

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS
MINUTES**

13235 Center Road, Traverse City, MI 49686
July 21, 2020
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, McBride, Soutar, Dolton, Couture, Deeren, Director of Zoning
4. **Approval of Agenda** Couture made a motion to approve the agenda with a second by Dolton.
Passed Unam
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda** None
7. **Business**
 1. **Approval of Minutes from January 21, 2020 Regular Meeting**
McBride made a motion to approve the minutes with one correction, seconded by Couture.
Passed Unam
 2. **Request No. 882, Zoning R-1B**
Applicant: Ternes Family Cottage LLC – John Ternes, 11766 Bluff Road, Traverse City, MI 49686
Owner: Ternes Family Cottage LLC – 2430 Geddes Ave., Ann Arbor, MI 48104
Property Address: 11766 Bluff Road, Traverse City, MI 49686
 1. Requesting a variance from the required sixty (60) foot setback from ordinary high water to forty-seven (47) feet in order to construct a new single family residence.
 2. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 17.56%.

Parcel Code # 28-11-003-018-00

John Kerridge-architect Paul Mauer
8140 Bel Cherrie Drive
Had a drawing of the property for explanation purposes

I was retained one year ago to remodel and add a small addition to the Ternes cottage. The house was built in the 1960s by Ternes father. As we progressed, the costs escalated significantly including replacement of an aged electrical system and other safety issues. This caused us to explore replacing the existing home. This would be close in size to the existing home and represents a 2.56% increase of lot coverage. The house sits too close to the northern property line and creates issues of zoning and safety access for the fire department. By rotating the house, this improves the setback on the north side and allows for more access to that side

of the property. This also allows a view of the water from the street. Last year we had a soil erosion report for a new septic system and this location is where the department of health wants the septic to be located. A larger setback would allow them to have a turnaround area to enter Bluff Road facing the right direct instead of having to back out onto the street. This improves the ingress and egress.

Dolton: Do you have any idea where the high water mark would be on the property?

Kerridge: The orientation of the new house would allow us to be 45 feet away.

Deeren: The high water mark is currently a foot and a half under water in most locations.

My question regards the decking on the back of the house, which encroaches significantly.

Kerridge: The wood decking will be removed and replaced with a concrete patio.

Wahl: In the decision to not have the garage attached to the house, can you explain the reason for this?

Kerridge: This allows for easier access to the home and creates that turn around area.

McBride: Can you explain why you need the additional 2.56% of lot coverage?

Kerridge: This comes from having overhangs on the house of 1', 6" to keep water away from the sides of the home.

John Ternes, 11766 Bluff Road

Coming to the decision to replace this home has been an emotional one. The home was built by my father. The construction was made without plans and zoning laws had yet to be established. This cottage represents over 50 years of family usage. We now have three grandchildren and plan to spend more time in this area.

Wahl: I understand this is an emotional issue for you. Are you going to retain any aspects of the old building or is everything going to be new?

Ternes: We might keep the elm wood stairs if possible. The ceiling in the master bedroom is just 7" 1' and needs to be raised. Most of the wood will be salvaged where possible.

Soutar: Does anyone wish to speak in favor of the applicant?

David Mann 11786 Bluff Road

I am the neighbor to the north. My wife Annie and I are here to speak in favor of this request. I did review the plans and saw many features to move the non-conforming aspects of the house into better compliance with the zoning laws today. We strongly support this request.

Soutar: Does anyone wish to speak against this proposal? Seeing none, I bring it back to the board.

Dolton: I can see they have done their homework. I have no issue with the 2.56% in the lot coverage. However, there is a reason why there is a concern about the high watermark. If the water were to rise another foot, I assume you willing to take the risk.

McBride: This home pre-dates zoning laws and is a non-conforming home. We would be allowing another non-conforming house to be built. Moving the lot line is something that is there forever. I am not sure why the 2.56% of additional coverage proves necessary. In allowing

this house to be built, are we saying other houses can be built with the same issues? Being so close to the water is also an issue for me.

Soutar: This is a postage stamp size lot and they have done an admiral job of fitting the house onto the existing property. This plan is better than what exists there now. The side lot line is increased to 15 feet. They have given us a reason why the garage needs to be attached.

Wahl: I am not sure if the 2.56% increase in lot coverage is necessary or is for aesthetics. The high water mark is causing problems all over the peninsula. We need to stick to the zoning requirements as they currently exist.

Couture: My colleagues have addressed the questions I have. In general, I support the project.

Soutar: We will take each of the requests separately and go through the basic conditions.

1. Requesting a variance from the required sixty (60) foot setback from ordinary high water to forty-seven (47) feet in order to construct a new single family residence.

Section 5.7.3 (1) BASIC CONDITIONS: The applicant must meet ALL of the following Basic Conditions.

A. The need for the variance 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, Wahl, Couture, McBride, Dolton **all agree** the condition has been met.

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

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

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.)

Soutar, Wahl, Couture, McBride, Dolton **all agree** the condition has been 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.

Dolton, Soutar, Wahl, Couture, McBride **all agree** the condition has been 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.

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

McBride-**No**, the condition has not been 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.

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

Soutar: All 6 conditions have been met for item 1 and now we will proceed to item 2.

2. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 17.56%.

Section 5.7.3 (1) BASIC CONDITIONS: The applicant must meet ALL of the following Basic Conditions

A. The need for the variance 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, Wahl, Couture, McBride, Dolton **all agree** the condition has been met.

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

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

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.

Dolton, Couture, Souter **agree** the condition has been met.

Wahl and McBride **do not agree** this condition has been 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.

McBride, Dolton, Couture, Soutar, Wahl **all agree** the condition has been 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.

Wahl, McBride, Dolton, Soutar, Couture **all agree** the condition has been 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.

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

Soutar: All 6 conditions have been met for us to proceed and calls for a motion.

Request No. 882, Zoning R-1B

Property Address: 11766 Bluff Road, Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from ordinary high water to forty-seven (47) feet in order to construct a new single family residence.

Peninsula Township
July 21, 2020
Lola Jackson Recording Secretary

2. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 17.56%.

Action-Motion Soutar states that Request Number 882 be approved with a codicil that the wooden deck be removed and not be reconstituted as a deck in the future. Couture moves to support the approval with a second by McBride.

McBride, Dolton, Couture, Soutar, Wahl

Passed Unam

8. **Citizen Comments** None

9. **Board Comments**

Deeren-welcomes Ashley Wahl to the ZBA board of Appeals

10. **Adjournment** McBride moves to adjourn the meeting with a second by Wahl.

Passed Unam

Meeting adjourned at 8:07 p.m.