

**PENINSULA TOWNSHIP**  
**REGULAR MEETING**  
**ZONING BOARD OF APPEALS MINUTES**  
**13235 Center Rd., Traverse City, MI 49686**  
June 15, 2021  
7:00 p.m.

1. **Call to Order** by Soutar at 7:00 p.m.
2. **Pledge**
3. **Roll Call of Attendance** Couture, Dolton, Soutar, Wahl, Miller, Meihn (township attorney on speaker phone)
4. **Approval of Agenda** Moved by Couture to approve the agenda with a second by Wahl.  
Roll call vote: yes-Dolton, Wahl, Soutar, Miller, Couture **Passed Unan**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda** None
7. **Old Business Tabled from May 18, 2021**

**1. Request No. 892, Zoning R-1C**

**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**

**Moved by Dalton to table the request to a date certain of July 20, 2021 with a second by**

**Couture**

Roll call vote: yes- Dolton, Wahl, Miller, Couture, Soutar

**Passed Unan**

**Soutar:** Do we want to have this applicant provide us with an engineering survey from a qualified engineer? Do we want to mention this to them or let it go?

**Deeren:** You had 3 people who heard the case who are not here. If this case does come back before the board in July, I will need to have the 5 members who originally heard this case.

**Soutar:** They are not getting us information on time for us to even hear the case and no one is here today representing this request.

**Wahl:** Can we give them a deadline?

**Deeren:** Not really. They may drop off and come back at another time with another case. We have a conference call with the drain commission that might resolve some of the issues. We need to keep tabling the case until we get all of the necessary information.

**8. New Business:**

**1. Request No. 894, Zoning R-1B**

**Owner:** Dean & Michelle Kokkales, 2353 Weber Rd., Dexter, MI 48130

**Applicant:** Dean & Michelle Kokkales, 2353 Weber Rd., Dexter, MI 48130

**Property Address:** 9722 Center Rd., Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line and for a proposed addition of 400 square feet to be constructed within the ordinary high water line setback on an existing legal non-conforming lot of record.

**Parcel Code #** 28-11-017-002-00

No one was present to represent the applicant.

**Deeren:** The applicant has filled out the variance application with their responses to the 6 conditions. When looking at the survey you can tell most of the property is in the ordinary high, and is legally non-conforming. There is no way to build anything on this property without being in the ordinary high. The ordinary high water mark and the front yard essentially overlap, so there is very little setback on this property.

**Wahl:** So the addition is to the south side of the house?

**Deeren:** Yes, the addition is 16x25 feet, one story over a basement with a bedroom and bathroom on the first floor. They currently have a south side detached garage on the road. This addition would not exceed the maximum lot coverage.

**Soutar:** The information provided to us does not state where the septic tank is located. This house could not be built today. The existing house has been grandfathered in. The new proposed addition does not meet today's zoning requirements.

**Dolton:** This proposed addition would increase the intensity of use. The zoning ordinances are to help prevent increased building on non-conforming lots.

**Moved by Couture to approve variance request 894 with a second by Dolton**

**Soutar:** The Board will now go through the 6 Basic Conditions that must 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.

Yes: Condition has been met- Wahl, Soutar, Dolton, Miller, Couture

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

Yes: Condition has been met-Couture, Soutar, Miller, Wahl

No: Condition has not been met- Dolton

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.)

No: Condition has not been met-Wahl, Miller, Couture, Dolton, Soutar

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.

Yes: Condition has been met-Miller

No: Condition has not been met-Dolton, Couture, Wahl, Soutar

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

Yes: Condition has been met- Wahl, Miller, Couture, Dolton, Soutar

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.

Yes: Condition has been met-Wahl, Couture, Miller

No: Condition has not been met-Dolton, Soutar

**Deeren:** Conditions 3 and 4 failed.

Vote on motion by Couture to approve variance request 894

Roll call vote: No-Wahl, Miller, Soutar, Dolton, Couture

**Failed Unan**

Peninsula Township  
Zoning Board of Appeal  
June 15, 2021  
Lola Jackson Recording Secretary

**Wahl made a motion that Request 894 be disapproved with a second by Couture.**

**Roll call vote: Yes- Wahl, Miller, Soutar, Dolton, Couture** **Passed Unan**

- 9. Approval of Minutes from May 18, 2021 Regular Meeting** Wahl moved to approve the minutes with a second by Couture. **Passed Unan**
- 10. Citizen Comments** None
- 11. Board Comments**
- Deeren:** In order for a case to be heard at the July 20, 2021 meeting, the application was due today. No applications were received. Depending on what information is received in the ACMEPEN case will determine if we have a meeting in July.
- Soutar:** The original 5 members who heard the case would need to be present, with 3 being the minimum number required to hold a meeting.
- 12. Adjournment** Couture moved to adjourn the meeting with a second by Wahl. **Passed Unan**  
Adjourned at 7:18 p.m.