

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS AGENDA
13235 Center Rd., Traverse City, MI 49686
July 12, 2022
7:00 p.m.**

- 1. Call to Order**
- 2. Pledge**
- 3. Roll Call of Attendance**
- 4. Approval of Agenda**
- 5. Conflict of Interest**
- 6. Brief Citizen Comments – for items not on the Agenda**
- 7. Business:**

1. Request No. 901, Zoning R-1C

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

Owner: 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

2. Request No. 902, Zoning R-1B

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 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 eleven (11) foot setback in order to re-construct a garage 28 feet by 48 feet that was destroyed by fire.

Parcel Code # 28-11-325-025-55

- 8. Approval of Minutes from April 19, 2022 Regular Meeting**
- 9. Citizen Comments**
- 10. Board Comments**
- 11. Adjournment**

Peninsula Township Planning & Zoning Department

EXHIBIT LIST
ZBA Request # 901

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

Physical Address of Subject Property: 9722 Center Rd., Traverse City, MI 49686
Hearing date: July 19, 2022

EXHIBIT LIST

1. Application for variance request from the applicant & surveyed plans
2. Staff report from Peninsula Township Director of Zoning.
3. Public Notice for properties within 300 feet of subject site
4. Public Notice – Record Eagle
5. Certificate of Notification
6. Correspondence

Case No. 901

Exhibit List

Item No. 1



May 23, 2022

Peninsula Township
Zoning & Planning Department
13235 Center Rd.
Traverse City, MI 49686

Re: 9722 Center Rd.-Kokkales Variance Request

ZBA Board Members:

Please be advised that the undersigned represents Dean & Michelle Kokkales, ("Applicant"). The Applicant is the owner of a parcel of real property at 9722 Center Road (parcel # 11-017-002-00). The next scheduled meeting is June 21, 2022 and the Applicant wishes to be placed on the ZBA agenda for consideration of their variance request. The Applicant requested a similar variance on June 15, 2021, variance request No. 894. That variance request was denied at the June 15, 2021 meeting. The June 21, 2022 meeting will be one-year from denial and therefore is appropriate for reconsideration.

Enclosed you will find a complete application and payment to set the variance request on the June 21, 2022 ZBA meeting agenda. Please confirm receipt of this letter and the enclosed, as well as, confirm that the matter has been set on the June 21, 2022 agenda for consideration. Should you have any questions regarding this letter or the enclosed, feel free to contact me at your convenience.

As always, thank you for your time and consideration of this matter.

Best regards,

KUHN ROGERS PLC

David P. Glenn
Direct Dial: (231) 947-7901 x104
dpg@kuhnrogers.com

DPG
Enclosures

Peninsula Township Variance Application

Application Guidelines

13235 Center Road, Tr  verse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

1. Zoning Board of Appeals (ZBA) applications are available from the Peninsula Township Planning & Zoning Department, 7:30 a.m. to 6:30 p.m., Monday, and 7:30 a.m. to 5:00 p.m. Tuesday through Thursday, or online at www.peninsulatownship.com/zoning.
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Ten (10) copies must be submitted.**
3. If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.
4. It is the applicant's responsibility to review and address the appropriate sections of the Zoning Ordinance prior to submission.
5. It is the applicant's responsibility to ensure that the application is complete upon submission. **Planning and Zoning Department staff will determine and confirm with the applicant that the application is complete.** An incomplete application will not be considered for review by the ZBA.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
8. The applicant will receive a notice of the public hearing in the mail, and is expected to attend the meeting.
9. ZBA meetings are held on the second Thursday of every month, beginning at 7:00 p.m. in the Township Hall, 13235 Center Road, Traverse City, MI 49686.
10. If the variance(s) are granted, **construction authorized by such variance(s) must begin within six (6) months after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance must take place within one (1) year after the granting of the variance.**
11. If the variance(s) are granted, construction authorized by such variance(s) must comply with all other necessary permits. **A variance is independent from, and does not substitute for, all other permits.**
12. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

| OFFICE USE ONLY | | |
|-----------------|---------------|---------------|
| Date Received: | Fee Received: | Board Action: |
| Date Complete: | Meeting Date: | |

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. **10 copies are required.**

Applicant Information

Applicant: Name David P. Glenn, Kuhn Rogers PLC
Address Line 1 412 S. Union Street
Address Line 2 Traverse City, MI 49684
Phone (231) 947-7900 Cell _____
E-mail dpg@kuhnrogers.com

Owner: Name Dean & Michelle Kokkales
Address Line 1 2353 Weber Dr.
Address Line 2 Dexter, MI 48130
Phone (734) 424-9380 Cell (734) 216-4147 or (734) 645-2043
E-mail dkokkales@onealconstruction.com

(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 11-017-002-00 Zoning R-1C
Address Line 1 9722 Center Rd.
Address Line 2 Traverse City, MI 49686

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 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: See attached supplement

- 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: See attached supplement

- 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: See attached supplement

- 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: See attached supplement

- 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: See attached supplement

- 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: See attached supplement

VARIANCE APPLICATION SUPPLEMENT

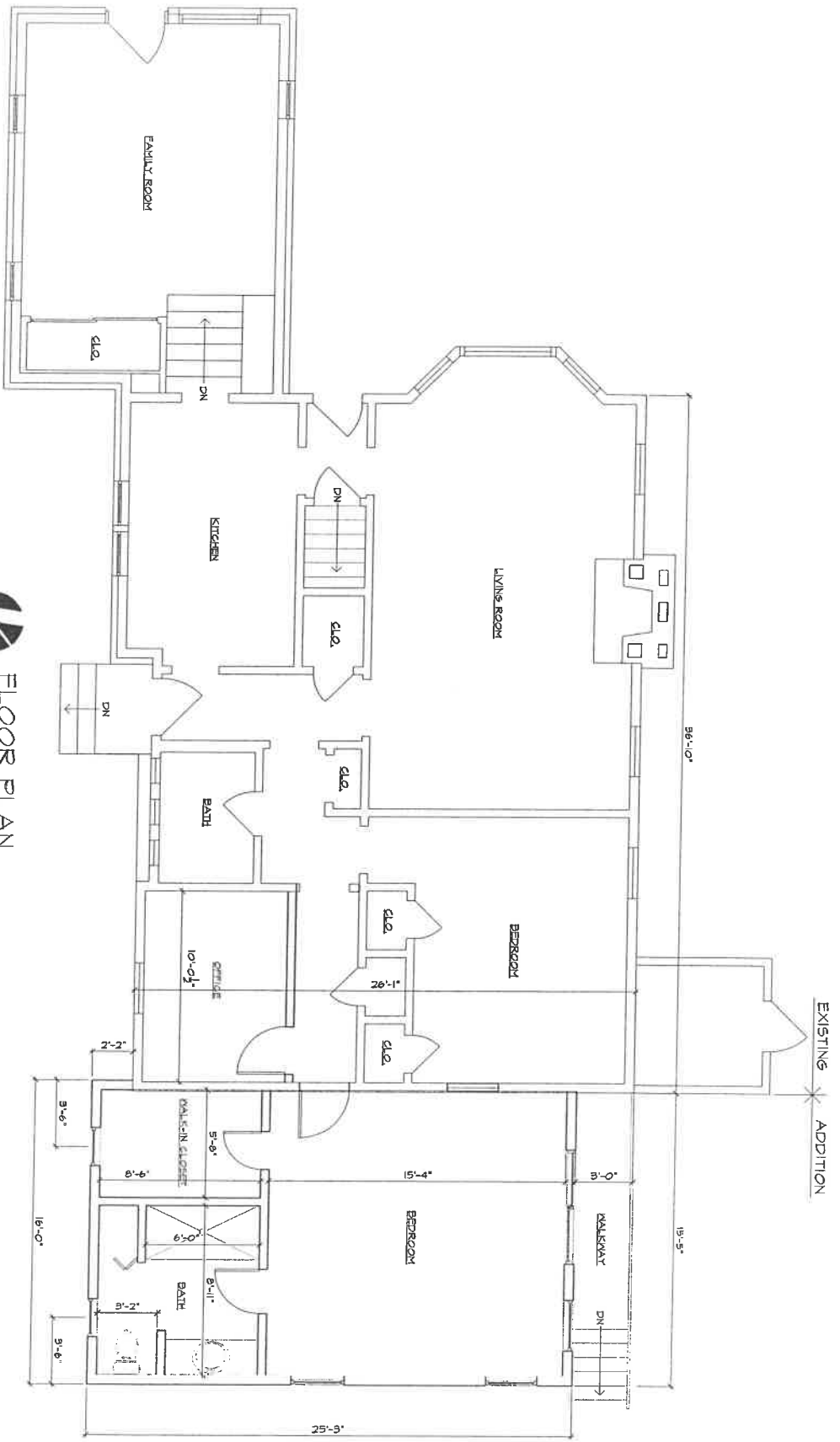
BASIC CONDITIONS

- a. This condition is clearly met in light of the Parcel's size, location, and proximity to the water. The Parcel is approximately .5 acres in size and sandwiched between Center Road and East Grand Traverse Bay. A majority of the Parcel, and nearly all of the existing structures attached thereto, are located within the minimum ordinary highwater mark-setback ("OHWM-SB") of sixty feet (60') as defined in the Peninsula Township Zoning Ordinance ("ZO"). Compliance with the OHWM-SB is an impossibility based on the Parcel's size, location, and proximity to the water.
- b. This condition is clearly met as the Parcel was created prior to the adoption of the ZO, and is considered to be legally nonconforming. Moreover, the Parcel was improved with a residential structure, detached garage, and porches in 1945, all prior to the adoption of the ZO. The challenges and nonconformities relating to the Parcel were not "self-created."
- c. This condition is clearly met. As noted above, the Parcel currently has a small cottage located on it (the "Cottage"). The Owners desire to make this Cottage their retirement home, but its current layout and lack of a second bathroom with a walk-in shower makes it insufficient and unsafe for permanent residential use by the Owners and their elderly guests. The new addition would not exceed the maximum lot coverage and the intensity of use will remain essentially the same, with the only real addition being the inclusion of a second bathroom with a walk-in shower. The Cottage currently consists of three bedrooms. The proposed addition does not add any additional bedrooms but instead relocates a bedroom from the southwest (roadside) portion of the structure, to the eastern portion (waterside), away from the busy road. That adjustment is very important to the Owners as they have already personally witnessed two accidents close to their Cottage in the past four years. On the empty lot to the south of the Parcel, a driver fell asleep and lost control of his car, resulting in the car rolling and catching fire. The second incident involved a tractor-trailer carrying a load of sod that veered off the road hitting a power pole and knocking out power to a portion of the Peninsula. A third incident which happened at 9870 Center Road many years ago (a neighbor shared the story) whereby a car lost control and struck the northwest corner of the house. The Owners feel strongly that having bedrooms as far away from the road as possible is a necessity in light of their close proximity to Center Road, where vehicles travel at an average speed of 45-50 mph.

In addition to the road concerns, the Owners also require this variance to help improve elder care for themselves in the future, and for their parents in the present. The Cottage currently only has one bathroom which contains a tub shower. The Owners need a second bathroom with a walk-in shower. The Owners both have mothers in their 80's and 90's who will be spending significant portions of time at the Cottage (likely permanently at some point). Accessibility of a walk-in shower will greatly reduce the safety risks associated with stepping up and into a bathtub.

The Owners could seek to add room to their Cottage by building a second story, but they would like to avoid this option for the following reasons:

- The Owners are getting older and have elderly parents who need to avoid stairs.
 - Adding up would double the square footage of the Cottage. The Owners are not interested in that large amount of square footage in fear that it would eliminate the charm of the Cottage that they fell in love with when purchased it.
 - The Owners would need to bring in a structural engineer and/or soils engineer to evaluate if the current foundation is capable of carrying a second floor.
 - The cost of engineering, investigation, and construction of a second floor would be more than the Owners could afford.
 - The Owners seek to maintain the current lake-cottage style 1940's look of the Cottage. There are approximately eight cottages along that Center Road stretch to the north of the Cottage that all share a very similar appearance. Adding a second floor would eliminate this conforming appearance.
 - Adding a second level would also impair neighboring property owners' views of the water, and the Owners do not want to impact anyone's enjoyment of the waterfront.
- d. This condition is met as the proposal will provide substantial justice through allowing the Owners to create a safer and more accommodating home, without sacrificing the charm of the Cottage and the nearby cottages, or the views of neighboring properties. In addition to the safety concerns, fairness is also a consideration. The ZBA has historically (and correctly) recognized the challenges of the waterfront parcels in Peninsula Township that lie between main roads and the water. In recognition of that unique circumstance, the ZBA has routinely approved variances similar to the one presented here.
- e. This condition is met as the proposal will have no adverse impact on neighboring properties, but instead it will improve property values and preserve neighborhood charm and views.
- f. This condition is met as the Parcel is zoned Suburban Residential – Single and Two-Family Residential (R-1C).



FLOOR PLAN

3/16"=1'-0"

Dean and Michelle Korkates
 9722 Center Rd.
 Traverse City, MI 49686

Addition to 9722 Center Rd.
 Traverse City, MI

Drawing Name:
 Floor plan

Date
 5-10-21
 Scale:
 As Noted

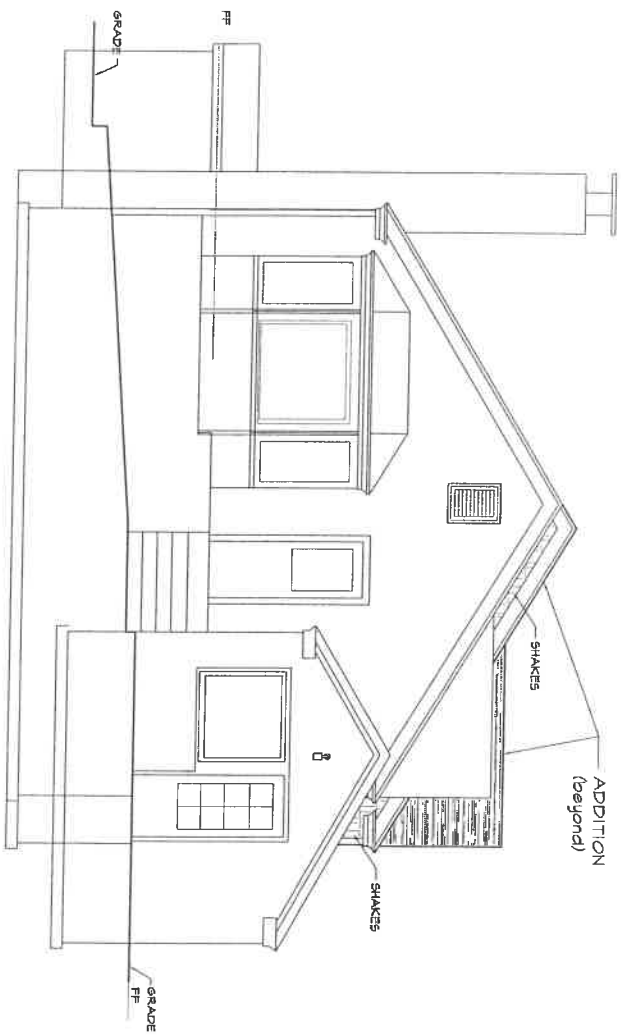
A-1



EAST ELEVATION (FRONT)

3/16"=1'-0"

| | | | | |
|--|--|---|---------------------------------------|-----|
| Dean and Michelle Kokkales 9722 Center Rd. Traverse City, MI 49686 | Addition to 9722 Center Rd. Traverse City, MI | Drawing Name: East Elevation (Front) | Date 5-10-21 Scale: As Noted | A-2 |
|--|--|---|---------------------------------------|-----|



NORTH ELEVATION

3/16"=1'-0"

Dean and Michelle Kokkales
9722 Center Rd.
Traverse City, MI 49686

Addition to 9722 Center Rd.
Traverse City, MI

Drawing Name:
North Elevation

Date
5-10-27
Scale:
As Noted

A-3



SOUTH ELEVATION

3/16" = 1'-0"

Dean and Michelle Kokkales
9722 Center Rd.
Traverse City, MI 49686

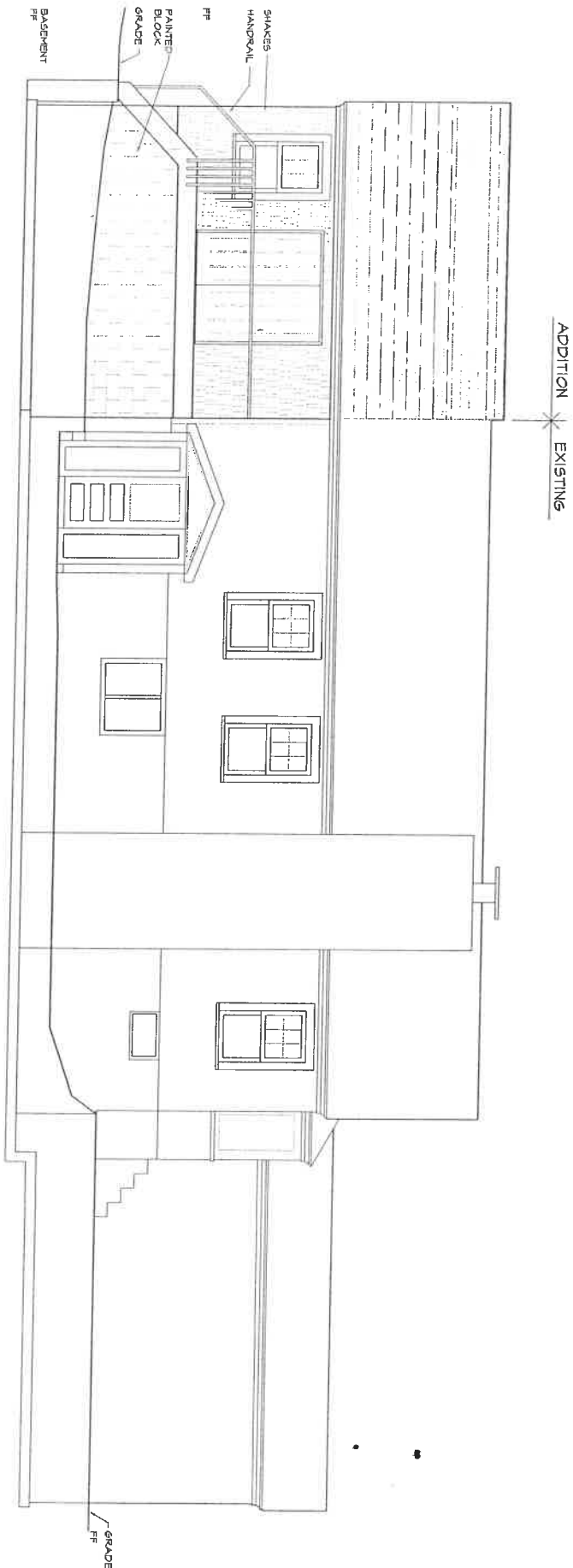
Addition to 9722 Center Rd.
Traverse City, MI

Drawing Name:

South Elevation

Date:
5-10-21
Scale:
As Noted

A-4



WEST ELEVATION

3/8" = 1'-0"

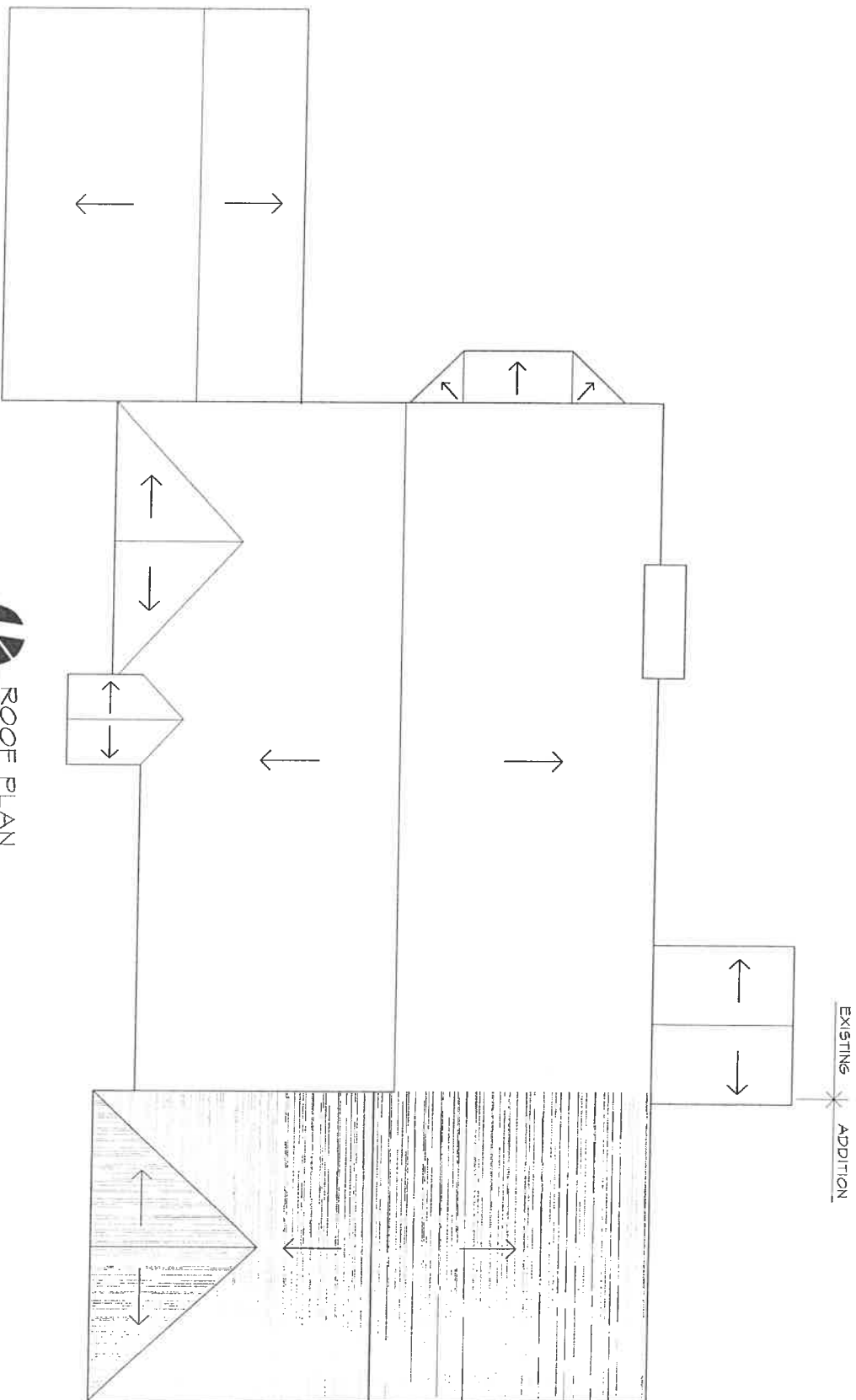
Dean and Michelle Kokkales
9722 Center Rd.
Traverse City, MI 49686

Addition to 9722 Center Rd.
Traverse City, MI

Drawing Name:
West Elevation

Date
5-10-21
Scale:
As Noted

A-5



ROOF PLAN

3/16" = 1'-0"

Dean and Michelle Korkales
9722 Center Rd.
Traverse City, MI 49686

Addition to 9722 Center Rd.
Traverse City, MI

Drawing Name:
Roof plan

Date
5-10-21
Scale:
As Noted

A-6

Dean Kokkales

From: Richard Henes <richcdi@gmail.com>
Sent: Thursday, May 13, 2021 4:35 PM
To: Dean Kokkales
Subject: Lakehouse

In case Christina wants backup on the areas:

House: 1,326 sf

Addition: 387 sf

Garage: 663 sf

Total = 2,376 sf

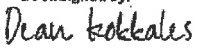
Lot: 12,196 sf

Lot coverage: $2376/12196=19\%$

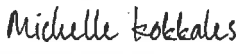
Allowable=25%

VARIANCE AUTHORIZATION

We, Dean and Michelle Kokkales (owners of 9722 Center Road), authorize Kuhn Rogers PLC to submit the Variance Application enclosed herein.

DocuSigned by:

9998B24CD16F48A...
Dean Kokkales

Dated: 5/20/2022

DocuSigned by:

D05AF7892F61489...
Michelle Kokkales

Dated: 5/20/2022

Case No. 901

Exhibit List

Item No. 2

Peninsula Township Planning & Zoning Department

STAFF REPORT

ZBA Request # 901

Physical Address of Subject Property: 9722 Center Rd., Traverse City, MI 49686

Date: July 19, 2022

To: Peninsula Township Zoning Board of Appeals

From: Christina Deeren, Zoning Administrator

RE: Request # 901

Zoning

District: R-1C Suburban Residential – Single and Two-Family Residential

Hearing

Date: July 19, 2022 – 7:00 PM

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

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

Site: 9722 Center Rd., Traverse City, MI 49686

Tax ID: 28-11-017-002-00

Information:

- Parcel 28-11-017-002-00 is approximately .517 acres in size or 180 feet by 125 feet and approximately 22,500 square feet.
- The property is zoned Suburban Residential – Single and Two-Family Residential (R-1C); and the surrounding area is also zoned Suburban Residential– Single and Two-Family Residential (R-1C).
- The lot was created prior the adoption of the Peninsula Township Zoning Ordinance, and is considered legal non-conforming.
- The parcel is improved with a residential structure, detached garage and porches.
- The residential structure was constructed in 1945 and is considered legal non-conforming to current zoning standards.
- The existing residential structure does not conform to the setback requirements within this zoning district as the entire structure is located within the ordinary high water line setback.
- The existing detached garage is located partially outside of the ordinary high water line setback.
- The proposed new addition is 16 feet by 25 feet or 400 square feet meets all other setback requirements other than the ordinary high water line setback.
- This same request was presented to the Zoning Board of Appeals on June 15, 2021 in Case No. 894 and was denied by the Board of Appeals.

Action Requested:

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

Applicant

Statement: Please see the enclosed application submitted by the property owner.

Staff Comments:

TABLE OUTLINES VARIANCE REQUEST FOR NEW ADDITION TO RESIDENTIAL STRUCTUE:

Background:

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

| R-1C Standards (Section 6.8) | Required | Variance | Conforms to Standards? |
|------------------------------------|---------------|---|---------------------------|
| Minimum Front Setback | 25' | 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' | Yes – Requesting a variance from 60 feet to Zero feet as the entire parcel is within the 60 foot high water setback | No |
| Road Right-of-way setback | 33' | No | Yes |
| Percentage of Lot Coverage: | 25% - allowed | No - 11.24% with the proposed new addition of the 400 sq. ft. | Yes |

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-1C, Suburban Residential: Minimum lot front setback -25 feet

Side yard setbacks – 15 feet
Rear yard setback – 30 feet
Ordinary Highwater setback – 60 feet
Allowable percentage of lot coverage – 25%

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.

- (b) 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 5.7.4 Special Exemptions:

(Revised by Amendment 113B)

(DELETED BY AMENDMENT 188)

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: _____

_____.

The subject property, zoned R-1C, was created prior the effective date of the Ordinance and considered legal non-conforming. The property is located along Center Rd.,

**Peninsula Township
Zoning Board of Appeals**

ZBA Case No. 901

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: July 19, 2022

Applicant: Dean & Michelle Kokkales, 2353 Weber Rd., Dexter, MI 48130
Owner: Dean & Michelle Kokkales, 2353 Weber Rd., Dexter, MI 48130
Address: 9722 Center Rd., Traverse City, MI 49686

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

Request:

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.

Action by the Zoning Board of Appeals:

| | | |
|--------------|------------------------------|-----------------------------|
| _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Chair) | | |
| _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Vice Chair) | | |
| _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Member) | | |
| _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Member) | | |
| _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Member) | | |

Board Action:

Case No. 901

Exhibit List

Item No. 3

**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 Regular Meeting on July 19, 2022 at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686 (231) 223-7322. The following applicant is scheduled to be heard:

2. Request No. 901, Zoning R-1B

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

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

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

Request:

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

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

Written comments may be submitted to Peninsula Township Planning and/or Zoning Departments at 13235 Center Road, Traverse City, MI 49686, no later than 12:00 p.m. on July 18, 2021.

If you are planning on attending the meeting and are disabled and require any special assistance, please notify the Planning and/or Zoning Department at (231) 233-7318 or call TDD (231) 922-4766

SUBJECT SITE



Case No. 901

Exhibit List

Item No. 4

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/30/22 10:03 by dling

Acct #: 1837

Ad #: 587663

Status: New WHOLD WHOI

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 regular meeting on July 19, 2022 at 7:00 PM at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686, (231) 223-7322. The following applicants will be heard:

1. Request No. 901, Zoning R-1C

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

Owner: 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

2. Request No. 902, Zoning R-1B

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 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 eleven (11) foot setback in order to re-construct a garage 28 feet by 48 feet that was destroyed by fire.

Written comment may be submitted to Peninsula Township Zoning Department at 13235 Center Rd., Traverse City, MI 49686 no later than 12:00 PM on July 18, 2022.

July 2, 2022-1T

587663

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/30/22 10:03 by dling

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

2. Request No. 902, Zoning R-1B

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 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 eleven (11) foot setback in order to re-construct a garage 28 feet by 48 feet that was destroyed by fire.

Written comment may be submitted to Peninsula Township Zoning Department at 13235 Center Rd., Traverse City, MI 49686 no later than 12:00 PM on July 18, 2022.

July 2, 2022-1T

587663

Case No. 901

Exhibit List

Item No. 5

PENINSULA TOWNSHIP
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 901

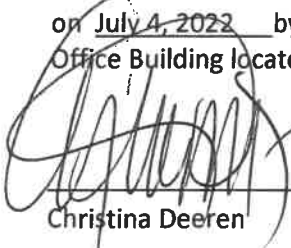
Hearing Date: July 19, 2021

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

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

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

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-017-002-00 was mailed by regular US mail to the attached list of 15 properties on July 4, 2022 by depositing said notices in a mail box located at United States Postal Services Main Office Building located at: 202 S. Union St., Traverse City, MI 496984



Christina Deeren
Peninsula Township
Director of Zoning

Peninsula Township Planning & Zoning Department

EXHIBIT LIST
ZBA Request # 902

Owner: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Physical Address of Subject Property: 7730 Peninsula Drive, Traverse City, MI 49686
Hearing date: July 19, 2022

EXHIBIT LIST

1. Application for variance request from the applicant & surveyed plans
2. Staff report from Peninsula Township Director of Zoning.
3. Land Use Permit approval from 1988 for new garage that was destroyed by fire
4. Public Notice for properties within 300 feet of subject site
5. Public Notice – Record Eagle
6. Certificate of Notification
7. Correspondence

Case No. 902

Exhibit List

Item No. 1

Peninsula Township Variance Application

Application Guidelines

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

1. Zoning Board of Appeals (ZBA) applications are available from the Peninsula Township Planning & Zoning Department, 7:30 a.m. to 6:30 p.m., Monday, and 7:30 a.m. to 5:00 p.m. Tuesday through Thursday, or online at www.peninsulatownship.com/zoning.
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Ten (10) copies must be submitted.**
3. If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.
4. It is the applicant's responsibility to review and address the appropriate sections of the Zoning Ordinance prior to submission.
5. It is the applicant's responsibility to ensure that the application is complete upon submission. **Planning and Zoning Department staff will determine and confirm with the applicant that the application is complete.** An incomplete application will not be considered for review by the ZBA.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
8. The applicant will receive a notice of the public hearing in the mail, and is expected to attend the meeting.
9. ZBA meetings are held on the second Thursday of every month, beginning at 7:00 p.m. in the Township Hall, 13235 Center Road, Traverse City, MI 49686.
10. If the variance(s) are granted, **construction authorized by such variance(s) must begin within six (6) months after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance must take place within one (1) year after the granting of the variance.**
11. If the variance(s) are granted, construction authorized by such variance(s) must comply with all other necessary permits. **A variance is independent from, and does not substitute for, all other permits.**
12. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

| OFFICE USE ONLY | | |
|-----------------|---------------|---------------|
| Date Received: | Fee Received: | Board Action: |
| Date Complete: | Meeting Date: | |

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. **11 copies are required.**

Applicant Information

Applicant: Name GARRY MANN
Address Line 1 17368 PENINSULA DR
Address Line 2 TRAVERSE CITY, MI 49686
Phone _____ Cell 763-370-5519
E-mail GARRY M @ FERNAND VINEYARDS .COM

Owner: Name GORDON ROSTER
Address Line 1 7730 PENINSULA DRIVE
Address Line 2 TRAVERSE CITY, MI 49686
Phone 231-946-3434 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 11-325-025-55 Zoning _____
Address Line 1 7730 PENINSULA DRIVE
Address Line 2 TRAVERSE CITY, MI 49686

Type of Request

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Front Yard Setback | <input checked="" type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Rear Yard Setback |
| <input type="checkbox"/> Width to Depth Ratio | <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Off-Street Parking |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Height/Width | <input type="checkbox"/> Non-Conformity Expansion |
| <input checked="" 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: THIS LOT (AS MANY LOTS ALONG PENINSULA DR) IS VERY NARROW IN WIDTH BUT VERY LONG IN DEPTH.
THE GARAGE WOULD HAVE TO REBUILD ON THE EXISTING FOUNDATION (GARAGE BURNED DOWN LAST FALL) IS APPX 2' TO SHORT FROM THE 15' SETBACK BASED ON OUR LASER SIGHTING BETWEEN 2 SURVEY STAKES THE BACK OF THE GARAGE IS 15' OFF SET - THE FRONT IS APPX 12' 8" - THE PREVIOUS BUILDER LINED THE GARAGE UP WITH THE HOUSE

- 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 GARAGE BURNED DOWN. THIS WAS NOT THE ACTION OF THE OWNER. I BELIEVE THERE IS AN ORDINANCE THAT ALLOWS THE GARAGE TO BE REBUILT (WE ARE USING THE EXISTING FOUNDATION AND CONCRETE SLAB)

- 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: YES. IF THE GARAGE HAD TO BE

Relocated 2' TO THE SOUTH IT WOULD REQUIRE
EXCAVATING THE STEEP DIOB HILL TO THE EAST
AND INSTALLING SHEET PILING OR AN EXTENSIVE
RETAINING WALL. THE WOULD BE AN EXORBITANT COST

- 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: YES. THE GARAGE HAS BEEN
EXISTING SINCE 1998. THERE HAS NOT BEEN ANY
CONCERNS

- 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: YES. REBUILDING THE GARAGE
WILL HELP MAINTAIN ADJACENT PROPERTY VALUES

- 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: YES - THE TOWNSHIP ORDINANCE
ALLOWS FOR THE REBUILDING OF NON COMPLIANT
STRUCTURES IF THEY ARE DESTROYED BY FIRE, ACTS OF GOD
OR OTHER THINGS OUT OF THE OWNERS CONTROL

Case No. 902

Exhibit List

Item No. 2

Peninsula Township Planning & Zoning Department
STAFF REPORT
ZBA Request # 902
Physical Address of Subject Property: 7730 Peninsula Drive, Traverse City, MI 49686
Date: July 19, 2022

To: Peninsula Township Zoning Board of Appeals

From: Christina Deeren, Zoning Administrator

RE: Request # 902

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

Hearing Date: July 19, 2022 – 7:00 PM

Applicant: Gerald & Kathy Roster Trust, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster Trust, 7730 Peninsula Drive, Traverse City, MI 49686

Site: 7730 Peninsula Drive, Traverse City, MI 49686

Tax ID: 28-11-325-025-55

Information:

- Parcel 28-11-325-025-55 is approximately .97 acres in size or 100 feet by 422.532 feet and approximately 42,253 square feet.
- The property is zoned Coastal Zone – Single and Two-Family Residential (R-1B); and the surrounding area is also zoned Coastal Zone – Single and Two-Family Residential (R-1B).
- The lot was created prior the adoption of the Peninsula Township Zoning Ordinance, and is considered legal non-conforming.
- The parcel is improved with a residential structure, attached garage and a detached garage.
- The original residential structure was constructed in 1958 and is considered legal non-conforming to current zoning standards.
- The residential structure does not conform to the setback requirements within this zoning district as it encroaches on the northerly and front property lines.
- A detached garage was constructed in 1988 via permit no. 2211. The garage was 28 feet by 48 feet or 1344 square feet.
- The detached garage met the setbacks and a variance request to construct was not required.
- The detached garage was destroyed by fire in 2021.
- The detached garage was not constructed in the correct location and when constructed the building and foundation was placed twelve (12) feet to the northerly property line instead of the permitted fifteen (15).

Action Requested:

1. Requesting a variance from the required fifteen (15) foot side yard setback to eleven (11)

foot side setback on the northerly property line in order to construct a 28 foot by 48 foot or 1344 square feet detached garage that was destroyed by fire on the existing foundation.

Parcel Code: #28-11-325-025-55

Applicant

Statement: Please see the enclosed application submitted by the property owner.

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 | 11ft from the required 15 ft | Yes- variance is required | No |
| 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 | No | Yes |
| Current Building(s) on Lot | 3898 sq. ft of current structure | 9.22% Lot Coverage Without detached garage | With new structure total new square footage = 1344 sq. ft.+ 3898 = 5424 sq. ft. = 12.40% lot coverage |

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, Suburban Residential: 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.
- (b) 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 5.7.4 Special Exemptions:

(Revised by Amendment 113B)

(DELETED BY AMENDMENT 188)

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: _____

The subject property, zoned R-1B, was created prior the effective date of the Ordinance and considered legal non-conforming. The property is located along Peninsula Drive.

**Peninsula Township
Zoning Board of Appeals**

ZBA Case No. 902

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: July 19, 2022

Applicant: Gerald & Kathy Roster Trust, 7730 Peninsula Drive, Traverse City, MI 49686
Owner: Gerald & Kathy Roster Trust, 7730 Peninsula Drive, Traverse City, MI 49686
Address: 7730 Peninsula Drive., Traverse City, MI 49686

Parcel Code: #28-11-325-025-55

Request:

1. Requesting a variance from the required fifteen (15) foot side yard setback to eleven (11) foot side setback on the northerly property line in order to construct a 28 foot by 48 foot or 1344 square feet detached garage that was destroyed by fire on the existing foundation.

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:

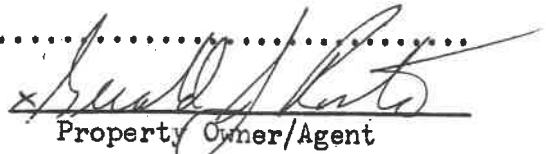
Case No. 902

Exhibit List

Item No. 3

PENINSULA TOWNSHIP
Application For Land Use Permit

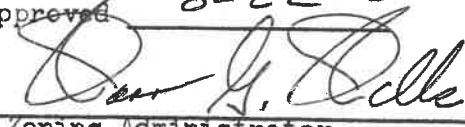
Code # 325-025-00Permit # 2211Zoned R-1B* Fee 30.00
ck # 3505Property Owner Gerald J. RosterAddress: 7730 Peninsula DriveProperty Location: Part Govt Lot 2
Sect 25 T28N R11W between McKinley
Lot # and/or road roadSide of Road (N.S.E.W.) E and Wilson
roadProposed Use: 48x28 Garage Property Address SameLand Location☐ Platted subdivision☒ Metes and bounds description☐ Platted subdivision with shore frontage☐ Metes and bounds description with shore frontageN.A. Health Dept Permit No.N.A. Driveway Permit☒ Proof of Ownership☐ D.N.R. Approval☒ Plot Plan☐ Soil Erosion *☒ Survey

.....

 Property Owner/Agent

.....
 Date Declined _____

Date
 Approved 8-22-88

Reason: _____


 Zoning Administrator

Date
 Expires 8/22/89

 Zoning Administrator

*Non refundable

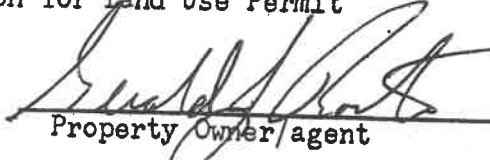
SCHEDULE OF MEASUREMENTS
(Attach to Application for Land Use Permit)

Code # 325-025-00

Zoned R-1B

| MEASUREMENTS | PROPOSED | REQUIRED BY ORDINANCE | ORDINANCE REFERENCE # |
|---|-------------|-----------------------|-----------------------|
| Lot Width | 150 | 100 | G.B.1 |
| Lot Depth | 705 | — | |
| Lot Area | 70,500 | 25,000 | |
| *Setback from Right-of-way | 150 | 30 | |
| *Setback from Ordinary Highwater line | — | — | |
| *Rear yard Setback | 200' + | 30 | |
| *Side yard Setbacks | 15' & 50' + | 15 | |
| Maximum height in feet | 12' 8" | 35 | |
| Maximum height in stories | 1 | 2 1/2 | |
| Maximum lot coverage (percentage) | 25 | 15 | |
| Area of existing structures | 2156 | | |
| Area of proposed structures | 1344 | | |
| Total area of existing and proposed structures | 3500 | | |
| *SETBACK is the distance between the lot line and the closest point of the structure such as: deck, porch, overhangs, buttresses and cantilevers. | | | |

This page is a part of the attached Application for Land Use Permit


Property Owner/agent

DATE 8-22-88

PERMIT NO. 2211

LAND USE PERMIT

This Permit Must Be Displayed on the Premises

**Any person willfully destroying this permit will
be punished the full extent of the law.**

CONSTRUCTION MUST BE COMPLETED BEFORE PERMIT EXPIRES AND PERMIT
HOLDER SHALL NOTIFY THE ZONING ADMINISTRATOR WHEN COMPLETED FOR A
FINAL INSPECTION OF BUILDING BEFORE OCCUPANCY MAY BE PERMITTED

This permit is issued for the 48x28 Garage

Location: 7730 Peninsula Drive

Fee \$ 30.00

PENINSULA TOWNSHIP

This Permit Expires 8-22-89

By W.G. Wells

GRAND TRAVERSE COUNTY
CONSTRUCTION CODE OFFICE
400 BOARDMAN AVENUE
P.O. BOX 383
TRAVERSE CITY, MI. 49686 922-4722

BUILDING PERMIT

ASSESSORS COPY

AMOUNT
PAID

VALIDATION

11192

DATE August 24 1988

PERMIT NO. 7730 Peninsula Dr., TC

APPLICANT Gerald Roster

ADDRESS (NO.) (STREET) 7730 Peninsula Dr., TC

(CONTR'S LICENSE)

NUMBER OF DWELLING UNITS -0-

STORY storage garage (PROPOSED USE)

construct (TYPE OF IMPROVEMENT)

7730 Peninsula Dr., TC (NO.) (STREET)

ZONING DISTRICT Peninsula

McKinley Rd. (CROSS STREET)

AND Wilson Rd. (CROSS STREET)

LOT SIZE

LOT BLOCK

BUILDING IS TO BE 28 FT. WIDE BY 48 FT. LONG BY 12 FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE 5B USE GROUP B BASEMENT WALLS OR FOUNDATION (TYPE) masonry

REMARKS: This permit issued to construct a private detached storage garage, at above location.

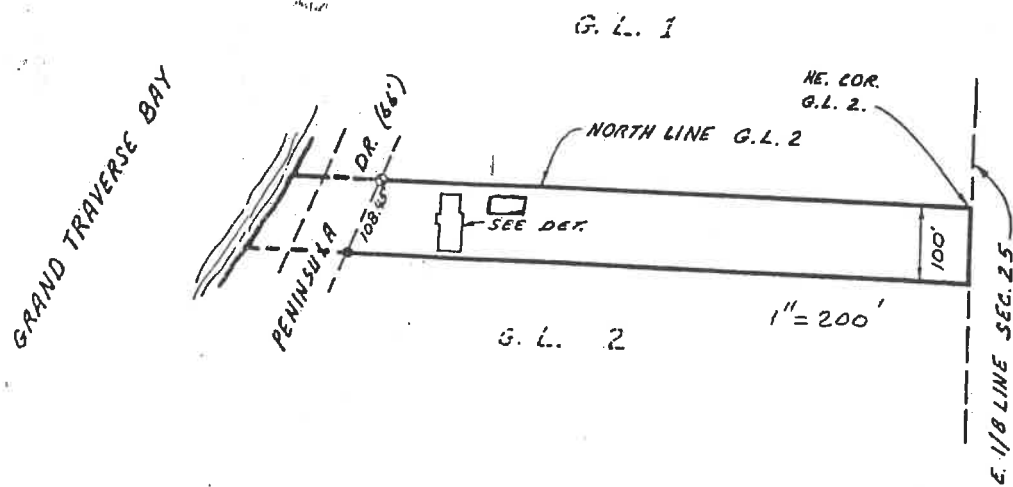
AREA OR VOLUME 1344 (CUBIC/SQUARE FEET) ESTIMATED COST \$ 8,736.00 PERMIT FEE \$ 52.00

OWNER e/a

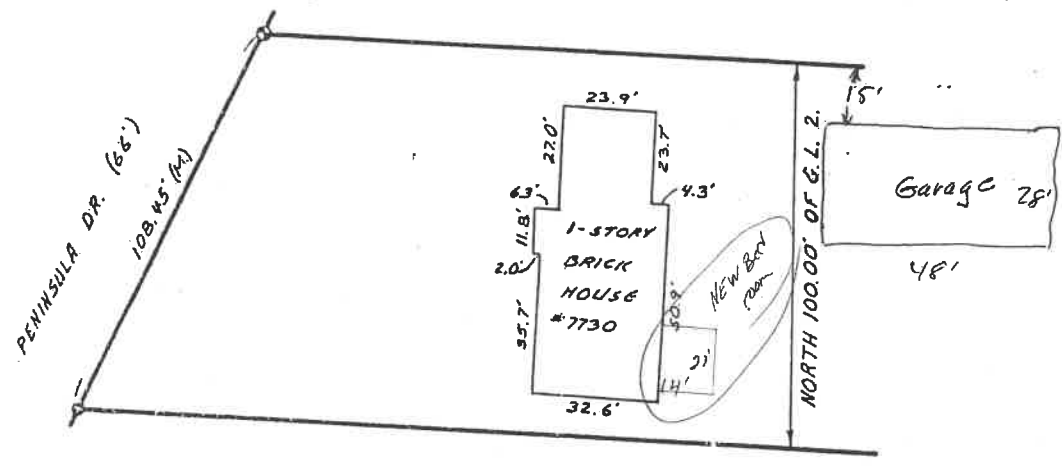
ADDRESS BUILDING DEPT. BY Vicki Hill

MORTGAGE REPORT

8/22/88



ROSTER
BANK
LOT 2
R. 11W.
MICH.



HOUSE DETAIL
1"=40'



LEGEND

- ⊕=MONUMENT, F
- =IRON, F.D.
- R=RECORD

CERTIFICATE

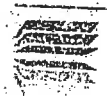
I hereby certify that I have inspected the property hereon described; that there are improvements located as shown; that said improvements are within the property lines; and that there are no visible encroachments upon the land and property described, unless otherwise noted.

All utilities and easements may/or may not be shown.

This inspection is for mortgage purposes only.

R.L.S. NO. 24600

Gosling Czubak Associates



Engineers
Surveyors

Gosling Czubak Associates, P.C.
525 West Fourteenth
Traverse City, MI 49684

FOR: GERALD J. & KATHYN N. ROSTER

EMPIRE NATIONAL BANK

DESCRIPTION:

NORTH 100 FT. OF GOVERNMENT
LOT 2, SECTION 25, T. 28N, R. 11W,
PENINSULA TOWNSHIP,
GRAND TRAVERSE COUNTY,
MICHIGAN.

DATE: 6-9-87

SHEET 1 OF 1

Case No. 902

Exhibit List

Item No. 4

**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 Regular Meeting on July 19, 2022 at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686 (231) 223-7322. The following applicant is scheduled to be heard:

2. Request No. 901, Zoning R-1B

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Property Address: 7730 Peninsula Drive, Traverse City, MI 49686

Request:

1. Requesting a variance from the required fifteen (15) foot side yard setback on the northerly property line to a eleven (11) foot setback in order to re-construct a garage 28 feet by 48 feet that was destroyed by fire.

Parcel Code # 28-11-325-025-55

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

Written comments may be submitted to Peninsula Township Planning and/or Zoning Departments at 13235 Center Road, Traverse City, MI 49686, no later than 12:00 p.m. on July 18, 2021.

If you are planning on attending the meeting and are disabled and require any special assistance, please notify the Planning and/or Zoning Department at (231) 233-7318 or call TDD (231) 922-4766

SUBJECT SITE



Case No. 902

Exhibit List

Item No. 5

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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT

Printed at 06/30/22 10:03 by dling

Acct #: 1837

Ad #: 587663

Status: New WHOLD

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

Start: 07/02/2022 Stop: 07/02/2022
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.56 Words: 241
Total STDAD 10.68
Class: 147 LEGALS
Rate: LEGAL Cost: 129.15
Affidavits: 1

Contact:

Phone: (231)223-7322

Fax#: (231)223-7117

Email: deputy.clerk@peninsulatownsh

Agency:

Ad Descrpt: PUBLIC NOTICE PENINSULA T

Given by: EMAIL CHRISTINA DEEREN

P.O. #:

Created: dling 06/30/22 09:55

Last Changed: dling 06/30/22 10:02

| PUB | ZONE | EDT | TP | START | INS | STOP | SMTWTFS |
|-----|------|-----|----|--------------|-----|--------------|---------|
| RE | A | 97 | W | Sat 07/02/22 | 1 | Sat 07/02/22 | SMTWTFS |
| IN | AIN | 97 | W | Sat 07/02/22 | 1 | Sat 07/02/22 | SMTWTFS |

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)

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/30/22 10:03 by dling

Acct #: 1837

Ad #: 587663

Status: New WHOLD WI

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 regular meeting on July 19, 2022 at 7:00 PM at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686, (231) 223-7322. The following applicants will be heard:

1. Request No. 901, Zoning R-1C

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

Owner: Dean & Michelle Kokkaies, 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

2. Request No. 902, Zoning R-1B

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 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 eleven (11) foot setback in order to re-construct a garage 28 feet by 48 feet that was destroyed by fire.

Written comment may be submitted to Peninsula Township Zoning Department at 13235 Center Rd., Traverse City, MI 49686 no later than 12:00 PM on July 18, 2022.

July 2, 2022-1T

587663

Case No. 902

Exhibit List

Item No. 6

PENINSULA TOWNSHIP
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 902


Hearing Date: July 19, 2021

Applicant: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Owner: Gerald & Kathy Roster, 7730 Peninsula Drive, Traverse City, MI 49686

Property Address: 7730 Peninsula Drive, Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-325-025-55 was mailed by regular US mail to the attached list of 18 properties on July 4, 2022 by depositing said notices in a mail box located at United States Postal Services Main Office Building located at: 202 S. Union St., Traverse City, MI 496984



Christina Deeren
Peninsula Township
Director of Zoning

**BUSINESS
ITEM NO. 8**

APPROVAL OF MINUTES

Peninsula Township
Zoning Board of Appeals
Regular Meeting
April 19, 2022 7:00
Lola Jackson Transcribing Secretary
DRAFT MINUTES

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS MINUTES
13235 Center Rd., Traverse City, MI 49686
April 19, 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, Dolton, Wahl, Serocki
4. **Approval of Agenda**
Elliott moved to approve the agenda with a second by Dloski. **passed unam**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda** None
7. **Business:**

1. Request No. 900, Zoning R-1B

Owner: Nathan & Karley Elkins, 13024 Peninsula Drive, Traverse City, MI 49686

Applicant: Nathan & Karley Elkins, 13024 Peninsula Drive, Traverse City, MI 49686

Property Address: 13024 Peninsula Drive, Traverse City, MI 49686

1. Requesting a variance from the required fifteen (15) foot side yard setback to twelve (12) foot side setback on the southerly property line in order to construct a 60 square foot addition to the existing non-conforming structure. This was a prior approval in ZBA Case No. 888 from February 16, 2021.
2. Requesting a variance from the required fifteen (15) foot side yard setback to thirteen (13) foot side yard setback on the southerly property line in order to construct a 30'x37' detached garage or 1110 square foot detached garage.
3. Requesting a variance from the required fifteen (15) percent lot coverage to sixteen point six-eight percent (16.68%) in order to construct a 1110 square foot detached garage structure.

Parcel Code # 28-11-128-037-00

Deeren: Variance Request Number 1 was approved in ZBA Case No. 888 from February 16, 2021 and was never acted upon. The request is for the board to extend this variance, which expired February, 2022. The 6 conditions had been met and the request is for a variance extension by this board.

Dolton: this was issued by a different set of board members. Requested attorney Meihn to be called. The board moved on to the other requests while waiting for Meihn.

Deeren: Request 2 is for a variance from the required fifteen (15) foot side yard setback to thirteen (13) foot side yard setback on the southerly property line in order to construct a 30'x37'

detached garage or 1110 square foot detached garage. Request 3 is a moot point as the percentage lot coverage was recalculated as is shown in the packet addition to be 13.31%. This does not require a variance.

Nathan Elkins 13024 Peninsula Drive: this property was developed pre-zoning and the lot is much narrower than is what is currently allowed today. We have corrected the north side to be within the appropriate setback and we would like to build the new garage to architecturally align on the south side of the house. We are doing this for turnaround access, the aesthetics of the house, and making sure we fit in that back yard area. Any questions?

Serocki: I read the packet from February 16, 2021 and there was a mention of a shed. There is no mention of the shed here.

Elkins: the shed was there when we bought the house. It does not have any footings and is really old with a leaky roof; it will be there until we get the new garage.

Deeren: this was counted in the lot coverage calculation.

Dloski: why do you need a garage with 1110 square feet? That is a really large garage.

Elkins: this is a two car garage with storage, a work shop, and we are a family of 5 with 3 boys.

When you do the math with the kayaks, bikes, skis and given we live in a small house on a small lot, this creates good, additional storage.

Dloski: what type of workshop?

Elkins: place for tools, skill saw.

Wahl: if you moved the garage 2 feet in, you would not need a variance.

Deeren: the neighbors to the south of you have an even smaller lot, and her concern is this structure would over power her property. Your property was allowed a variance in 1980 to encroach 2 feet.

Elkins: she only is there a couple of weekends in the summertime. We are paying to have her utility lines buried along with ours.

Dolton: is there a structural reason for the garage to be located in this spot and not be moved within the setback? No variance would be required.

Elkins: there is no structural reason.

Dolton: I understand the aesthetic reason, but the garage is 20-30 feet away from the house.

Elkins: because the lot is so narrow, to get a proper vehicle turn around, this is the location.

Dloski: the bottom line is you can build this garage without a variance by moving it 2 feet.

Elkins: this would be a disaster for the turn around. I think we answered why in our application.

Elliott: the difference between 28 feet and 30 feet.

Elkins: it is not the size of the garage; it is can we build the garage within the setback?

Deeren: if you placed the garage 2 feet to the north, I could permit this.

Elliott: what is the depth of a standard garage?

Dolton: I did some basic research on a standard 3 car garage, which is 740 square feet. If you have an overhang, the number becomes 760 square feet. A four car garage is smaller than the request. We are not here to redesign the garage. A typical standard 2 car garage is 24x24.

Is there any one here who wishes to speak in favor of this request? Seeing none, anyone want to speak against this request. Hearing none, I will bring it back to the board.

Dolton: we should review the request number 1 again.

Elkin: we have already paid \$2,000 and now are you asking me to pay another \$1,000?

Dolton: the variance number 1 expired in February, 2022.

Deeren: if we are to go through the process again, I need to re-publish it, which is a real cost to the zoning office.

Meihn: an expired variance needs to be redone. There is some leeway, but the township should not bear additional costs. If it had not expired, there could have been an extension request. This is not the case here.

Dloski: does the zoning board of appeals in this township have the legal authority to grant a dimensional variance to a non-conforming structure?

Meihn: hypothetically, yes. Is it something easy to do, no it is not. All of the six conditions still have to be met.

Dolton: So let's start with request number 1: requesting a variance from the required fifteen (15) foot side yard setback to twelve (12) foot side setback on the southerly property line in order to construct a 60 square foot addition to the existing non-conforming structure.

Dloski: have you done any work since having this variance approved in 2021?

Elkin: no.

Wahl: while we do not have any formal paper work on this specific request, I would invite you to state your case for this variance.

Elkin: this was a small 60 foot expansion on an existing room.

Deeren: the room expansion is already calculated in the percentage of lot coverage.

Elliott: you have decreased the non-conformity on the north side.

Dloski: what are the unique circumstances or physical conditions of the property that require a variance?

Elkin: the lot width is 85 feet and does not meet the minimum for lot R1B, due to this narrowness the house is located on the south side yard setback, the attached garage is located in the north side setback, and the existing one car garage does not have a turn around. The proposal removes the existing garage and laundry room and a new garage is constructed in the back yard.

Dloski: when you purchased this property, you knew it was non-conforming, correct?

Elkins: no, I did not.

Dloski: I am not in favor of this. I would be more open if the variance that was approved had been acted upon in even some small way, but nothing was done and the variance has expired.

Dolton: my opinion carries no more weight than any other on the board, and I was here for the February, 2021 request. I voted in favor as part of the non-conformity was being removed and a smaller non-conformity was requested in terms of the garage.

Serocki: I agree with John; he has done a lot to reduce the non-conformity. He is removing that bay window and finishing off that wall. I think it is pretty minimal.

Elliott moved to evaluate Variance Request Number 1 using the 6 conditions with a second by Serocki.

passed unam

Dolton 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.

Vote Yes: Dolton, Serocki, Wahl, Elliott- Condition has been met

No: Dloski -Condition has not been met

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

Yes: Dolton, Serocki, Wahl, Elliott -Condition has been met

No: Dloski-Condition has not 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.)

Yes: Elliott, Dolton, Wahl- Condition has been met

No: Dloski, Serocki- Condition has not 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.

Yes: Dolton, Serocki, Wahl, Elliott -Condition has been met

No: Dloski-Condition has not 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.

Yes: Dolton, Serocki, Wahl, Elliott -Condition has been met

No: Dloski-Condition has not 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.

Yes: Dolton, Serocki, Wahl, Elliott -Condition has been met

No: Dloski-Condition has not been met

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

Roll call vote: Yes-Elliott, Wahl, Dolton, Serocki

No-Dloski

Deeren: Variance Request 1 is approved.

Dolton: is there anyone who wishes to speak for or against Variance Request 2. Seeing no one, opens for board discussion.

Elliott: I do not see a compelling reason for the garage to line up with the house, so I am opposed to Variance Request 2.

Serocki: I agree with Marilyn. If the garage was moved into the yard or 2 feet was taken off, there would be no need for a variance. It is a large encroachment into the setback.

Dolton: a variance is not an easy item to obtain. In looking at the 6 conditions, there are strict guidelines the board has to follow.

Dloski moved to evaluate variance request number 2 using the 6 conditions with a second by Elliott.

passed unam

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.

No: Serocki, Dolton, Wahl, Elliott, Dloski- Condition has not been met

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

No: Serocki, Dolton, Wahl, Elliott, Dloski- Condition has not 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.)

No: Serocki, Dolton, Wahl, Elliott, Dloski- Condition has not 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.

Yes: Serocki-Condition has been met

No: Dolton, Wahl, Elliott, Dloski- Condition has not 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.

No: Serocki, Dolton, Wahl, Elliott, Dloski- Condition has not 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.

No: Serocki, Dolton, Wahl, Elliott, Dloski- Condition has not been met

Dloski moved to deny Variance Request 2 with a second by Elliott.

Yes: Elliott, Dloski, Dolton, Wahl, Serocki

passed unam

Deeren: Variance Request 2 is denied.

Dolton: is it ok that we do not go through the 6 basic conditions and just deny Variance Request 3?

Meihn: Yes.

Elliott moved to deny Variance Request 3 with a second by Serocki.

Roll call vote Yes: Serocki, Wahl, Dolton, Dloski, Elliott

Dloski: Under section 7.5.5 of the zoning ordinance, if the applicant came in tomorrow and moved that garage out of the setback, you could issue a permit, correct?

Deeren: yes.

8. Citizen Comments Elkins: when we approached the board last year with a placement of this garage at the rear of the property, it seemed the issue was the size. It was mentioned to move the garage to the side which is what we presented here. If we had come to you with a standard 2 car garage with no workshop, would you have approved it?

Wahl: no, it is about encroaching on the setback.

Dloski: the problem is the legal standard. You can build the garage without a variance. If for some reason the topography such as sink holes would prevent you from putting the garage there, that is different.

Wahl: subjectively, I understand wanting the garage to line up with the house from an aesthetic perspective, 100%. However, this body is bound by the parameters of the zoning ordinance.

Elkins: I recommend you check out how Traverse City handles these types of zoning situations.

9. Board Comments Deeren: the recording secretary ended up in the hospital the day after our last meeting. She did the minutes, but I was not able to get them into this packet, so both this meeting and last month's minutes will be available for approval next month.

Dloski: we need to take a look at the variances regarding non-conforming structures. Elkins did not even know it was non-conforming.

Deeren: this is a buyer beware situation.

Wahl: as newer members to this board, we just need to stick to what the guidelines say.

Dolton: yes, we need to have a high standard when granting variances, and not just pass them out easily.

Deeren: yes, we just had a Freedom of Information Act request for all of the variances that were granted over the past 10 years. Some boards made it easier than others. If you want to, please come in and look over the past variances that have been approved.

**10. Adjournment Dloski moved to adjourn with a second by Elliott. passed unam
Meeting adjourned at 8:04 p.m.**