

Packet Addition

May 16, 2023

Zoning Board of Appeals Regular Meeting



May 15, 2023

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

Dear Zoning Board of Appeals Members,

We are writing regarding variance request No. 903 on Kroupa Road that is scheduled for discussion at your May 16, 2023, meeting. The Watershed Center advocates for clean water in Grand Traverse Bay and works to preserve and protect its watershed. We generally oppose variances from water and wetland setbacks because they threaten sensitive areas; this parcel contains numerous environmentally sensitive areas with onsite wetlands, steep bluffs, and potentially seeps, springs, and seasonal stream features.

1) Water's Edge Setbacks Protect Water

Water's edge setbacks provide the opportunity for runoff from impervious surfaces to infiltrate before washing into water. Further, these setbacks help protect sensitive riparian vegetation that stabilizes shorelines, controls flooding, and provides fish and wildlife habitat. Setbacks from the OHWM are especially important on the Great Lakes due to extreme lake level variation, which is likely to increase in magnitude with a changing climate future. When structures are built too close to the Great Lakes, they may crumble into the water during high water years, destroying private property and introducing pollutants into the lakes. Further, vegetation removal near the water reduces habitat complexity critical for native fish and wildlife. Vegetation removal on a bluff or steep slope, especially near water, is a poor land use choice as it may bring landslides and extreme erosion.

2) Wetland Setbacks Protect Community Benefits

Wetlands provide several community benefits such as floodwater storage, carbon sequestration, water filtration, groundwater recharge, and fish and wildlife habitat. Wetland setbacks further reflect the fact that areas adjacent to wetlands are inappropriate locations for new construction due to their sensitivity. Given the level of development in our region and the increasing stress on environmentally sensitive parcels, including wetlands, we support zoning standards that reflect these values.

While the Department of Environment, Great Lakes, and Energy (EGLE) regulates inside the boundaries of a wetland, not the land adjacent to wetlands, EGLE recommends wetland setbacks at the local level. Many townships and municipalities in our region

have recently adopted wetland setbacks to compliment state wetland regulations. We are pleased that Peninsula Township values its wetlands, which is reflected in the current and draft Master Plans that envision wetland protection as a top priority for the community. This is also reflected in the 2018 amendment to add wetland setbacks to the Zoning Ordinance. See Sec. 7.4.7 (adopted June 2018). The fact that the township only recently adopted the wetland setback provision, reflecting its Master Plan, is a compelling reason to require strict compliance before granting a variance from this provision.

The application does not include a convincing and coherent narrative that provides a basis for the Board to find that all of the Basic Conditions in Section 5.7.3(1) are met for each variance request. There appear to be several options that may reduce the magnitude of the variance requests. First, it appears a deck may be proposed on the home that would require a variance from the OHWM; the applicant may forgo the deck. Secondly, the applicant may choose to build a home with a smaller footprint that would require less deviation from setback standards. Further, the applicant could build a home without a garage or reduce the size of the garage as a standard 2-car garage is 18 x 20 feet (proposed garage is 24 x 24 feet in size on site plans).

There is no basis to conclude that the parcel is unique, since shoreline parcels are often characterized by elevation changes and wetlands are not uncommon in proximity to the shoreline of the bay. The Zoning Ordinance limits construction in R1-B to protect such conditions and reflects an intent to protect the environmental sensitivity inherent in shoreline parcels. We encourage the Board to require a complete application that demonstrates there are no other alternatives that would require less deviations from setback standards before considering granting any water and wetland edge variances. Thank you for your consideration.

Sincerely,



Heather Smith
Grand Traverse BAYKEEPER®



TJ Andrews
Legal Counsel

Jennifer Cram

From: Fred Gilstorff
Sent: Monday, May 15, 2023 10:25 AM
To: Jennifer Cram
Subject: Re: Time for a site visit on Monday?

Hi Jen

After going out to the site at the end off Kroupa road asking for a variance, I would like to see that the driveway is strong enough to support fire department vehicle weights that vary from 20 to 50 thousand pounds. With longer driveways, as asked for in the variance, there come tactical issues when trying to suppress fires that may delay our ability to put water on the fire quickly. Another issue is the ability to turn around with long driveways. This driveway in question, will go thru a low lying area that could effect the stability of the drive.

In closing, the fire department will always ask for shorter driveways but has no authority with residential, the comments above are recommendations only. In you have any questions, please let me know. Have a good day.

Sent from my Verizon, Samsung Galaxy smartphone
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From: Jennifer Cram <planner@peninsulatownship.com>
Sent: Sunday, May 14, 2023 2:35:17 PM
To: Fred Gilstorff <fire@peninsulatownship.com>
Subject: Time for a site visit on Monday?

Fred, sorry to email you on Sunday. I hope you are enjoying Mother's Day and read this Monday morning.

I have a variance request going before the ZBA next Tuesday. John Ansted is the applicant. The property is at the end of Kroupa Road. Christina had been working on this one for a while. I went out and looked at the site with Sally last week to better understand the site and finish the staff report. It occurred to me this morning that you may have concerns about emergency access if the variance to allow the single family residence with an attached garage closer to the OHWM is approved.

Could you meet me on site tomorrow at 9:30 am? I could also do noon, or am free from 2 to 6 pm. If you do have concerns, I could get a packet addition out, or read your comments into the public record Tuesday evening. I have given the applicant a heads up that I will be asking for your comments.

Thank you for your consideration.

Jenn Cram

Peninsula Township Director of Planning and Zoning

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Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.