

Peninsula Township
Zoning Board of Appeal Regular Meeting
April 21, 2026 7:00 p.m.
Lola Jackson transcribing secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686
Ph: 231.223.7322 Fax: 231.223.7117
www.peninsulatownship.com

PENINSULA TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Regular Meeting
April 21, 2026
7:00 p.m.

1. **Call to Order** by Dolton at 7:00 p.m.
2. **Pledge**
3. **Roll Call** Visger, Jerman, Cowan, Dolton, Prescott
4. **Approval of Agenda** Visger moved to approve the agenda with a second by Prescott.

Approved by Consensus
5. **Approval of Minutes** December 16, 2025 Jerman moved to approve the minutes with a second by Cowan.

Approved by Consensus
6. **Conflict of Interest** None
7. **Brief Citizen Comments – (for items not on the Agenda)** None
8. **Business: Dolton**-the applicant for Request No. 929 is not available this evening, so we will move on to Request 931.

Request No. 931

Applicant & Property Owner: Russ Knopp, 12000 Peninsula Dr, Traverse City, MI 49686
Property Address: 12000 Peninsula Dr, Traverse City, MI 49686
Parcel Code #28-11-440-024-00

Requesting a variance to allow 4 ft wide stairs in the waterfront setback and floodplain. The ordinance allows for up to 3 ft stairs (boardwalks) to be located in the setback and floodplain.

Request No. 931

Applicant & Property Owner: Teri Helton Trust, 6456 E Shore Rd, Traverse City, MI 49686
Property Address: 6456 E Shore Rd, Traverse City, MI 49686
Parcel Code #28-11-031-027-00

Peninsula Township
Zoning Board of Appeal Regular Meeting
April 21, 2026 7:00 p.m.
Lola Jackson transcribing secretary

Dolton-the public meeting is now open and we will now hear from the applicant for Request No. 931.

Jason Baker JML Design Group 225 East 16th Street Suite B Traverse City

I am here representing JML and the Teri Helton Trust. The plan is to replace the deck, take it out because it has been there for 20 years and is starting to wear out. We are going to put in a new one. We are going to take it less non-conforming by cutting off the weird little angle that is on it. Getting new decking with a brass railing to look a little bit nicer and put in a new structure that is there for another 50 years. We know we are over the line. The house has been there since the '50s, so we are here to get the approval to replace it as is with newer stuff. We are going to keep all the columns and posts in the same place spots so we are not digging up a bunch of land.

Dolton-is there any portion of the deck that is being expanded from the existing footprint?

Baker- no, we are staying with the existing footprint. I believe it will be 25 square feet smaller. We are trying to stay within the 8-foot mark off the side of the wall, so from the front of the house towards the water, 8 foot and it wraps around the side.

Visger- it looks like even the stairs are staying the same length.

Baker-yes, there might be a little bit of difference here and there.

Jerman-it looks like you are just trying to square off that one strange angle.

Cowan-was the deck added in 1997 when the house was built?

Baker: I know the house was built in 1951 and remodeled in 1997. I am not sure when the deck was added. I talked with builder of the house and he said the deck was replaced when Trex decking came out. That would have been about 20 years ago.

Kopriva-do you know if the Trex was put on the existing frame or did they construct the deck from the ground up?

Dolton-Section 7.5.4 doesn't necessarily require any additional testing. It may well have been that whoever reviewed it, so it looks just like a repair.

Prescott-why was this, the existing 7 foot and in the new drawing you have a 6 foot 2.5 inches, and what is that? They have the blue line as existing and that orange line is what it is now.

Baker-there is a 7 foot and then a 1-foot 2.5 inches dimension next to it. That is the beam coming across there.

Dolton-Kopriva, are you saying the request must meet the requirements under 7.5.6?

Kopriva-yes, our ordinance talks about the moving or replacing and the variance criteria. This was a replacement and in speaking to our attorney, both sections would apply because it is replacement of the non-conforming structure itself.

Prescott-and is that the reason we are not looking at the flood plain because of the sea wall?

Kopriva: the elevation lines that are on the site plan have it outside of the flood plain. Look on page 69 of 79 in the packet or sheet C101 or 1.1. This is a nice drawing because it has the elevations on it. They have provided the current deck dimensions and the new deck dimensions are overlayed on the deck. This shows the new deck is less non-conforming.

Cowan-whenever there is a seawall, we don't exam whether the properties are in a flood plain?

Kopriva: yes and no. If the seawall is not tall enough and does not have a high enough elevation, then you take it into consideration, but most of them are tall enough.

Dolton-is there anyone who wishes to speak in favor of this request? Hearing none, is there anyone who wishes to speak against this request. Hearing none, I am closing the public hearing and bringing back to the board for deliberations and voting. This request needs to meet both 7.5.6 and 5.7.3. We will start with 7.5.6. We are going to have to look at each component of 7.5.6 and then go through the basic conditions required by 5.7.3 as well.

Item One under 7.5.6 is whether the move to replace a structure is less non-conforming. The structure is less non-conforming than the previous structure. Removing that corner makes the structure less non-conforming. There are no material measurements in this requirement. Dolton asks if the board agrees with this. **Jerman, Cowan, Dolton, Prescott, and Visger all agree this standard has been met.**

Item 2. There is increased safety to the residents of the structure and to the traveling public on the road provided access to the parcel.

Dolton- replacing an older deck provides some increased safety to the residents. The travelling public is not an issue here.

Jerman, Cowan, Dolton, Prescott, and Visger all agree this standard has been met.

Item 3. Safety and substantial justice are achieved.

Jerman, Cowan, Dolton, Prescott, and Visger all agree this standard has been met.

Item 4. The structure does not encroach from the ordinary high water setback

Dolton-there is an existing seawall. There is not additional stabilization that needs to occur and there is no detriment to adjacent properties by replacing the deck. Shoreline vegetation is already established. We have already addressed the seawall.

Jerman, Cowan, Dolton, Prescott, and Visger all agree this standard has been met.

The board will do a more formal consideration under the 5.7.3 basic conditions.

Kopriva: Item A. 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.

Prescott: Yes. The practical difficulty is not caused by the applicant and the variance is necessary due to the non-conforming nature of the structure.

Cowan: Yes. I agree with the previous comment.

Jerman: Yes. I agree with my colleagues.

Dolton: Yes. it is a non-conforming structure and that standard has been met by the very nature of being a non-conforming structure.

Visger: Yes. for reasons already stated.

Kopriva: we have five yeses, so the condition is met.

Item B-that the need for the variance is not the result of actions of the property owners self-created or previous property owners.

Visger: Yes. the structure is non-conforming and needs repairs.

Cowan: Yes. I agree with Visger.

Dolton: Yes. for reasons already stated.

Jerman: Yes. for all the reasons that have been discussed.

Prescott: Yes: total agreement with my colleaguesxxxxxx

Kopriva: we have five yeses for that one.

Item C. The strict compliance with area, setback, frontage, height, bulk, density, or other dimension requirements will unreasonably prevent the property owner from using the property for permitted use or will render conformity with those regulations unnecessarily burdensome. The fact that the property owner may incur additional cost in complying with this ordinance does not automatically make compliance unnecessarily burdensome.

Dolton: Yes. This is a legally non-conforming structure. I think here strict conformity would be unnecessarily burdensome for these property owners if they had to remove the entire deck.

Visger: Yes. the deck is slightly less than the current deck and this makes it less non-conforming.

Prescott: Yes. for reasons previously stated.

Cowan: Yes. strict compliance would mean the deck comes out and they would have to walk out their door into open air.

Jerman: Yes: the criteria is met. They are in strict compliance with this. The footprint is going to be a little less than they are replacing

Kopriva: we have five yes and this criteria is met.

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

Jerman: Yes. this variance will do substantial justice to the applicant as clearly proposed.

Cowan: Yes. Agree with Jerman.

Prescott: Yes. The variance ensures substantial justice and a lesser relaxation is not applicable.

Kopriva: there are 5 yes and 0 no- condition is met.

Item E. that the variance will not create adverse impacts on surrounding property, property values or the use and enjoyment of property and the neighborhood.

Dolton: Yes. there is no detriment to the property and does not cause adverse impacts to the surrounding properties.

Prescott: Yes. there are no adverse impacts

Visger: Yes. for reasons already stated, the condition is met.

Jerman: Yes. for reasons already stated.

Cowan: Yes. condition is met.

Kopriva: we have five yeses and this condition is met

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

Cowan: Yes. the variance does not change the use.

Dolton: Yes. no change in use.

Jerman: Yes. no change in use.

Visger: Yes. no change in use.

Kopriva: we have five yeses on that. You have said yes to all the six criteria.

Peninsula Township
Zoning Board of Appeal Regular Meeting
April 21, 2026 7:00 p.m.
Lola Jackson transcribing secretary

Dolton: I will entertain a motion for approval of variance request number 931 for property at 6536 East Shore Road for the variances as delineated at the opening of this request.

Jerman moved to approve variance Request No. 931 with a second by Prescott.

Roll call vote: Yes- Prescott, Cowan, Visger, Jerman, Dolton. Unam Approval

Dolton: congratulations to the applicants; the variance is granted.

9. **Citizen Comments** None

10. **Board Comments** None

11. **Adjournment** Cowan makes a motion to adjourn with a second by Prescott.

Approved by Consensus

Meeting adjourned at 7:20 p.m.