

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS MINUTES
In person Meeting: 13235 Center Rd., Traverse City, MI 49686
May 18, 2021
7:00 p.m.**

1. **Call to Order** Soutar called the meeting to order at 7:00 p.m.
2. **Pledge**
3. **Roll Call of Attendance** Wahl, Soutar, Dolton, Couture, Deeren (Zoning Administrator), Miller (absent)
4. **Approval of Agenda** Couture moved to approve the agenda. Dolton seconded. **PASSED UNAM**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda** None
7. **Old Business Tabled from April 20, 2021**

Owner: ACMEPEN One LLC, 5168 US 31 N. Mailbox 8, Williamsburg, MI 49690

Applicant: ACMEPEN One LLC, 5168 US 31 N. Mailbox 8, Williamsburg, MI 49690

Property Address: 10602 Bluff Rd., Traverse City, MI 49686

1. Requesting a variance from the required twenty-five (25) foot front setback to nineteen (19) feet from the road right-of-way in order to construct a 1290 square foot structure on an existing legal non-conforming lot of record.
2. Requesting a variance from the required fifteen (15) foot side yard setback to a zero (0) foot side yard setback on the southerly property line in order to construct a 1290 square foot structure on an existing legal non-conforming lot of record.
3. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line and for the entire 1290 square foot proposed structure to be constructed within the ordinary high water line setback on an existing legal non-conforming lot of record.
4. Requesting a variance from the required twenty-five (25) percent lot coverage to thirty-one (31) percent lot coverage in order to construct a 1290 square foot structure on an existing legal non-conforming lot of record.
5. Requesting a variance under Section 7.5.6 Moving or Replacing a Non-conforming structure items 1-5.
6. Requesting a variance under Section 7.5 Non-Conforming Uses and Structures (REVISED BY AMENDMENT 171B); Non-Conforming Structures.

Parcel Code # 28-11-625-009-50

Deeren: The applicant has not submitted any new information.

Couture moved this case be tabled until June 15, 2021 with a second by Dolton.

Roll call vote-Yes-Dolton, Soutar, Wahl, Couture

PASSED UNAM

8. New Business:

1. Request No. 894, Zoning R-1C

Applicant: Walter F. Bell, 2117 Alta Ave., Louisville, KY 410205

Owner: Walter F. Bell, 2117 Alta Ave., Louisville, KY 410205

Property Address: 1444 Linwood Ave., Traverse city, MI 49686

1. Requesting a variance from the required fifteen (15) foot side yard setback on the southerly property line to a ten (10) side yard setback to construct a 144 square foot deck and a 195 square foot screened enclosed porch.
2. Requesting a variance from the required fifteen (15) percentage of lot coverage to 15.88% lot coverage.

Parcel Code # 28-11-485-001-00

Deeren: Mark Hartman is here to represent the owner Walter F. Bell. The lots in this area were platted in the early 1900s. The lot is .16 acres and is 91 feet by 76.91 feet. The request is for construction of an 8 foot by 24 foot wood screened in porch and a small addition of a deck. The removal of the existing decking and shed brings more conformity to the property.

Dolton: The property address listed on our paperwork is incorrect.

Deeren: The parcel number is correct and went out to all of the properties within 300 feet. The property owner listed is correctly. This should not be a problem.

Mark Hartman, 1490 Meier Dr., Removal of a non-conforming deck and shed is planned thereby bringing the property more into conformity. The site is built on a steep hill with a stairway with a significant number of steps. Last year a foundation was placed under the house to keep it from falling down.

Deeren: The house was built in 1900 and these homes were not built square to the lot. With the removal of the shed and deck makes the property more conforming. This is beneficial.

Soutar: The Neahtawanta area has homes on small irregular lots. The way the house has been braced and jacked up to shore up the foundation is a good way to solve some of the problems. Are there any questions from the board for the applicator?

Soutar: Is there anyone here who wishes to speak in favor of this request?

Monnie Peters, 1425 Neahtawanta

The plat maps were drawn in 1890. Those lots are 50 x 100 feet. People typically built on 2 lots. I have represented homes in the past in front of the ZBA. In the 1890s through the 1920s you took a boat from Traverse City to this area, which was designed to be a walking community. The roads are small. These houses were built without a side yard setback. Hartman has done a great job in leveling out the floor on this house. If the Neahtawanta plat maps were redrawn today,

Peninsula Township
Zoning Board of Appeals
May 18, 2021
Lola Jackson Recording Secretary

there would need to be road commission involvement. I am here representing the history of Neahtawanta. The area was created in a different time and place without today's standards and people have adjusted their homes and cottages.

Soutar: Is there anyone who wishes to speak against this proposal? Hearing none, I will bring it back to the board.

Dolton: There are only 4 members here tonight and if you want this to be voted on by the full board, you have the option to table this request.

Hartman: You can vote on this tonight.

Wahl moved to approve Variance Request 1 with a second by Couture.

Roll call vote: Yes-Wahl, Couture, Soutar, Dolton

Soutar: The Board will now go through the 6 Basic Conditions that must be met for Variance Request 2 to be met.

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.

Soutar, Dolton, Wahl, Couture agree the condition has been met

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

Dolton, Wahl, Couture, Soutar agree the condition has been met.

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.)

Wahl, Dolton, Soutar, Couture agree the condition has been met.

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.

Soutar, Dolton, Wahl, Couture agree the condition has been met

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, Dolton, Soutar, Couture agree the condition has been met.

6. That the variance shall not permit the establishment within a district of any use which is not

Peninsula Township
Zoning Board of Appeals
May 18, 2021
Lola Jackson Recording Secretary

permitted by right, or any use for which a conditional use or temporary use permit is required.
Dolton, Wahl, Couture, Soutar agree the condition has been met.

Deeren: Variance Request 1 is approved.

Roll call vote: Yes-Wahl, Couture, Soutar, Dolton

PASSED UNAM

Dolton moved that Variance Request 2 be approved with a second by Wahl.

Soutar: The Board will now go through the 6 Basic Conditions that must be met for Variance Request 1 to be met.

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.

Soutar, Dolton, Wahl, Couture agree the condition has been met

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Dolton, Wahl, Couture, Soutar agree the condition has been met.

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Soutar, Dolton, Wahl, Couture agree the condition has been met

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, Dolton, Soutar, Couture agree the condition has been met.

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.

Dolton, Wahl, Couture, Soutar agree the condition has been met.

Deeren: Variance Request 2 is approved.

Peninsula Township
Zoning Board of Appeals
May 18, 2021
Lola Jackson Recording Secretary

Roll call vote: Yes-Wahl, Couture, Soutar, Dolton

PASSED UNAM

9. Approval of Minutes from April 20, 2021 Regular Meeting

Couture moved that the minutes from April 20, 2021 be approved with a second by Dolton.

Roll call vote: Yes-Wahl, Couture, Soutar, Dolton

PASSED UNAM

10. Citizen Comments None

11. Board Comments Deeren: There is one new case for June 15, 2021. The tabled case 892 will be pushed forward until we have additional information or the request is pulled from the agenda.

12. Adjournment Couture moved to adjourn with a second by Wahl.

Meeting adjourned at 7:27 p.m.