The removed deck area will be replaced with an on grade patio as allowed, and additional natural landscape, making it significantly more discrete and attractive to the surrounding properties. The proposal will improve current lot coverage area by removing the existing front deck and offset the addition of house square footage at the back of the house, out of sight.

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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: *This condition will be met for the request. This property will remain a single family residence.*

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ZBA Application: Existing Conditions  
Anita Burke  
12051 Bluff Road  
Parcel ID 11.445.004.00

12/19/2022



View from street



Standing on North side looking southwest (up bluff) where addition is proposed.

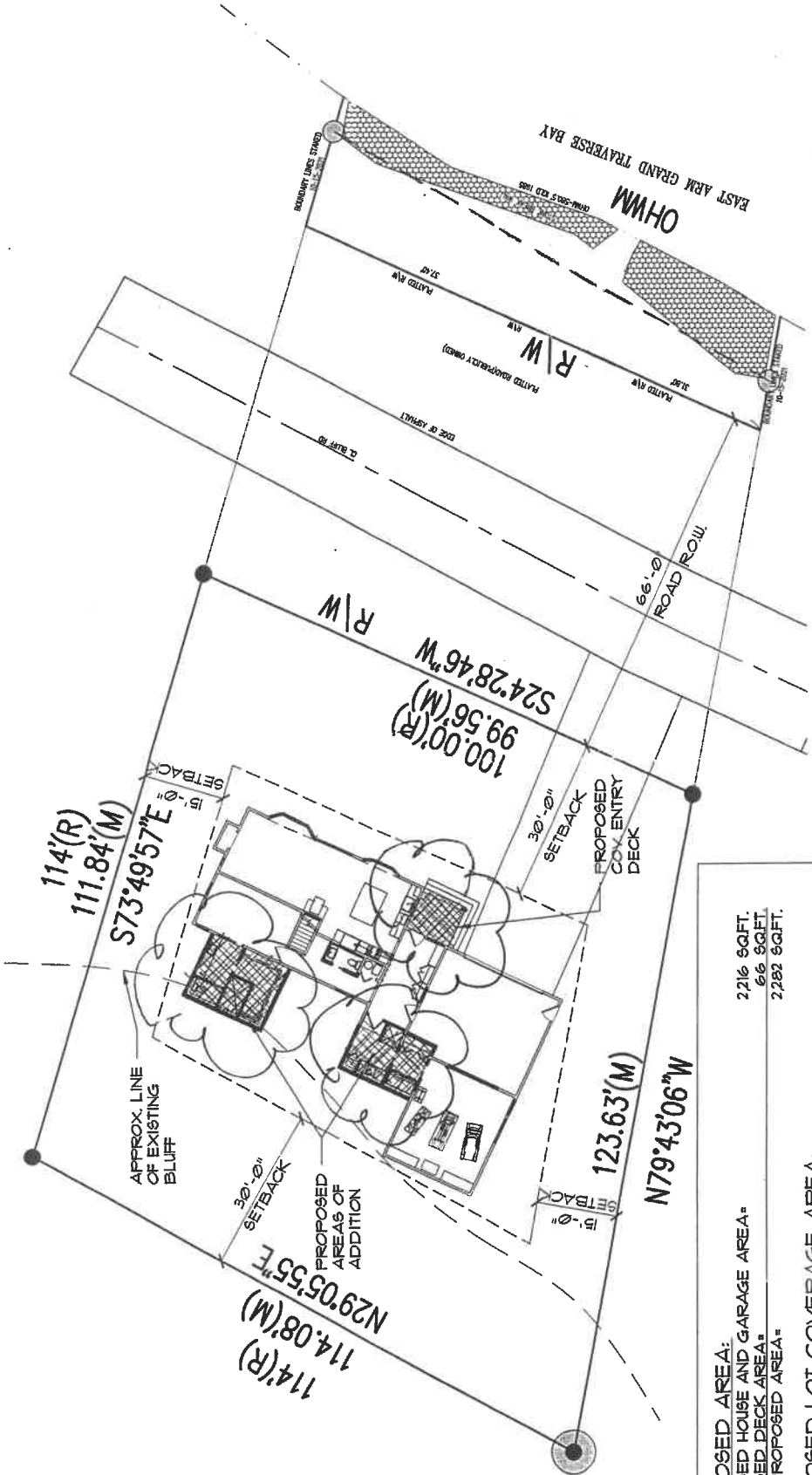




View behind house with bluff (standing on north property line)

EXHIBIT

NO. 2

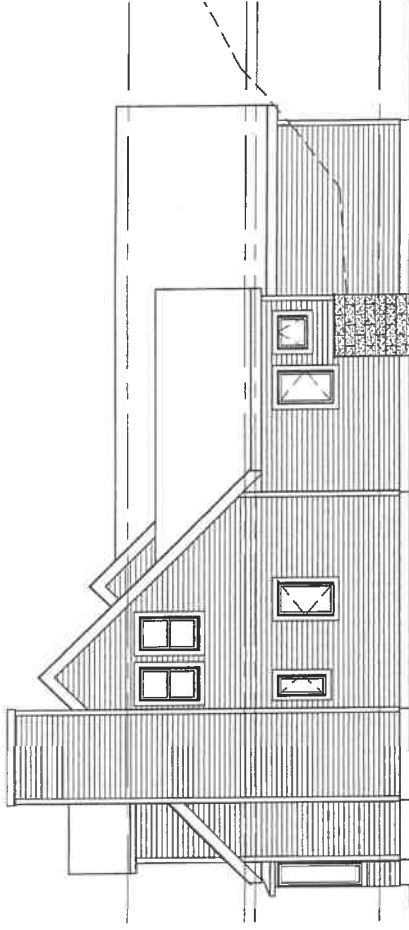


<b>PROPOSED AREA:</b>	
PROPOSED HOUSE AND GARAGE AREA=	2216 SQFT.
PROPOSED DECK AREA=	66 SQFT.
TOTAL PROPOSED AREA=	2282 SQFT.
<b>PROPOSED LOT COVERAGE AREA:</b>	
PROPOSED HOUSE AND GARAGE COVERAGE AREA (W/ OH)=	2,446 SQFT.
PROPOSED DECK AREA COVERAGE (EXCLUDING HOUSE OH)=	81 SQFT.
TOTAL PROPOSED LOT COVERAGE AREA=	2,527 SQFT.
<b>LOT COVERAGE CALCULATIONS:</b>	
LOT AREA WEST SIDE OF ROAD ROW=	12,184 SQFT.
ALLOWED COVERAGE: 15% x 12,184=	1,828 SQFT.
PROPOSED COVERAGE %: 2,527 / 12,184 =	21% COVERAGE

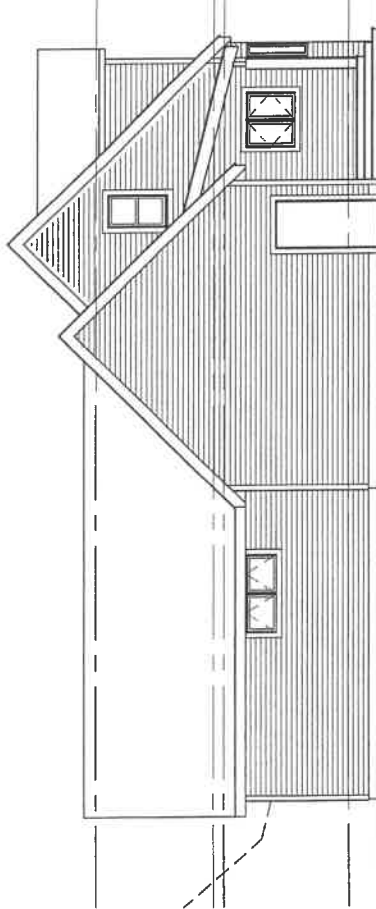


SCALE: 1"=20'  
12/19/2022

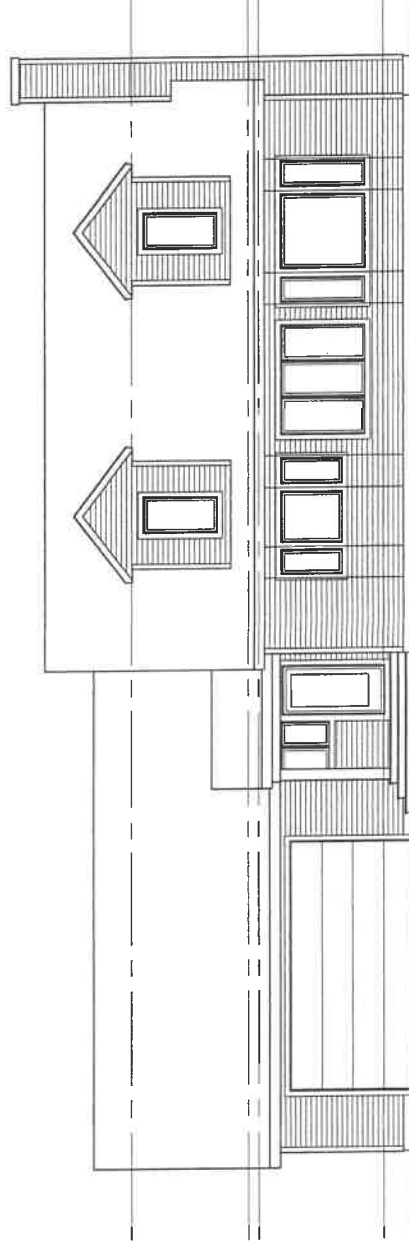
# BURKE COTTAGE- PROPOSED SITE PLAN SARAH BOURGEOIS ARCHITECTS



NORTH ELEVATION



SOUTH ELEVATION



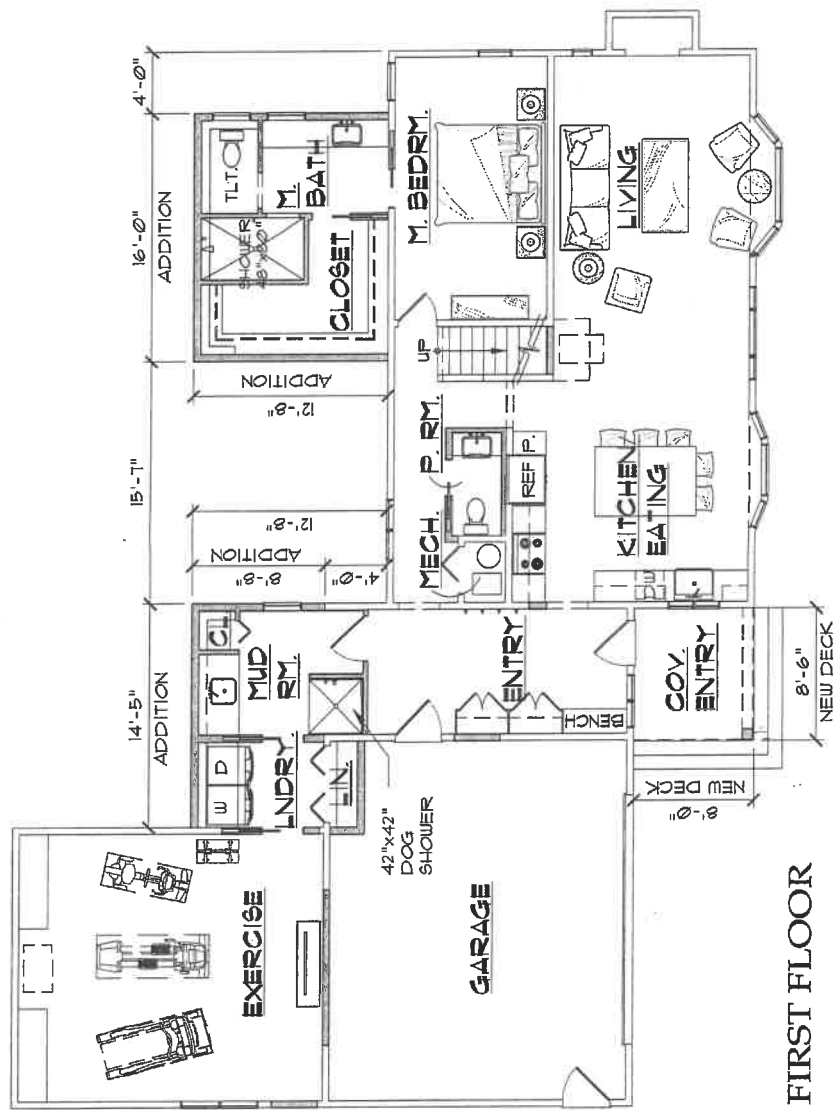
EAST ELEVATION

BURKE COTTAGE- PROPOSED ELEVATIONS

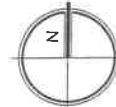
SARAH BOURGEOIS ARCHITECTS

SCALE: 1/8"=1'-0"

12/19/2022



FIRST FLOOR

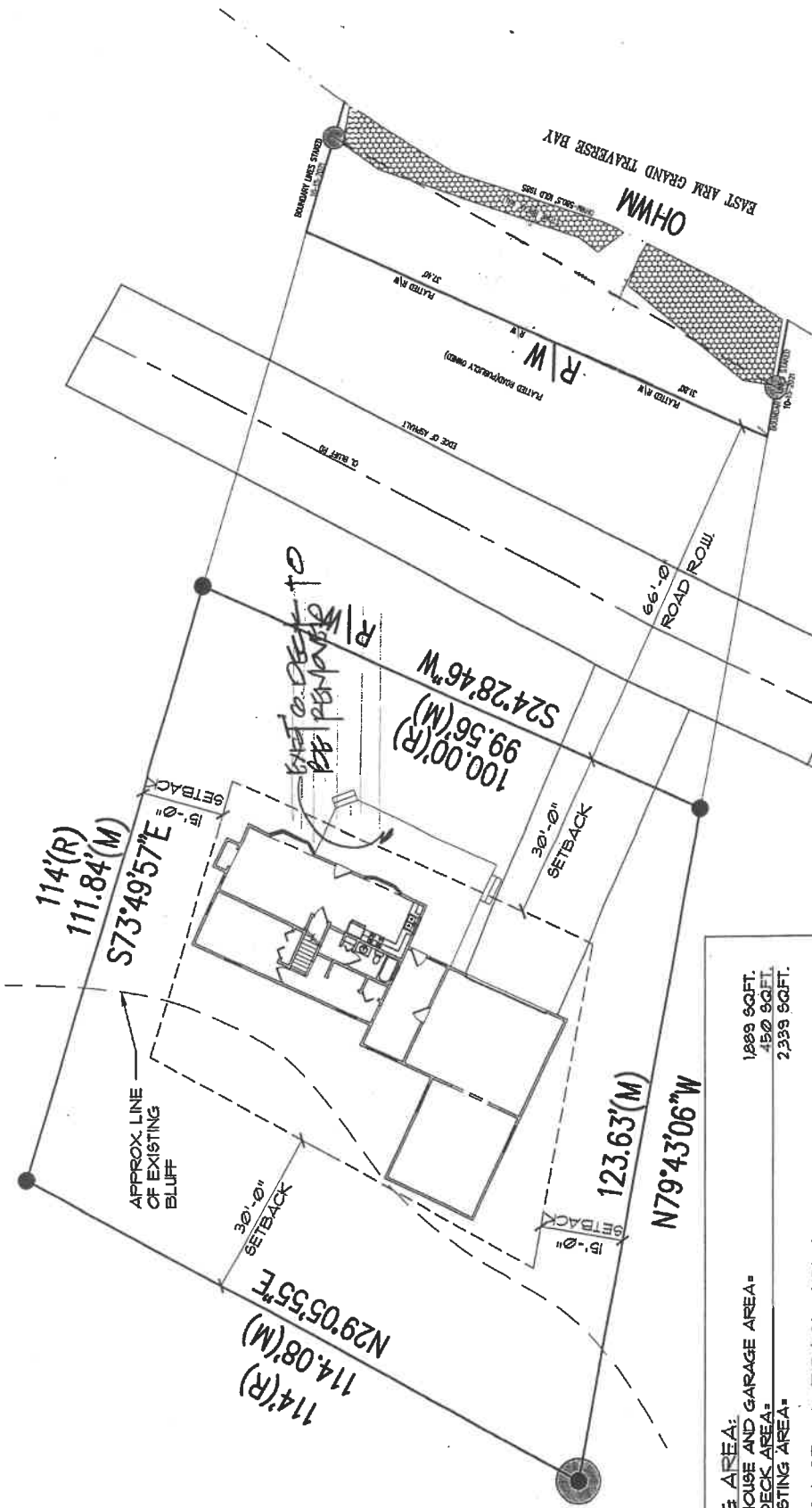


SCALE: 1/8"=1'-0"

12/19/2022

BURKE COTTAGE- *proposed new plan*

SARAH BOURGEOIS ARCHITECTS

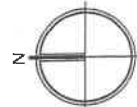


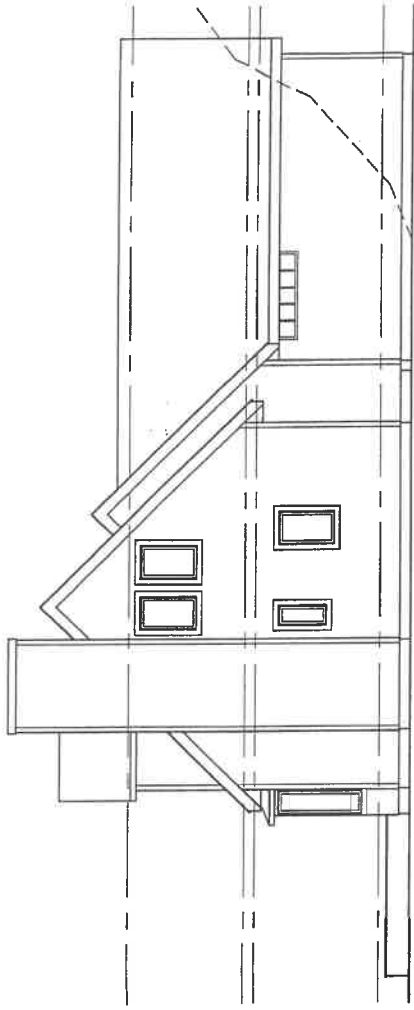
<b>EXISTING AREA:</b>	
EXISTING HOUSE AND GARAGE AREA=	1,839 SQFT.
EXISTING DECK AREA=	450 SQFT.
TOTAL EXISTING AREA=	2,289 SQFT.
<b>EXISTING LOT COVERAGE AREA:</b>	
EXISTING HOUSE AND GARAGE COVERAGE AREA (WITH OH)=	2,120 SQFT.
EXISTING DECK AREA COVERAGE (EXCLUDING HOUSE OH)=	411 SQFT.
TOTAL EXISTING LOT COVERAGE AREA=	2,531 SQFT.
<b>LOT COVERAGE CALCULATIONS:</b>	
LOT AREA WEST SIDE OF ROAD ROW=	12,184 SQFT.
ALLOWED COVERAGE: 15% x 12,184 SQFT.=	1,828 SQFT.
EXISTING COVERAGE %= 2,531 SQFT / 12,184 SQFT.=	21% COVERAGE

# BURKE COTTAGE- EXISTING SITE PLAN SARAH BOURGEOIS ARCHITECTS

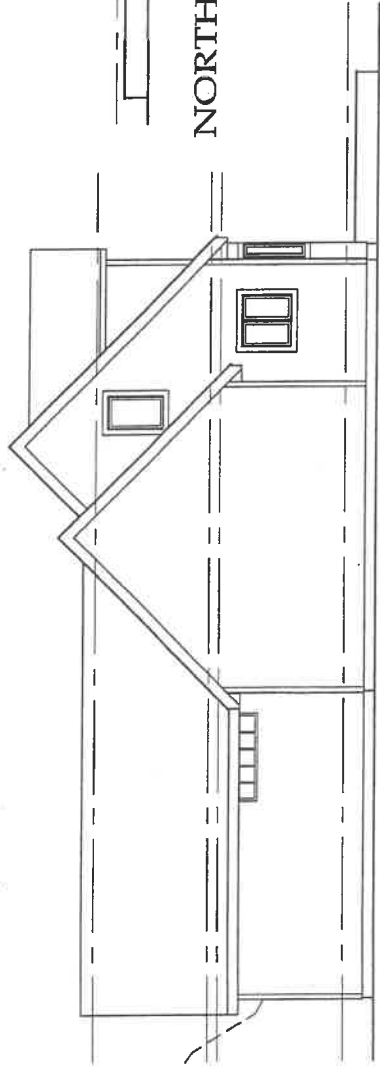
SCALE: 1"=20'

12/19/2022

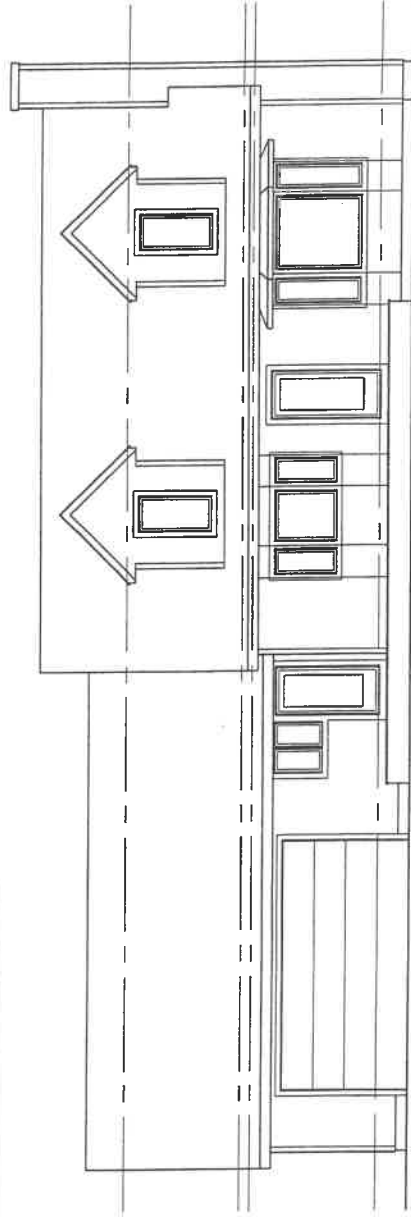




NORTH ELEVATION



SOUTH ELEVATION



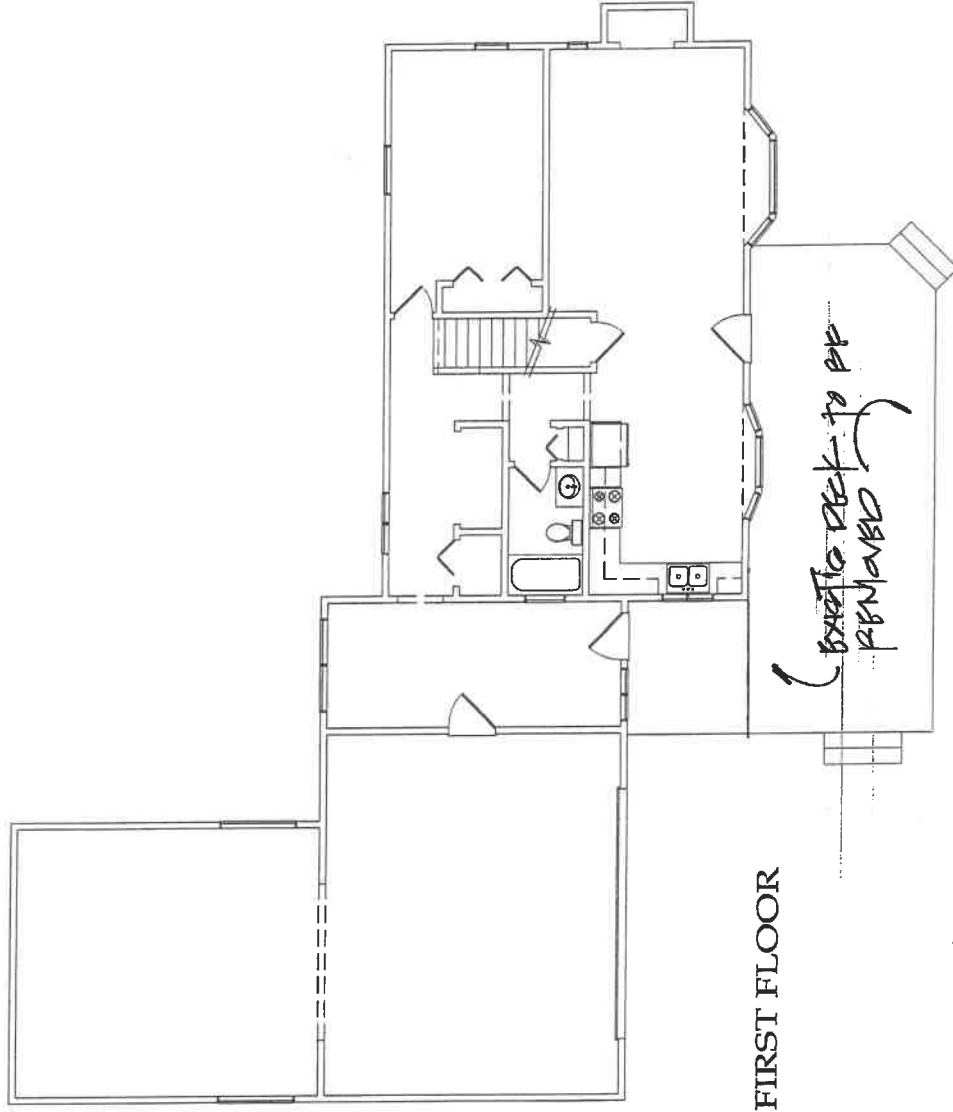
EAST ELEVATION

BURKE COTTAGE- EXISTING ELEVATIONS W/ DECK

SARAH BOURGEOIS ARCHITECTS

SCALE: 1/8"=1'-0"

12/19/2022

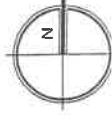


FIRST FLOOR

BURKE COTTAGE- EXISTING FLOOR PLAN  
SARAH BOURGEOIS ARCHITECTS

SCALE: 1/8"=1'-0"

12/19/22





EXHIBIT

NO. 3

Peninsula Township Planning & Zoning Department

**STAFF REPORT**

ZBA Request # 909

Physical Address of Subject Property: 12051 Bluff Road, Traverse City, MI 49686

Date: March 14, 2023 for the March 21, 2023 Meeting

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

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

**RE:** Request # 909

**Zoning District:** R-1B Coastal Zone – Single and Two-Family Residential

**Hearing Date:** March 21, 2023 – 7:00 p.m.

**Applicant:** Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

**Owner:** Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

**Site:** 12051 Bluff Road, Traverse City, MI 49686

**Tax ID:** 28-11-445-004-00

**Information:**

- The west side of parcel 28-11-445-004-00 is approximately .279 acres in size or 12,184 square feet. (Excluding waterside of the property east of the right-of-way).
- The property is zoned R-1B - Coastal Zone – Single and Two-Family Residential; and the surrounding area is also zoned R-1B - Coastal Zone – Single and Two-Family Residential.
- The lot was platted in 1946 prior to the adoption of the Peninsula Township Zoning Ordinance, and is considered legal and conforming.
- The parcel is improved with a residential structure and attached garage.
- The original residential structure was constructed in 1984.
- The residential structure conforms to the setback requirements within this zoning district.
- The Zoning Board of Appeals granted a variance on August 12, 1999 allowing an increase from the maximum 15% percent lot coverage up to 18.6% in order to construct a 380 square foot (including eaves) garage addition to the existing residential structure.
- The 18.6% lot coverage was calculated based on a parcel size west of the right-of-way at 12,412 square feet. The current application shows the parcel size west of the right-of-way at 12,184 square feet.
- Sometime after August 18, 1999 an existing 217 square foot deck was expanded to 450 square feet without a land use permit.
- The current calculations for percentage of lot coverage includes the existing residence, attached garage, garage addition, existing deck and proposed additions.

**Action Requested:**

Requesting a variance from Section 6.8 – Schedule of Regulations to exceed the maximum fifteen (15) percent lot coverage up to twenty-one (21) percent in order to add an approximately

15 ft. by 13 ft. one story addition for a laundry room, an approximately 16 ft. by 13 ft. one story addition for a closet and bathroom, and an approximately 8 ft. by 9 ft. covered entryway to the existing residential structure and remove a non-conforming deck.

Parcel Code # 28-11-445-004-00

**Applicant**

**Statement:** Please see the enclosed application submitted by the property owner included as Exhibit Number 1.

**Staff Comments:**

**TABLE OUTLINES VARIANCE REQUEST FOR NEW ADDITION TO RESIDENTIAL STRUCTUE:**

**Background:**

The required setbacks in the R-1B zoned districts:

R-1B Standards (Section 6.8)	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	No	Yes
Minimum South side yard setback	15'	No	Yes
Minimum North side yard setback	15'	No	Yes
Minimum Rear setback	30'	No	Yes
Minimum OHWM	60'	NA	NA
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	Yes – ZBA Variance allowed this to be increased from 15% to 18.6% in 1999. (Current request is to increase this to 21%)	No- Variance allowed increase in 1999 from 15% to 18.6%, 21% existing - New request to maintain 21% increases non- conformity
Current Building(s) on Lot	1 single-family residence with attached garage and non- conforming deck	No – No Variance or Land Use Permit for non-conforming deck	No

**Article III**  
**Definitions:**

**SECTION 3.2 Definitions:** For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

**Structure:** A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction. Including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes, fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape

mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. **(REVISED BY AMENDMENT 152)**

**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, Coastal Zone:	Minimum lot 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 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.
- (b) That the need for the variance is not the result of actions of the property (self-created) or previous property owners.
- (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.)
- (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.
- (e) That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property 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 of r which a conditional use or temporary use permit is required.

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.

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirements 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: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 909**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: March 21, 2023

Applicant: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322  
Owner: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322  
Address: 12051 Bluff Rd., Traverse City, MI 49686

Parcel Code: #28-11-445-004-00

**Request:**

Requesting a variance from Section 6.8 – Schedule of Regulations to exceed the maximum fifteen (15) percent lot coverage up to twenty-one (21) percent in order to add an approximately 15 ft. by 13 ft. one story addition for a laundry room, an approximately 16 ft. by 13 ft. one story addition for a closet and bathroom, and an approximately 8 ft. by 9 ft. covered entryway to the existing residential structure and remove a non-conforming deck.

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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EXHIBIT

NO. 4



REQUEST FOR VARIANCE No. 487

PENINSULA TOWNSHIP  
Board of Zoning Appeals  
13235 Center Rd.  
Traverse City, MI 49686

Parcel Code #28-11-445-004-00  
Zoning R-1B  
From A. E. Schweitzer  
Address 12051 N. Bluff Road  
Phone -

Hearing Date 8/2/99 Date 7/28/99 Zoned R-1B  
Site Visit 3:30 pm Hearing Date

ZONING ORDINANCE REFERENCE OR ZONING ADMINISTRATOR'S DECISION

Section 6.8 requires a maximum of 15 percent lot coverage in the R-1B Residential Zone.

Basis for Variance Request

See attached letter dated July 25, 1999.

Specific Request (Office Use Only)

Request a variance to increase the percent of lot coverage from 15% to 18.6% lot coverage including roof overhang *for a garage addition to the house, and not encroach more than 3' into the rear yard setback.*

APPEAL BOARD ACTION

<u>Beckett</u>	<u>yes</u>
<u>Cronmder</u>	<u>yes</u>
<u>Ronlett</u>	<u>yes</u>
<u>Gray</u>	<u>yes</u>
<u>Rosch</u>	<u>yes</u>

Non-refundable Fee: Regular \$70.00 Special \$600.00

A. E. Schweitzer  
Applicant's Signature

Check No. 4860 July 26, 1999  
Date

IF YOU DO NOT INDICATE OTHERWISE, THE REQUESTED ITEM WILL BE TABLED UNLESS YOU ARE PRESENT OR REPRESENTED.

*12051 North Bluff Road, Traverse City, Michigan 49686*

July 25, 1999

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

To the Zoning Board of Appeals:

This letter is a request for permission for a variance which would permit the construction of an addition to our existing garage located at 12051 North Bluff Road. The proposed addition, adding 380<sup>\*</sup> square feet to our existing structure, would put us slightly over the 15% lot use limitation. Our lot is zoned R1B with 12,412 square feet, as opposed to the 25,000 square foot present minimum allowed. The new area would provide additional storage space and a hobby/workroom area. Our house has no basement and very limited interior storage space. There are no additional outside storage buildings or other structures on the lot, and I am presently storing a small boat and other garden-related items outside in the rear of the house.

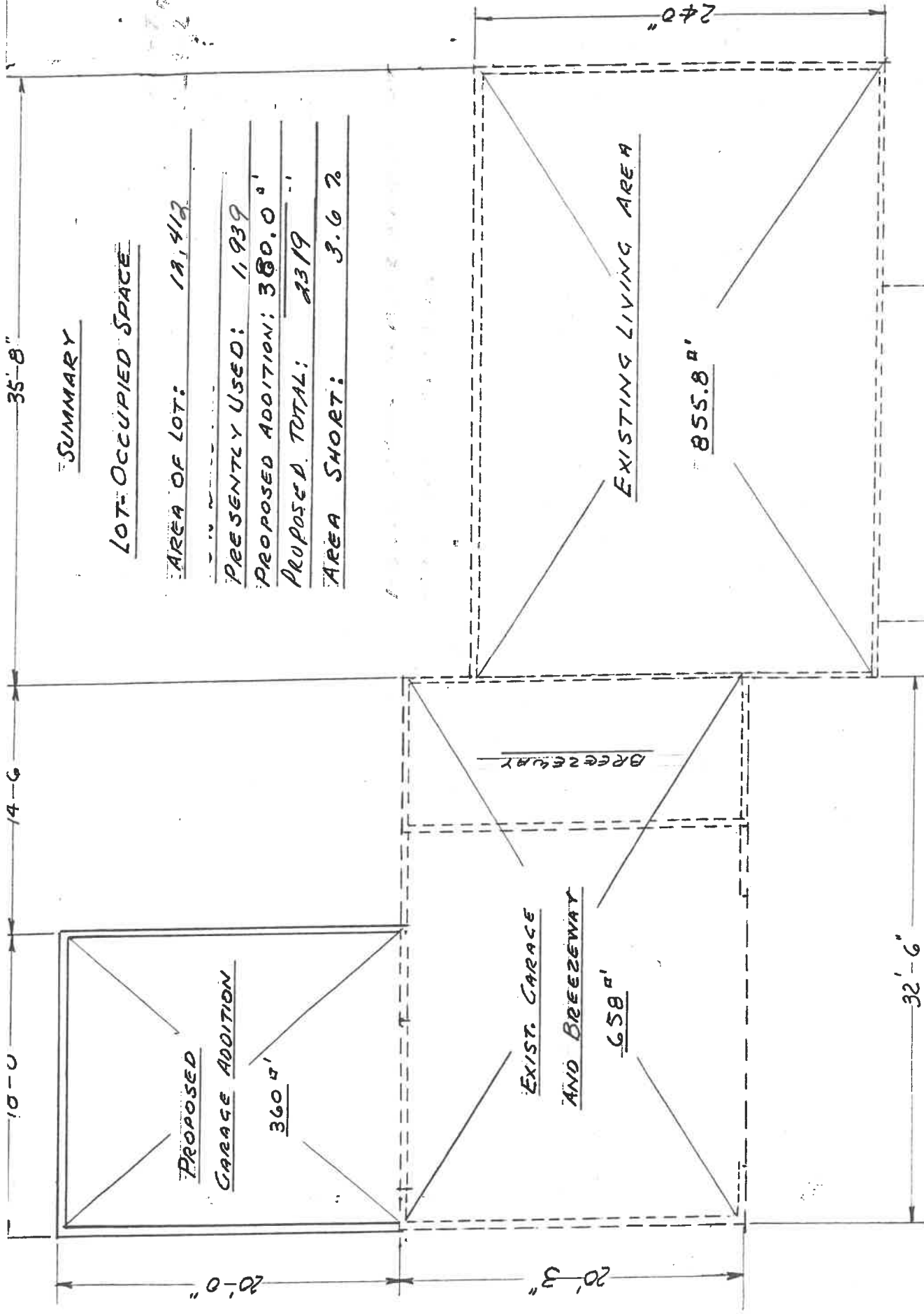
The proposed addition will not be visible from the front (road side) of the house and will not encroach on the 15' setback requirements in any direction. There will be minimal excavation of the bluff in the rear of our lot. No additional paving will be required, as access to the addition will be through the present garage, with no additional outside doors required. The roof will be a gable type with the same pitch and overhang features as the existing building. The walls and roof will be the same materials and colors as the existing. The entire design is intended to match and enhance the existing building and blend in well. I have received and read a copy of the "Basic and Special Conditions" from your office and believe we are in compliance as required.

I appreciate your consideration and thank you for your review.

Sincerely,

*A. E. Schweitzer*  
A. E. Schweitzer

*\* includes roof overhang.*



SUMMARY

LOT OCCUPIED SPACE

AREA OF LOT:	12,412
PRESENTLY USED:	1,939
PROPOSED ADDITION:	360.0 sq'
PROPOSED TOTAL:	2319
AREA SHORT:	3.6 %

BUILDING SPACE SUMMARY  $\frac{1}{8}'' = 1'-0''$

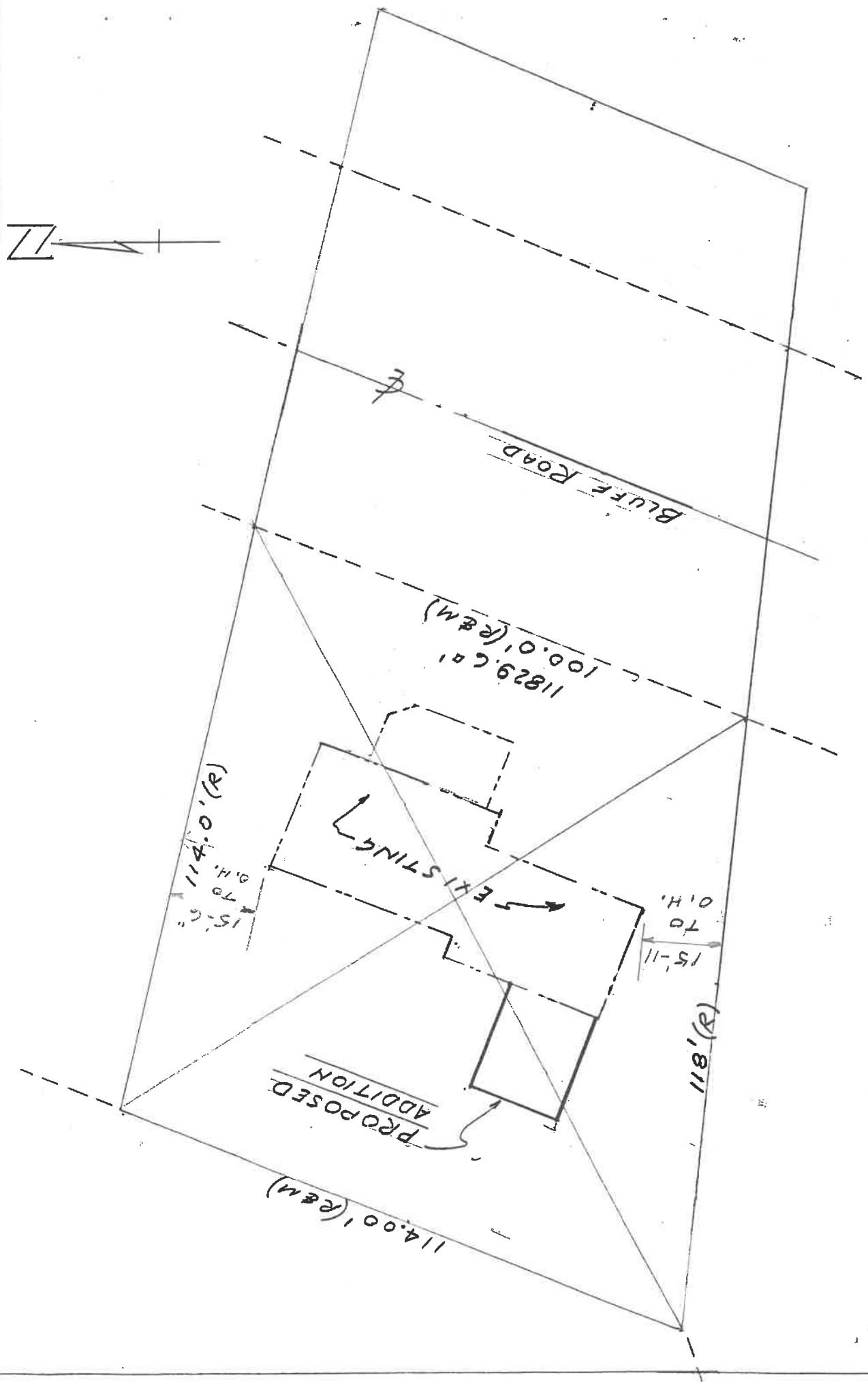
12051 BLUFF ROAD  
PENINSULA TWP.

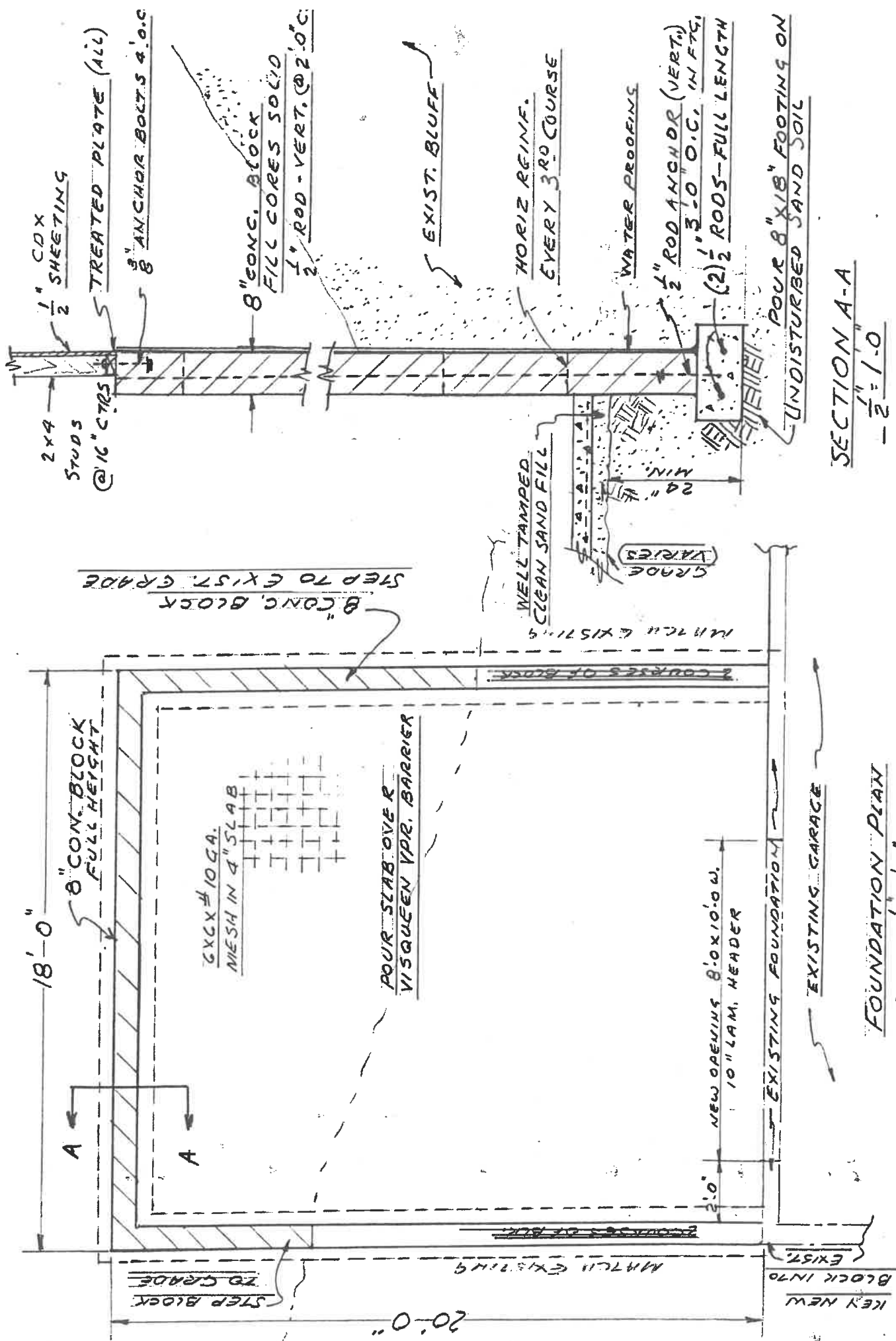
7-12-99  
AES

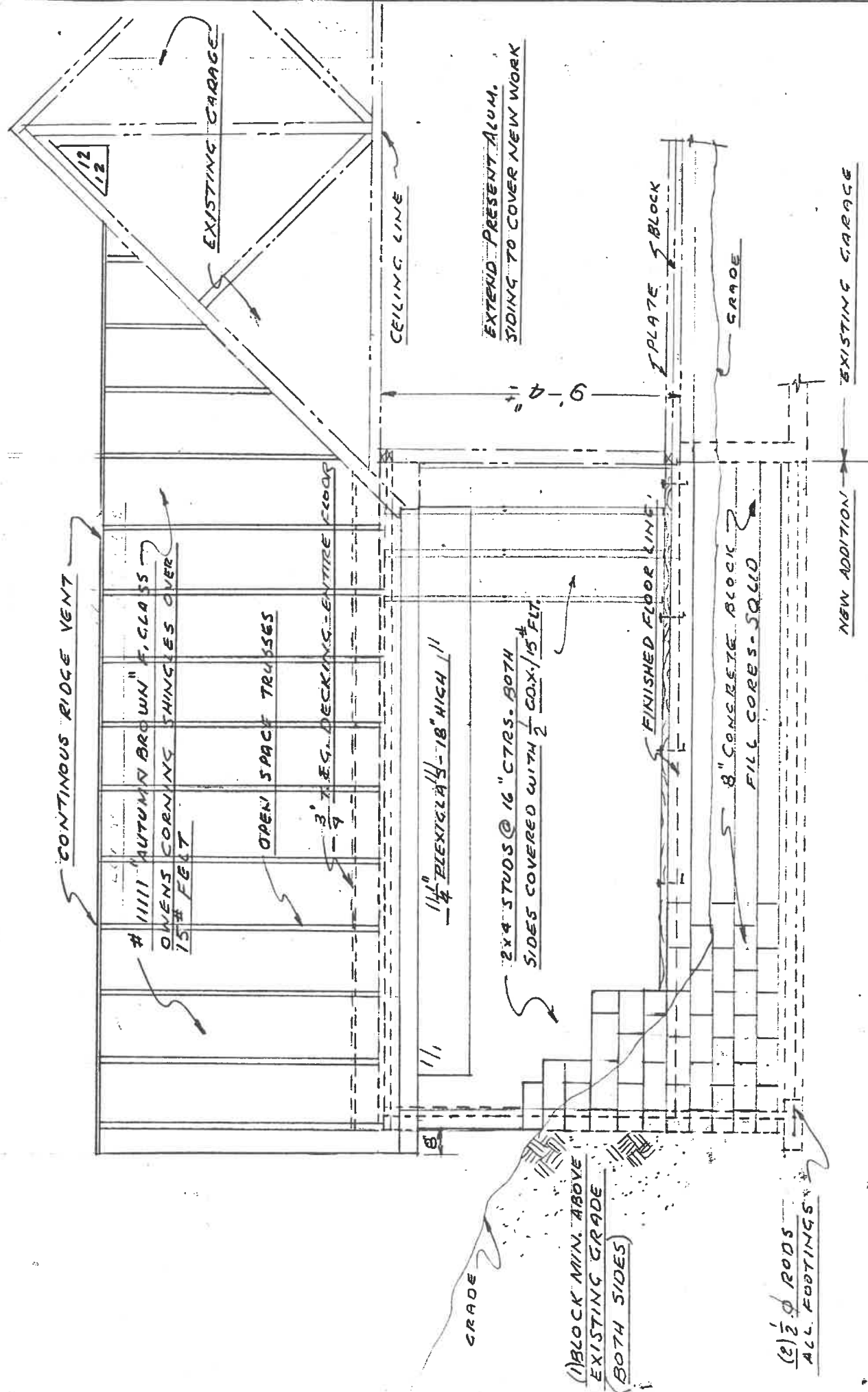
12051 BLUFF ROAD

PLOT PLAN

SCALE: 1" = 25'-0"

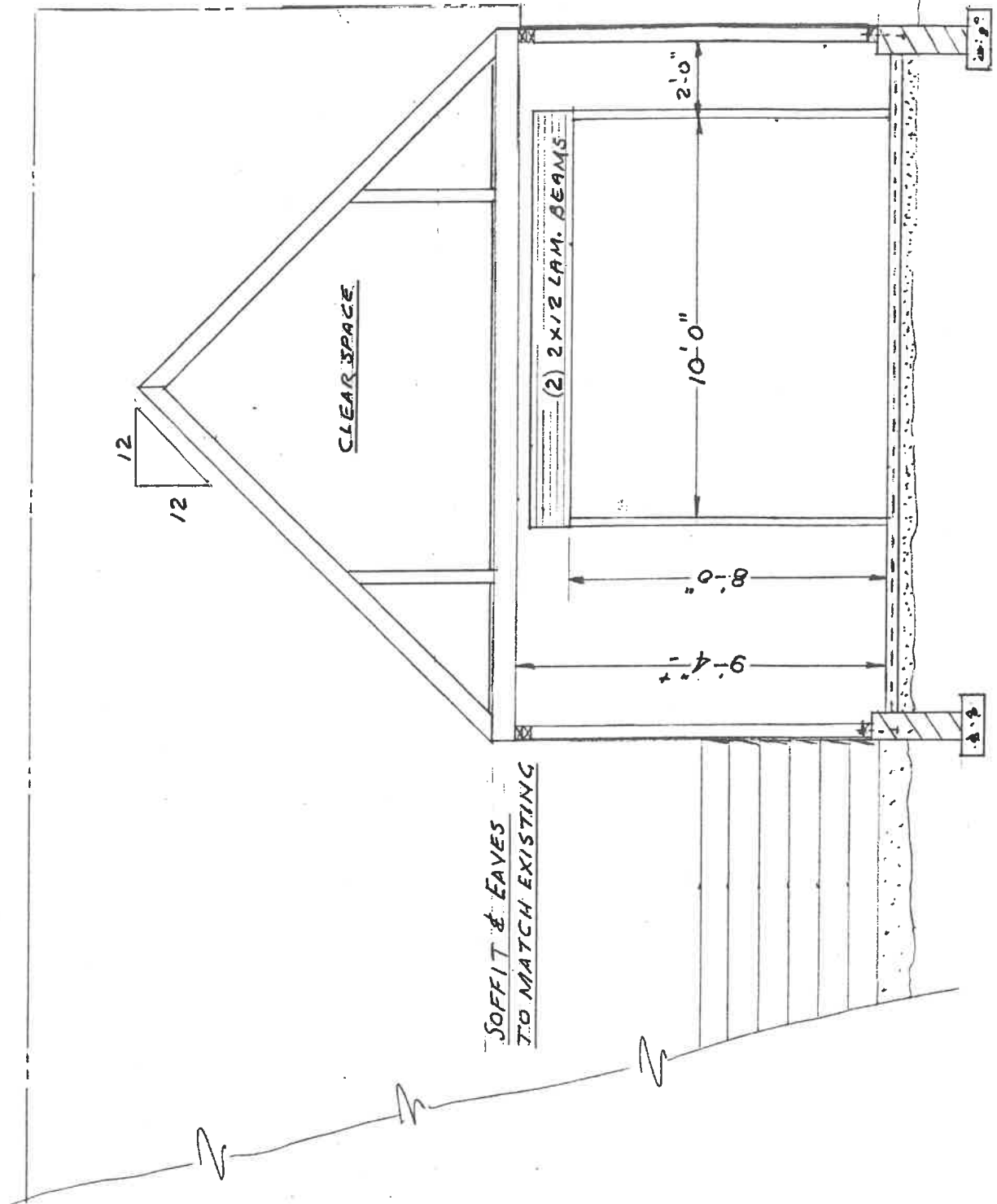






SOUTH ELEVATION- (NORTH ELEVATION SIMILAR)

SCALE:  $\frac{1}{4}'' = 1'-0''$



TYPICAL SECTION  
LOOKING EAST  
SCALE:  $\frac{1}{4}'' = 1'-0''$

*Beckett/Rowlett*  
*Approve as*  
*Corrected*

**Peninsula Township Zoning Board of Appeals Regular Meeting**  
**August 12, 1999**

**PRESENT:** Chair Roach; Cronander; Rowlett; Beckett; Gray; Boursaw, Recording Secretary; Hayward, Planner/Zoning Administrator.

**ABSENT:** None.

Meeting called to order at 7:30 p.m.

Chair Roach introduced those present and explained that all five of the basic conditions and one of the special conditions have to be met in order for a variance to be granted.

**1. Richard Newman, 6935 Peninsula Dr., Traverse City, MI 49686.** Requests a variance of 43 feet from the 60-foot Ordinary High Water Line setback to extend living area over the existing deck and extend the eaves 32 inches beyond the existing deck. Variance to increase the existing non-conforming lot coverage from 29% to 29.2%. Extension of a non-conforming structure. Parcel Code # 28-11-336-008-00.

Newman explained his request. He would like to extend his kitchen out over the existing deck and put an eave onto the addition. A 32" overhang will be the only thing encroaching further than the existing deck.

Gray this is the second time for this request and an improvement over initial request. He supports it because he sees no problem with a 2nd story eave blocking access to rear of house for emergency vehicles. Beckett no questions. Cronander no questions. Rowlett noted that he might not use all of 32" overhang. What is typical? Hayward 18" and above. This is not an unusual request regarding the overhang. Rowlett will the eaves match the rest of the house? Newman yes. Roach no questions. Hayward brought up the issue of where a stairway might built. Newman explained. Roach should we make a condition regarding stairway? Hayward suggested a condition that all stairways shall stay within existing deck footprint.

Shall the request of Richard Newman, of 6935 Peninsula Dr., for a variance of 43 feet from the 60-foot Ordinary High Water Line setback to extend living area over the existing deck and extend the eaves 32 inches beyond the existing deck, with the variance to increase the existing non-conforming lot coverage from 29% to 29.2%, with the condition that all stairs shall be constructed within the current footprint of the existing deck, be granted? Gray yes, a variance of 29 to 29.2 % is inconsequential, and a 32" overhang or less on the 2nd floor won't affect any safety hazards. Beckett yes, for reasons stated by Gray. Cronander yes, for reasons stated by Gray. Rowlett yes, for reasons stated by Gray. Roach yes, for reasons stated by Gray. Passed Unan.

**2. A. E. Schweitzer, 12051 Bluff Rd., Traverse City, MI 49686.** Requests a variance to increase the percent of lot coverage from 15% to 18.6% lot coverage, including roof overhang. Parcel Code # 28-11-445-004-00.



Schweitzer explained his request. He would like permission to build an addition to his garage in back of house. The addition, which would match the existing house, would be a work area for tools, work bench, etc., with a storage space upstairs, as the house has no basement. The lot is zoned R-1B and his request was permitted under the original plat.

Beckett what is the rear setback? Hayward 32' setback. The addition would be within required setback. Cronander it's a small lot and doesn't appear to interfere with neighbors or bluff. Questioned digging into tree roots behind. Schweitzer that's why dimensions are as they are. Didn't want to go further to north than necessary. Rowlett no questions. Gray the orchard behind might be developed in future, but you wouldn't be blocking anyone's view? Schweitzer no. Roach requested clarification on 8x10 opening. Schweitzer explained. Hayward need to verify rear yard setback to be sure there is 30'. Schweitzer distributed registered survey to board. Roach should we table until next week? Gray suggested going ahead and allowing setback, and if necessary, allowing a variance. Beckett would rather set a limit. Gray suggested granting variance for percentage, if falls within setback, allow it. Agreeable to everyone. Schweitzer will confirm dimension.

Shall the request of A. E. Schweitzer, of 12051 Bluff Rd., for a variance to increase the percent of lot coverage from 15% to 18.6% lot coverage, including roof overhang, plus a dimensional variance from the existing house for a 20' addition plus 8" for overhang, as long as it doesn't encroach more than 3' into rear yard setback, be granted? Beckett yes, meets all basic conditions and special condition C. Cronander yes. Rowlett yes. Gray, yes, will also include special condition A. Roach yes, for reasons stated.

Passed Unan.

3. Steve & Debra Reinking, 2171 Sandburg Dr., Aurora, IL 60506. Property Address: 8733 Center Road, Traverse City, MI 49686. Request approval to use a pop-up trailer for up to three weeks per year as a residence, provided that fresh water and pump-out service is available at the Traverse City State Park. Request that the permit be extended for six additional years or until the residence is constructed, whichever is less. Parcel Code # 28-11-019-022-00.

The Reinkings were not present.

Motion: Roach/Gray to table Reinking request until the end of the meeting.

Passed Unan.

4. Raymond Brandt, 4300 Shore Dr., McHenry, IL 60050. Property address: 6410 Peninsula Dr., Traverse City, MI 49686. Request a variance of 10 feet from the rear yard setback for a new residence. Parcel Code # 28-11-485-001-00.

Brandt explained his request. He is requesting a variance of 10 feet from the rear yard setback in order to build a house.

Robert Burkhardt, 6427 Franklin Woods, spoke in opposition to the request. He feels the residence would be encroaching on his screened-in porch.

EXHIBIT

NO. 5

**PUBLIC NOTICE  
PENINSULA TOWNSHIP  
ZONING BOARD OF APPEALS  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Peninsula Township Zoning Board of Appeals will hold a public hearing at their regular meeting on March 21, 2023 at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686 (231) 223-7314. The following application is scheduled to be heard:

Request No. 909, Zoning R-1B

**Applicant:** Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

**Owner:** Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

**Property Address:** 12051 Bluff Rd., Traverse City, MI 49686

**Request:**

1. Requesting a variance to exceed the maximum fifteen (15) percent lot coverage up to twenty-one (21) percent in order to add a 15 ft. by 13 ft. (195 square feet) one story addition, a 16 ft. by 13 ft. (208 square feet) one story addition and an 8 ft. by 9 ft. (72 square feet) covered entry way to the existing residential structure and remove a non-conforming deck.

Parcel Code # 28-11-445-004-00

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

A copy of the variance application may be examined at 13235 Center Road, Traverse City, MI 49686, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Thursday. Written comments may be submitted to the Peninsula Township Planning and Zoning Department at 13235 Center Road, Traverse City, MI 49686, no later than 12:00 p.m. on March 20, 2023.

If you are planning on attending the meeting and are disabled and require any special assistance, please notify the Planning and Zoning Department at (231) 233-7314.

**SUBJECT SITE**



EXHIBIT

NO. 6

T. C. RECORD-EAGLE, INC.  
120 WEST FRONT STREET  
TRAVERSE CITY MI 49684  
(231) 946-2000  
Fax (231) 946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 03/03/23 14:14 by mobri

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Acct #: 1837

Ad #: 598215

Status: New

**PUBLIC NOTICE**  
**PENINSULA TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
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TOWNSHIP OF PENINSULA  
Jennifer Cram, AICP  
Director of Planning and Zoning  
Peninsula Township

March 5, 2023- 1T

598215

T. C. RECORD-EAGLE, INC.  
120 WEST FRONT STREET  
TRAVERSE CITY MI 49684  
(231)946-2000  
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 03/03/23 14:14 by mobri

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Acct #: 1837

Ad #: 598215

Status: New

PENINSULA TOWNSHIP  
BECKY CHOWN CLERK  
13235 CENTER ROAD  
TRAVERSE CITY MI 49686

Start: 03/05/2023      Stop: 03/05/2023  
Times Ord: 1            Times Run: \*\*\*  
STDAD 3.00 X 3.67      Words: 244  
Total STDAD 11.01  
Class: 147 LEGALS  
Rate: LEGAL            Cost: 122.65  
# Affidavits: 1

Contact:

Phone: (231)223-7322

Fax#: (231)223-7117

Email: deputy.clerk@peninsulatownsh

Agency:

Ad Descrpt: PUBLIC NOTICE PENINSULA T

Given by: JENN CRAM

P.O. #:

Created: mobri 03/02/23 16:32

Last Changed: mobri 03/03/23 14:14  
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PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFSS
RE	A	97	W	Sun 03/05/23	1	Sun 03/05/23	SMTWTFSS
IN	AIN	97	W	Sun 03/05/23	1	Sun 03/05/23	SMTWTFSS

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AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

EXHIBIT

NO. 7

PENINSULA TOWNSHIP  
ZONING BOARD of APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 909

Hearing Date: March 21, 2023

Applicant: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

Owner: Anita Burke, 6294 Lindsay Court, West Bloomfield, MI 48322

Property Address: 12051 Bluff Rd., Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code is #28-11-445-004-00 was mailed by regular US mail to the attached list of 17 properties on March 3, 2023 by depositing said notices in a mail box located at United States Postal Services Office Building located at: 3585 Bunker Hill Road, Acme, MI 49610

A handwritten signature in dark ink, appearing to read 'Jenn Cram', is written over a horizontal line.

Jenn Cram

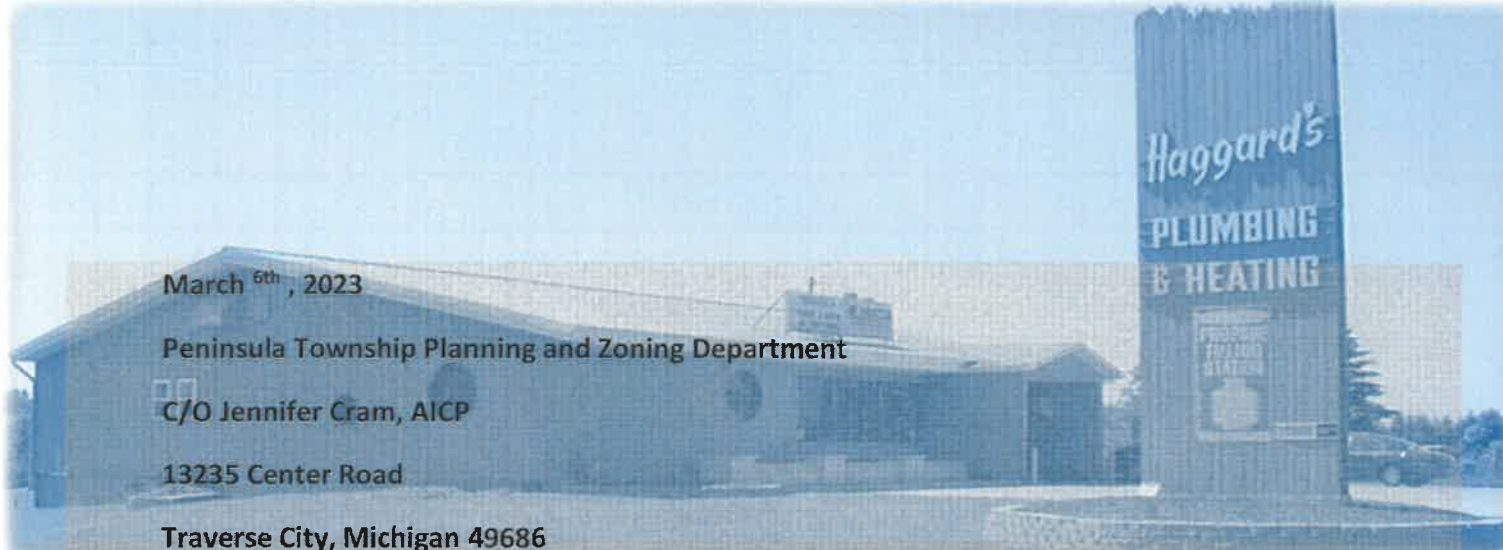
Peninsula Township

Director of Planning and Zoning



EXHIBIT

No. 8



March 6<sup>th</sup>, 2023

Peninsula Township Planning and Zoning Department

C/O Jennifer Cram, AICP

13235 Center Road

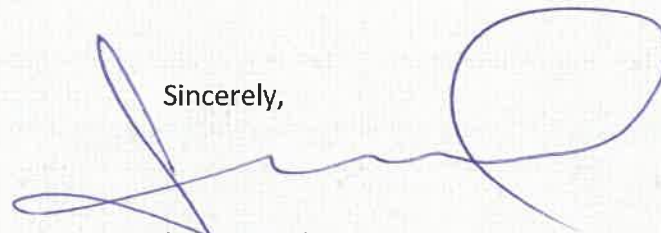
Traverse City, Michigan 49686

Ref: Concerning the variance requested by Anita Burke. Property address 12051 Bluff Road.  
Parcel # 28-11-445-004-00. Request is to ass a 15' by 13' one story addition.

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,



John Haggard

*Haggard's Plumbing & Heating*

# Business Item No. 8

## MINUTES

**PENINSULA TOWNSHIP  
REGULAR MEETING  
ZONING BOARD OF APPEALS  
13235 Center Rd., Traverse City, MI 49686  
November 15, 2022  
7:00 p.m.**

1. **Call to Order** by Dolton at 7:00 p.m.
2. **Pledge**
3. **Roll Call of Attendance** Elliott, Dloski Wahl, Serocki, Dolton. Excused absence: Ammerman.  
Deeren: Director of Zoning; Attorney Kyle O'Meara via zoom.
4. **Approval of Agenda** Dloski moved to approve the agenda with a second by Wahl.  

**passed unan**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda**  
Nancy R. Heller 3091 Blue Water Road: requested board members use the microphones and for the chair to repeat who made the motion and who seconded the motion.
7. **Business:**
  1. **Request No. 903, Zoning R-1A**  
Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Property Address: Kroupa Rd., Traverse City, MI 49686  
No additional information was submitted – Request to re-table to next Regular Zoning Board of Appeals meeting on December 20, 2022.  
Parcel Code **#28-11-108-001-02**  
Moved by Wahl and seconded by Serocki to table Case 903 until March 21, 2023.  
Roll call vote: Yes-Wahl, Dolton, Elliott, Serocki, Dloski. 

**passed unan**
  2. **Request No. 908, Zoning R-1C**  
Applicant: Shawn Smith, 6637 Peninsula Drive, Traverse City, MI 49686  
Owner: Shawn Smith, 6637 Peninsula Drive, Traverse City, MI 49686  
Property Address: 6637 Peninsula Drive, Traverse City, MI 49686  
1. Requesting a variance from the required fifteen (15) foot side yard setback on the northerly property line to a nine (9) foot side yard setback in order to construct an attached 16 foot by 24 foot garage to the existing residential building on an existing legal non-conforming lot of record.  
Parcel Code **#28-11-336-032-00**

**Jake Schmalzried 7485 Sparling Road Kingsley, Mi.**

Shawn Smith approached me this summer about attaching their existing garage to the house. They currently have a 2-car detached garage. They want to attach the garage because her mother was diagnosed with a debilitating disease this summer and they want her to come live with them. She wants her mother to be able to walk right into the garage instead of having to walk across the driveway area into the garage. The reason the garage placement is in that location is there is a door already in the house, so it is a straight entry into the garage.

Dolton asked if there were any questions for the applicant from the board.

**Dloski:** I was reading in the packet the garage can be built to conform. The problem you are stating is there is a problem with drainage.

**Schmalzried:** yes.

**Dloski:** the owner's situation is unfortunately not enough to grant a variance. The fact they want their mother to be living with them and may have health issues, this is not enough to grant a dimensional variance. Can you tell me something about the property that creates a compelling reason to place the garage here?

**Schmalzried:** the way the driveway sits is where most of the water comes down. We want to move the water away so it does not come into the garage.

**Dloski:** and if you cannot place the garage there, what is the ramification?

**Schmalzried** we would have to put more drainage in. I am of the belief it is better to let nature handle the runoff through vegetation rather than on a location where all the water drains out from a pipe.

**Dloski:** is the owner willing to tear down the existing garage?

**Schmalzried:** I do not know.

**Wahl:** can you tell me the dimensions of the current garage? It looks on the plan like 20x26.3 feet.

**Schmalzried:** that sounds about right. The closest the right corner of the house gets to the front yard setback is 8.3 feet and the garage is 8.7 feet.

**Wahl:** so you do not know if the owner is willing to tear down the garage?

**Dolton:** on my site visit with Deeren, the owner was on site. She said no, she was not interested in building a new garage because of the expense. There is more leeway if you were replacing a non-conforming structure than asking for a variance.

Dolton asked if there was anyone willing to speak in favor of the request; hearing and seeing none Dolton asks if there is anyone who wished to speak again the request. Hearing and seeing none, Dolton brings it back to the board. Dloski has a question for the applicant

**Dloski:** have you had any discussion with the owner about being willing to replace the garage?

**Schmalzried:** no, I have not.

**Deeren:** if you deny this variance request, she could not back and ask for this much difference in the setback; she could not come back for a year.

**Dloski:** so do you want to talk to the owner to see if the apparent decision not to tear down the

garage is her position?

**Schmalzried:** yes, I certainly can.

**Dolton:** this means we would table this to next month's meeting.

**Dloski:** I can tell you directly tonight, I am not going to vote for this. There is nothing about the land that makes this eligible for a dimensional variance.

**Wahl:** we are trying to make the property more conforming. Right now this makes the property more non-conforming. A new garage would be within the existing setback.

**Deeren:** can you call her right now?

**Schmalzried:** yes.

5-minute recess

**Schmalzried:** she is not willing to tear down the existing garage.

Dolton closes the public portion of the meeting and brings it back for board discussion.

**Elliott:** I agree with Dloski.

**Serocki:** under ordinance 7.5.1 it is not the intent to allow significant increases in the intensity of previously established residential use on otherwise unbuildable lots and this is not an unbuildable lot. So this is saying we do not want to allow significant increases. It is going to be non-conforming and an increase in intensity of use. I agree this is not a good plan.

**Dolton:** I have struggled with this. The ordinance is quite clear. The home is within the setback. The need for a variance is caused by actions of the previous owner.

**Serocki:** how long has she owned this house?

**Deeren:** I believe 7 years.

**Wahl:** the garage on the property is fairly large.

Dolton: as there is no more board discussion, let us consider request 908 using the 6 basic conditions.

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

1. 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.

Serocki: no, the existing garage is large. This could be rebuilt without a variance.

Wahl: no, the garage could be built without a variance

Dloski: no, the property has no unique circumstance or physical condition. The drainage is a manageable issue. The garage can be built within the side yard setback and would not need a variance.

Elliott: no, this is an expansion of intensity of use and an increase in non-conformity. The garage could be sited elsewhere and not need a variance.

Dolton: no, the lot does not have a unique circumstance requiring a variance.

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

Dolton: no, the request is being generated by placement of the existing home and action of the previous property owner.

Wahl: no, I agree with Dolton.

Dloski: no, this is generated by the personal preference of the owner.

Elliott: no, same reason as rest of comments.

Serocki: no, I agree with Elliot.

3. 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.)

Serocki: no, there is a garage on the property and this new garage could be moved away from the side yard setback.

Dloski: no, the property owner is not unreasonably prevented from using the property or constructing a garage on the property that conforms.

Wahl: no, for the reasons Dloski just stated.

Elliott: no, the additional cost of the drainage would not make the cost unnecessarily burdensome.

Dolton: no, the property has an existing garage

4. 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.

Serocki: no, there is already a garage on the property and having a second garage is not going to help any other property owners in the area.

Wahl: no, for reasons already stated.

Dloski: no, there is another option to build a conforming garage.

Elliott: no, compliance with the setbacks is what does justice to other property owners in the district.

Dolton: no, for reasons articulated by Dloski.

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

Wahl: yes, for reasons I have already stated.

Dolton: yes, I do not think the variance would cause adverse impact on surrounding property owners.

Serocki: yes, I agree with Dolton.

Elliott: no, the increase in non-conformity does cause adverse impacts on the surrounding property.

Dloski: yes.

6. 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.

Serocki: yes, no change in use.

Wahl: yes, there is no change in use.

Dloski: yes.

Elliott: yes, no change in use.

Dolton: yes, no change in use.

**Dloski makes a motion that Request 908 be denied with Serocki providing a second.**

Peninsula Township  
Zoning Board of Appeals  
November 15, 2022 7:00 p.m.  
Lola Jackson Transcribing Secretary  
DRAFT MINUTES

**Roll call vote: yes-Dolton, Dloski, Serocki, Wahl, Elliott.**

Variance request denied.

**8. Approval of Minutes from October 12, 2022 Special Meeting and October 18, 2022 Regular Meeting** Dolton did have a correction on the October 12th meeting minutes on the second page - under a comment he made; foundation "a" grade and this should be "at" grade.

**Moved by Marilyn and 2nd by Ashley to approve the amended minutes from October 12th - passed**

**Moved by Larry and 2nd by Ashley to approve the minutes from the October 18th meeting as presented - passed**

**9. Citizen Comments** None

**10. Board Comments**

**Deeren:** there is no case for December, 2022

**11. Adjournment** Dloski moved to adjourn the meeting with a second by Serocki.

Adjournment at 7:37 p.m.