

**PENINSULA TOWNSHIP  
REGULAR MEETING  
ZONING BOARD OF APPEALS AGENDA  
13235 Center Rd., Traverse City, MI 49686  
September 20, 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. Election of Officers – Chair and Vice Chair**

**2. Request No. 903, Zoning R-1A**

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Property Address: Kroupa Rd., Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback in order to construct a single family residence w/ an attached garage.
2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.
3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

Parcel Code # 28-11-108-001-02

**3. Request No. 905, Zoning R-1C**

Applicant: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

Owner: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

Property Address: Bluff Rd, Traverse City, MI 49686

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision.

Parcel Code #28-11-625-013-00 & #28-11-625-014-00

- 8. Approval of Minutes from August 16, 2022 Regular Meeting**
- 9. Citizen Comments**
- 10. Board Comments**

# CASE NO. 903

Peninsula Township Planning & Zoning Department

**EXHIBIT LIST**

**ZBA Request # 903**

Owner: John C. Ansted Trust

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

Hearing date: September 20, 2022

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**EXHIBIT LIST**

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

**EXHIBIT**

**No. 1**

# 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 John C. Ansted, SR.  
Address Line 1 10215 Peninsula DR.  
Address Line 2 TRAVERSE CITY, MI 49686  
Phone 231-709-3370 Cell 231-709-3370  
E-mail JCANSTED@yahoo.com

Owner: Name SAME AS Applicant  
Address Line 1 \_\_\_\_\_  
Address Line 2 \_\_\_\_\_  
Phone \_\_\_\_\_ 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 1110800102 Zoning R1A, Waterfront 40  
Address Line 1 KROUPON Rd.  
Address Line 2 TRAVERSE CITY, MI 49686

### Type of Request

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

☐ Front Yard Setback      ☐ Side Yard Setback      ☒ Rear Yard Setback 503.24' West to East 30' to 15'  
☐ Width to Depth Ratio      ☐ Lot Coverage      ☐ Off-Street Parking  
☐ Signage      ☐ Height/Width      ☐ Non-Conformity Expansion  
☒ Other: Please Describe: OHWM, Reduction from 60 to 50

### Attachments

- ☒ \$1,000.00 application fee
- ☒ Basic Conditions Worksheet
- ☒ Site plan drawn to scale showing the following:
- 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;
  - All existing and proposed structures including decks and roof overhangs;
  - Setbacks for existing and proposed structures (varies by zoning district).
- ☒ Front elevation diagram drawn to scale.

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SEARCH SHOPPING YAHOO PLUS MORE...

**yahoo!mail** Find messages, documents, photos or people

Compose

Inbox 999  
Unread  
Starred  
Drafts 275  
Sent  
Archive  
Spam  
Trash  
Less

Views Hide  
Photos  
Documents  
Subscriptions  
Shopping  
Receipts  
Travel

Folders Hide  
+ New Folder  
john c ansted  
lakesideauto

Sort

Today

Ad **Apple Card** ...  
Apply with no impact to your ...  
Terms apply.

zoning@peninsul... 2:59 PM  
Peninsula Twp. Variance Appli...  
A] The subject property is a u...

Last week

Randy Hawley 7 Jun 18  
FW: Puppet for president  
4 percent 90 days just reit...

Earlier in June

zoning@pen... 3 Jun 10  
Siteplan for Stormwater pe...  
I am going ahead with the ...

William Va... 13 Jun 8  
★ Re: Your Interest in Land  
Tell me exactly how much lan... *desire*

May

Insurance, ... 2 May 30  
Fw: For you  
Dad, Why do you continue wit...

John, Ansted, May 30  
Marc Chaikin's Market Warnin...  
https://finance.yahoo.com/ne...

Zoni... 12 DRAFT May 24  
Re: information  
5/23/2022 John, My sincer... *15' set back on rear has no negative impact. Parcel has odd configuration.*

John Ansted May 9  
Ingersoll Rand Schedules First...  
https://finance.yahoo.com/ne...

kristen.rivard@c... May 5  
9006 Peninsula Dr.  
How is the inquiry action on th...

April

Nick, Ethan ... 2 Apr 27  
Early-bird Registration Extend...  
----- Forwarded Message -----

Ad **eBay** ...  
There's no better time to sell  
Update your colle... Learn More

jack@jacklanete... Apr 25  
Vacant Waterfront Bidding Wa...  
Talk about it's potential next S...

consumerse... 2 Apr 25  
Purchased 2 Shark air purifiers...  
Good Afternoon John, 2020-a...

**Peninsula Twp. Variance Application - Basic Conditions** Yahoo/Sent

**John Ansted** <jcansted@yahoo> Wed, Jun 22 at 2:55 PM

To: zoning@peninsulatownship.cor  
Cc: Jesse Mitchell, John Ansted, Ansted, David

A] The subject property is a uniquely larger parcel, 2.92 acre site that offers a limited building envelop. A large regulated wet land in the middle of property limits size of building envelop. Also property building site is located approximately on 10' bluff change in elevation which is the most suitable building location. Remainder of the property has high ground water, approximately 2 to 4' below surface. Also it would more advantageous to avoid building immediately adjacent to the wetlands thereby avoiding drainage and changing hydrology of the wetlands.

B] Variance being requested only current natural condition of property and not being result of actions by current or previous owners.

C] Strict compliance on new construction forces proposed structure to be abnormally small and or irregular shaped. Additionally doesn't allow modest space for a structure in upland area not to impede and impact the function of hydrology. We don't to change biology of the wetlands.

D] A variance reduction to reduce Ordinary High Water Mark, OHWM is a commonly granted variance by Peninsula Twp. ZBA. Allowing a standardized house structure and attached garage enhances the conformity and curb appeal to the neighborhood. Currently not enough space for a standardized attached 24' x 24' two car garage.

E] The proposed variance will be unnoticeable to property within 300' of house and garage building site. The 10' variance set back reduction will not cause adverse impacts on surrounding property, property value or the use and enjoyment of property in the neighborhood.

F] The requested variance is consistent with use by right projects. This variance request will not set a negative or adverse precedent for current and future Township ZBAs as reduction only 16 percent or 10' from 60 to 50'. *15' set back on rear has no negative impact. Parcel has odd configuration.*

Reply, Reply All or Forward

**zoning at peninsula Twp.**

Q Jesse Mitchell Re: Variance Siteplan Q kroupa rd varian Q zoning at penins

Messages Photos Documents

Inbox Unread Starred Drafts Sent Archive Spam Trash Less Views Hide Photos Documents Subscriptions Shopping Receipts Travel Folders New Folder john c ansted lakesideauto

**Today**

Ad: Veterans United Home Lo...  
VA Loan Requirements 2022  
VETERANS: Financing your cre...

me, Z... 9 DRAFT 1:10 PM  
Re: Peninsula Twp. Variance A...  
Jesse Mitchell <jesse@mapcivils...

**Earlier in August**

me, Crane, 3 Aug 4  
Permit No. WRP009964, L...  
...have been issued by Zoning

**July**

me 5 DRAFT Jul 13  
Dan Ostrander Speaks Forked...  
Sanger, Twp. Trustee and Zoni

**May**

me, ... 13 DRAFT May 26  
Re: information  
...EDT, Zoning <zoning@penin...

me, DAVID 2 May 31  
Fw: For you  
Deeren <zoning@peninsulatow...

**April**

me 2 Apr 1  
★ (201,052 unread) - jcanste...  
...attachments zoning@penins...

**March**

Phill... 58 DRAFT Mar 28  
For you  
Deeren <zoning@peninsulatow...

me 24 Mar 17  
★ Fw: WRP031171 v.1 Anstè...  
----- Forwarded Message -----

**2021**

me, DAVID ... 12 12/30/2021  
★ Re: Dan Ostrander Speaks Fo...  
...e Rules. If you and family wa...

me 12/2/2021  
Re: 10165 Peninsula Dr.  
...4:26 PM To: zoning@peninsulat

**2020**

me 26 11/25/2020  
★ lot # 4, .86 acre, 107' frontage  
I look forward to reviewing you...

To: Zoning CC: BCC

A] The subject property is a uniquely larger parcel, 2.92 acres that offers only a limited building envelop. A large regulated wetland in middle limits size of building envelop. Also building site is located on a 14 to 16' bluff change in elevation which is the most the most suitable location. Balance of the property has a high ground water table approximately 2 to 4' below surface. Also it would be more advantageous to avoid building immediately adjacent to the wetlands thereby avoiding drainage and changing hydrology of the wetlands. This allows wetlands to run naturally to the upland bluff building site.

B] Variances being requested are current natural condition of property and not result of actions by current or previous owners.

C] Strict compliance on new construction forces proposed structure to be abnormally small or irregular shaped. Additionally doesn't allow modest space for a structure in upland area that doesn't impede and impact the function of natural hydrology. We don't desire to change biology of the wetlands.

D] A variance reduction of OHWM, side and rear set backs are commonly granted variances by Peninsula Township ZBA. Allowing a standardized house structure and attached garage enhances the conformity and curb appeal to the neighborhood. Currently not enough space for a standard size 2 car garage, 24' x 24'.

E] The proposed variances will be unnoticeable to property within 300' of proposed site plan construction. The 10' OHWM and 15' Rear Set Back reductions will not cause adverse impacts on surrounding property, value or the use and enjoyment of properties in the neighborhood.

F] The requested variances are consistent with use by right projects. These variance requests will not set a negative or adverse precedent for current and future ZBAs as 10' OHWM reduction only 16%. The 15' set back on rear has no negative impact on adjacent and close properties. Construction activity within 25' of wetland currently has modest safety cushion of 12 to 20' built in site plan. Also equipment blankets will be installed beyond wetland delineation.

8/29/2022

John,

I respect and understand your position however this is an ordinance which has been in place since 1972.

These setbacks were established at that time and I NO ability NOT to enforce what is written within the ordinance.

These are the standards that are required to be met no matter how large the acreage is within this zoning district.

Thank you,  
Christina

From: John Ansted <jcansted@yahoo.com>  
Sent: Monday, August 29, 2022 11:06 AM  
To: Christina Deeren <zoning@peninsulatownship.com>  
Cc: Jesse Mitchell <jesse@mapcivilsurvey.com>; alexloganaidam@gmail.com  
Subject: Re: Peninsula Twp. Variance Application - Basic Conditions

I understand rear and front 30' set backs and 15' side setbacks and when property is nearly 2 football fields away it makes NO COMMON SENSE to enforce. Please talk with the Masons my northerly

**Smithfield**  
Welcome to the table  
Bring home big flavor to the family.  
Shop now

**Walmart**

**Save on dorm livi**  
Your one-stop assistant from Amazon Basics

## Fw: Peninsula Twp. Variance Application - Basic Conditions

From: John Ansted (jcansted@yahoo.com)

To: zoning@peninsulatownship.com; jesse@mapcivilsurvey.com; alexloganaidan@gmail.com; jcansted@yahoo.com

Date: Monday, August 29, 2022, 04:50 PM EDT

----- Forwarded Message -----

**From:** John Ansted <jcansted@yahoo.com>

**To:** Zoning <zoning@peninsulatownship.com>

**Sent:** Monday, August 29, 2022, 02:45:40 PM EDT

**Subject:** Re: Peninsula Twp. Variance Application - Basic Conditions

A] The subject property is a uniquely larger parcel, 2.92 acres that offers only a limited building envelop. A large regulated wetland in middle limits size of building envelop. Also building site is located on a 14 to 16' bluff change in elevation which is the most the most suitable location. Balance of the property has a high ground water table approximately 2 to 4' below surface. Also it would be more advantageous to avoid building immediately adjacent to the wetlands thereby avoiding drainage and changing hydrology of the wetlands. This allows wetlands to run naturally to the upland bluff building site.

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C] Strict compliance on new construction forces proposed structure to be abnormally small or irregular shaped. Additionally doesn't allow modest space for a structure in upland area that doesn't impede and impact the function of natural hydrology. We don't desire to change biology of the wetlands.

D]. A variance reduction of OHWM, side and rear set backs are commonly granted variances by Peninsula Township ZBA. Allowing a standardized house structure and attached garage enhances the conformity and curb appeal to the neighborhood. Currently not enough space for a standard size 2 car garage, 24' x 24'.

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F] The requested variances are consistent with use by right projects. These variance requests will not set a negative or adverse prejudice for current and future ZBAs as 10' OHWM reduction only 16%. The 15' set back on rear has no negative impact on adjacent and close properties. Construction activity within 25' of wetland currently has modest safety cushion of 12 to 20' built in site plan. Also equipment blankets will be installed beyond wetland delineation.





**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
PERMIT**

**Issued To:**

**Mr. John Ansted  
10215 Peninsula Drive  
Traverse City, Michigan 49686**

**Permit No: WRP031171 v.1  
Submission No.: HPA-S44V-83XSD  
Site Name: 28-Kroupa Road-Traverse City  
Issued: 11/18/2021  
Expires: 11/18/2026**

**This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:**

- |  |   |
|--|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams                                    | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection                              | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands          |
| <input type="checkbox"/> Part 315, Dam Safety  | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) |   |

**Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:**

**Authorized Activity:**

On West Grand Traverse Bay, landward of the foredune along the shoreline, install a 15-foot-wide by 250-foot-long wetland crossing in order to access the first buildable location on the property. At the lowest point of the crossing, install an 18-foot-long, 18-inch diameter culvert buried 4 inches below grade, in order to maintain local hydrology. Construction must be undertaken and completed during the dry period of the wetland, or when frozen. Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion. **All work shall be completed in accordance with the attached plans and specifications of this permit.**

**Waterbody Affected: Unnamed Wetland near West Grand Traverse Bay  
Property Location: Grand Traverse County, Peninsula Township, Town/Range/Section 29N10W08**

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.

EGLE-WRD  
WRP031171 v.1  
Approved  
Issued On: 11/18/2021  
Expires On: 11/18/2026



## NOTICE OF AUTHORIZATION

Permit Number: **WRP031171 v. 1**  
Site Name: **28-Kroupa Road-Traverse City**

Date Issued: **11/18/2021**  
Expiration Date: **11/18/2026**

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- ☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- ☐ Part 301, Inland Lakes and Streams.
- ☒ Part 303, Wetlands Protection.
- ☐ Part 315, Dam Safety.
- ☐ Part 323, Shorelands Protection and Management.
- ☐ Part 325, Great Lakes Submerged Lands.
- ☐ Part 353, Sand Dunes Protection and Management.

**Authorized activity:**

On West Grand Traverse Bay, landward of the foredune along the shoreline, install a 15-foot-wide by 250-foot-long wetland crossing in order to access the first buildable location on the property. At the lowest point of the crossing, install an 18-foot-long, 18-inch diameter culvert buried 4 inches below grade, in order to maintain local hydrology. Construction must be undertaken and completed during the dry period of the wetland, or when frozen. Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion. **All work shall be completed in accordance with the attached plans and specifications of this permit.**

To be conducted at property located in: Grand Traverse County, Waterbody: Unnamed Wetland, Section 08, Town 29N, Range 10W, Peninsula Township

Permittee:  
Mr. John Ansted  
10215 Peninsula Drive  
Traverse City, Michigan 49686

Neil Schock  
Cadillac District Office  
Water Resources Division

*This notice must be displayed at the site of work.  
Laminating this notice or utilizing sheet protectors is recommended.*  
Please refer to the above permit number with any questions or concerns.


EGLE-WRDS  
WRP031171 v.1.0  
Approved  
Issued On: 11/18/2021  
Expires On: 11/18/2026

- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. This permit shall not be assigned or transferred without the written approval of EGLE.
- J. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- K. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- L. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- M. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- N. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- O. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- P. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- Q. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

- R. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- S. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- T. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- U. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- V. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit [www.mi.gov/eglestormwater](http://www.mi.gov/eglestormwater) and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
  2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
  3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
  4. Install a 15-foot-wide by 250-foot-long wetland crossing in order to access the first buildable location on the property. At the lowest point of the crossing install an 18-foot-long, 18-inch diameter culvert, buried 4 inches below grade, in order to maintain local hydrology. All work shall be completed in accordance with the approved plans and specifications of this permit.
  5. Equalization culverts shall be a minimum of 18 inches in diameter, installed at the proper elevation for the purpose of water level equalization and must be buried 20% of the culvert diameter. The culvert shall provide for the free flow of surface water or the movement of organisms between portions of a wetland system. The culvert shall not increase drainage of any existing wetland areas.
  6. If the project, or any portion of the project, is stopped and lies incomplete for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap, temporary seed and mulch, or other acceptable temporary protection.
  7. All dredge/excavated spoils including organic and inorganic soils, vegetation, and other material removed shall be placed on upland (non-wetland, non-floodplain or non-bottomland), prepared for stabilization, and stabilized with sod and/or seed and mulch in such a manner so as to prevent and ensure against erosion of any material into any waterbody, wetland, or floodplain.
  8. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing may be installed as needed to prohibit construction personnel from entering or performing work in these areas. Sedimentation barrier shall be maintained daily throughout the construction process. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site. The sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
  9. Prior to the initiation of any permitted construction activity, a sedimentation barrier shall be installed along the entire route of the disturbed wetland area and maintained in good working order until permanent stabilization and re-vegetation of all disturbed areas has occurred. The sedimentation barrier shall be removed after re-vegetation.
  10. Construction must be undertaken and completed during the dry period of the wetland, or when frozen.

11. If the area does not dry out or freeze, construction shall be done on equipment mats to prevent compaction of the soil.
12. Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion.
13. This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that associated wetland or floodplain areas can be developed and serviced by the structures authorized by this permit.
14. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
15. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
16. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

Issued By:



Neil Schock  
Cadillac District Office  
Water Resources Division

ns:sh

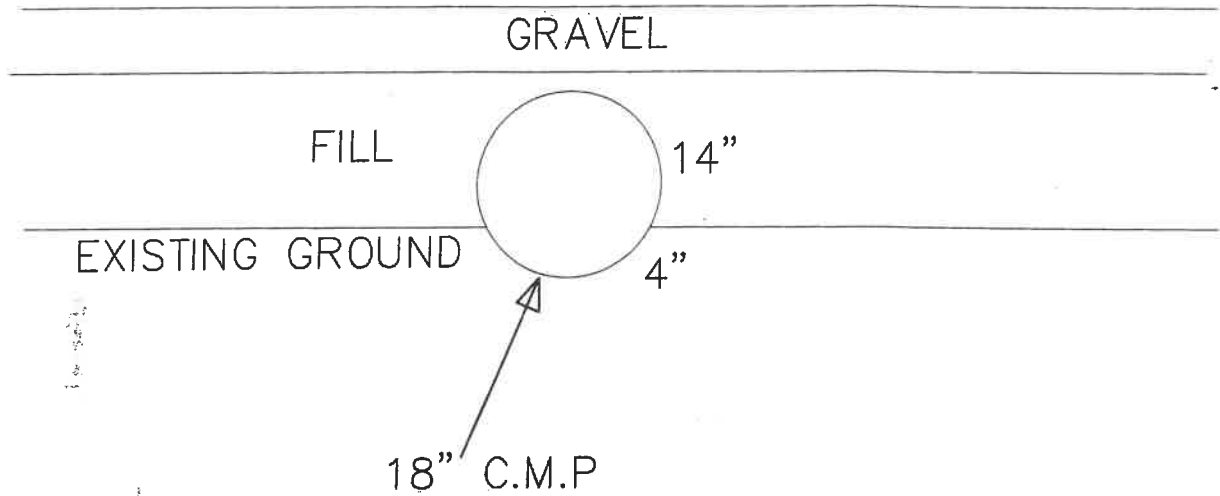
Attachments

cc: Peninsula Township Zoning  
Grand Traverse CEA  
Jesse Mitchell, Agent

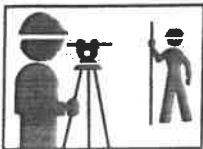


## SITE PLAN - DETAIL

### WETLAND RELIEF CULVERT DETAIL;



Jesse E. Mitchell  
Professional Surveyor No. 4001054433



**BOB MITCHELL & ASSOCIATES**  
SURVEYING / ENGINEERING

404 West Main Street P.O. Box 306 NORTH 1ST STREET  
Kingsley, MI 49649 Harrison, MI 48625  
(231) 263-5463 • FAX (231) 263-7921  
Toll Free in Michigan 1-800-533-6627  
email jesse@mapcivilsurvey.com

CLIENT: JOHN ANSTED

LOCATION:

PART OF SECTION 8,  
TOWN 29 NORTH, RANGE 110 WEST,  
PENINSULA TOWNSHIP,  
GRAND TRAVERSE COUNTY, MICHIGAN.

DWN. MJC	REV 11.08.2021 DATE 7.22.2021	FILE NO. 20200353_EGLE
CK. WPM	FLD. BK. X PG. X	SHEET 2 OF 2

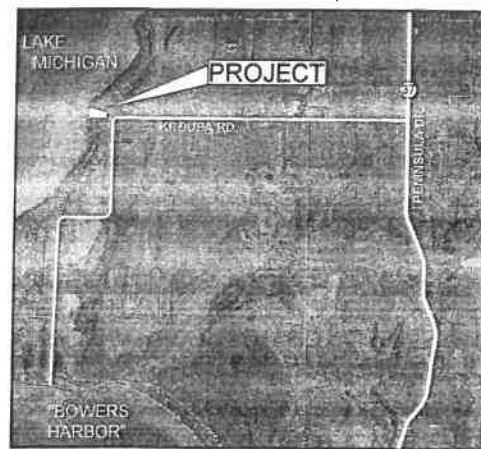
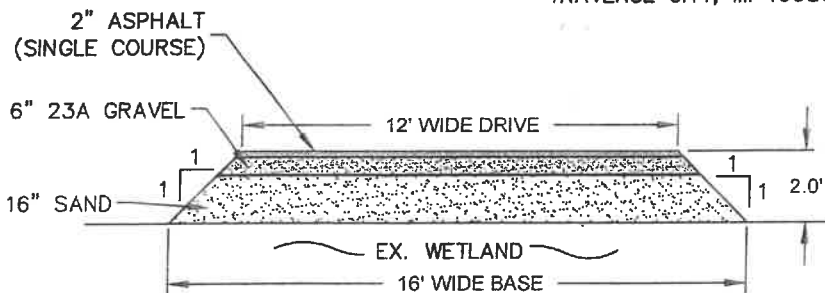
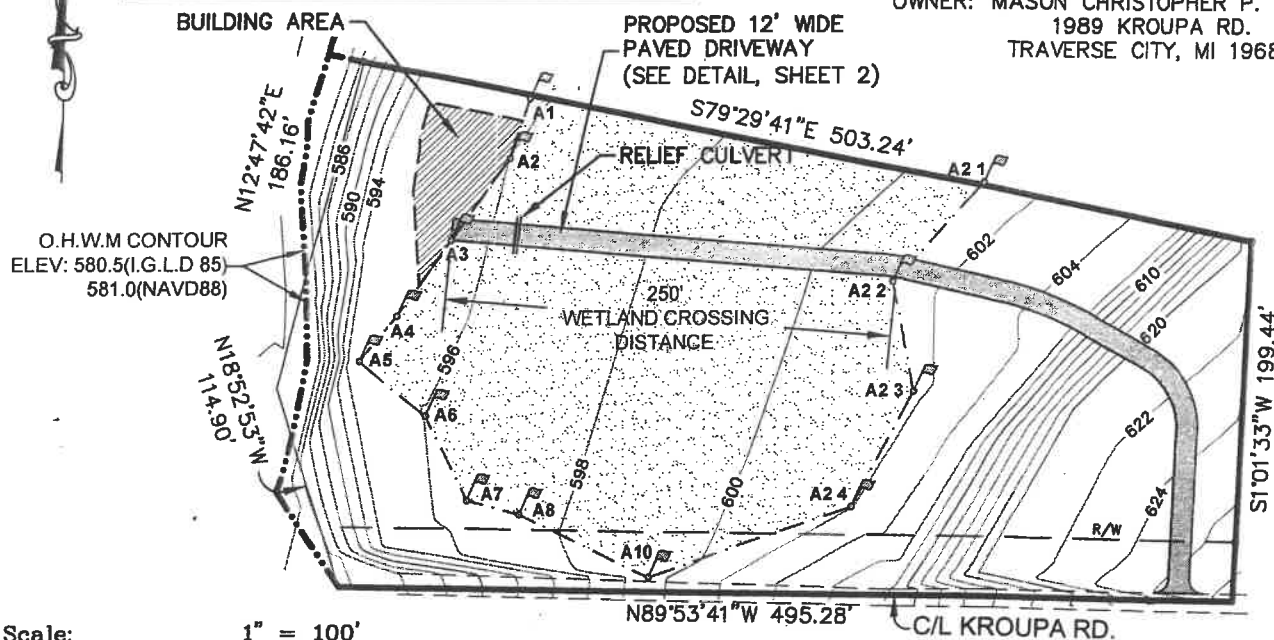
Approved  
Issued On: 11/18/2021  
Expires On: 11/18/2026



# SITE PLAN - WETLAND CROSSING

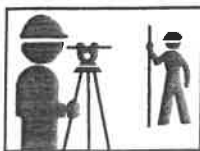
PARCEL ID: 11-108-001-82  
OWNER/APPLICANT: JOHN ANSTED  
PROPERTY ADDRESS: KROUPA ROAD  
TRAVERSE CITY, MI 49686

ADJACENT PARCEL: 11-108-001-01  
OWNER: MASON CHRISTOPHER P. & NANCY J.  
1989 KROUPA RD.  
TRAVERSE CITY, MI 19686



PROJECT LOCATION MAP  
NOT TO SCALE

Jesse E. Mitchell  
Professional Surveyor No. 4001054433



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GRAND TRAVERSE COUNTY, MICHIGAN.

DWN. MJC	DATE 7.22.2021	FILE NO. 20200353_EGLE
CK. WPM	FLD. BK. X PG. X	SHEET 1 OF 2

Issued On: 7/18/2021  
Expires On: 7/18/2023



**Fw: WRP031171 v.1 Anstead Resources Individual Permit**

From: John Ansted (jcansted@yahoo.com)

To: jcansted@yahoo.com

Date: Thursday, March 17, 2022, 02:37 PM EDT

----- Forwarded Message -----

**From:** John Ansted <jcansted@yahoo.com>

**To:** Christina Deeren <zoning@peninsulatownship.com>

**Cc:** Jesse Mitchell <jesse@mapcivilsurvey.com>

**Sent:** Thursday, March 17, 2022, 02:36:58 PM EDT

**Subject:** Fw: WRP031171 v.1 Anstead Resources Individual Permit

EGLR regulatory authority part 303 is correct . 231 7093370

----- Forwarded Message -----

**From:** John Ansted <jcansted@yahoo.com>

**To:** Christina Deeren <zoning@peninsulatownship.com>

**Cc:** Jesse Mitchell <jesse@mapcivilsurvey.com>; John Ansted <jcansted@yahoo.com>; alexloganaidan@gmail.com <alexloganaidan@gmail.com>

**Sent:** Thursday, March 3, 2022, 11:47:09 PM EST

**Subject:** Re: WRP031171 v.1 Anstead Resources Individual Permit

Kroupa Rd. where I have a EGLR driveway permit as well as a County Soil Erosion Permit? You have the wetland delineation in hand and I plan a residential site to utilize 100 percent or less of the uplands in construction of a residential house. No specific site plan as no design final ,however a generic rectangle of house and garage can be provided to comply with high water set back. Is that what your looking for? Thanks, John

On Monday, February 28, 2022, 09:39:46 AM EST, Conradson, Susan (EGLR) <conradsons2@michigan.gov> wrote:

If your question is "how far away do we need to stay from the wetlands", the answer is "EGLR regulatory authority under Part 303 stops at the wetland/upland boundary". Therefore, we do not have a setback distance from the wetlands. Does this address your question?

Susan Conradson | Floodplain Engineer | Water Resources Division

120 W. Chapin Street, Cadillac, MI 49601 | 231-429-2658



\*You may track the status of your application or submit a new application via [MiWaters](#)\*

---

**From:** John Ansted <[jcansted@yahoo.com](mailto:jcansted@yahoo.com)>

**Sent:** Monday, February 21, 2022 3:45 PM

**To:** Conradson, Susan (EGLE) <[CONRADSONS2@michigan.gov](mailto:CONRADSONS2@michigan.gov)>; Jesse Mitchell <[jesse@mapcivilsurvey.com](mailto:jesse@mapcivilsurvey.com)>

**Subject:** Fw: WRP031171 v.1 Anstead Resources Individual Permit

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

----- Forwarded Message -----

**From:** John Ansted <[jcansted@yahoo.com](mailto:jcansted@yahoo.com)>

**To:** Hudson, Sonya (EGLE) <[HUDSONS@michigan.gov](mailto:HUDSONS@michigan.gov)>; [jesse@mapcivilsurvey.com](mailto:jesse@mapcivilsurvey.com) <[jesse@mapcivilsurvey.com](mailto:jesse@mapcivilsurvey.com)>

**Cc:** Jesse Mitchell <[jesse@mapcivilsurvey.com](mailto:jesse@mapcivilsurvey.com)>; John Ansted <[jcansted@yahoo.com](mailto:jcansted@yahoo.com)>

**Sent:** Monday, February 21, 2022, 03:39:15 PM EST

**Subject:** Re: WRP031171 v.1 Anstead Resources Individual Permit

Have we heard from EGLE on building and equipment buffer to wetland delineation? Spring 3/21/22 and we would like to start before County Soil and Erosion Permit expires? Thank you, John Ansted, 231 709 3370

On Thursday, November 18, 2021, 01:10:40 PM EST, Hudson, Sonya (EGLE) <[HUDSONS@michigan.gov](mailto:HUDSONS@michigan.gov)> wrote:

Good afternoon:

Please see the attached EGLE correspondence for your records.

If you have any questions, please contact Sue Conradson at [Conradsons2@michigan.gov](mailto:Conradsons2@michigan.gov).

Thank you,

Sonya

**Sonya Hudson**

District Secretary

Water Resources Division/Cadillac District Office

Michigan Department of Environment, Great Lakes and Energy

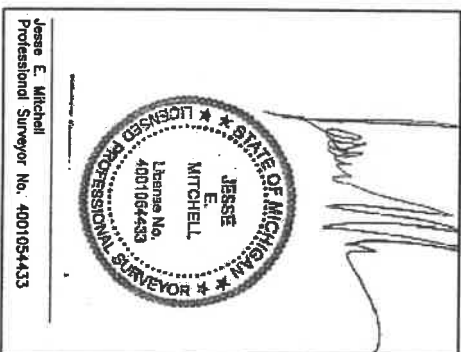
231-429-5012 | [HudsonS@Michigan.gov](mailto:HudsonS@Michigan.gov)

**Follow Us | [Michigan.gov/EGLE](https://michigan.gov/EGLE)**

EXHIBIT

No. 2

**Parcel:** 11-106-001-02  
**Jurisdiction:** Peninsula Township  
**Owner Name:** ANSTED JOHN C SR  
**Property Address:**  
 KROUPA RD  
 TRAVERSE CITY, MI 49686  
**Mailing Address:**  
 10215 PENINSULADR  
 TRAVERSE CITY, MI 49686



CLIENT:	JOHN ANSTED
LOCATION:	SEC 8, T28N-R10W
DATE	08.30.2022
TIME	20200353

EXHIBIT

No. 3

Peninsula Township Planning & Zoning Department  
**STAFF REPORT**  
ZBA Request # 903  
Physical Address of Subject Property: Kroupa Rd., Traverse City, MI 49686  
Date: September 20, 2022

---

**To: Peninsula Township Zoning Board of Appeals**

**From: Christina Deeren, Zoning Administrator**

**RE: Request # 903**

**Zoning District: R-1A Rural & Hillside – Single Family Residential**

**Hearing Date: August 16, 2022 – 7:00 PM**

**Applicant: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686**

**Owner: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686**

**Site: Kroupa Rd., Traverse City, MI 49686**

**Tax ID: 28-11-108-001-02**

**Information:**

- Parcel 28-11-108-001-02 is approximately 2.92 acres in size or 335 feet by 379.687 feet and approximately 127,195 square feet.
- The property is zoned Rural & Hillside – Single Family Residential (R-1A); and the surrounding area is also zoned Rural & Hillside – Single Family Residential (R-1A).
- The lot was created after the adoption of the Peninsula Township Zoning Ordinance, and is considered legal conforming.
- The parcel is vacant and has no improvements at this time.
- The property does contain wetlands that have been identified by EGLE.

**Action Requested:**

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback from the ordinary high water line in order to construct a single family residence with an attached garage.
2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.
3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

Parcel Code: #28-11-108-001-02

**Applicant**

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

**Staff Comments:**  
**TABLE OUTLINES VARIANCE No. 1**

**Background:**

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

<b>R-1A Standards (Section 6.8)</b>	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	No	Yes
Minimum South side yard setback	15'	No	Yes
Minimum North side yard setback	15'	No	Yes
Minimum Rear setback	30'	No	Yes
<b>Minimum OHWM</b>	<b>60'</b>	<b>Yes-Requesting a variance to 50 ft to OHWM</b>	<b>No- Variance required</b>
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes

**Staff Comments:**

**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-1A, Rural & Hillside:

- 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%



## TABLE OUTLINES VARIANCE No. 2

### **Background:**

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

R-1A 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	15'	No	Yes
Minimum Rear setback	30'	No	Yes
Minimum OHWM	60'	Yes-Requesting a variance to 50 ft to OHWM	No- Variance required
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes
Flood Plain and Wetland Controls: Section 7.4.7(A)(1)	25'	Yes – from 25 feet to 6 feet	No – Variance required to place the residential structure up to 6 feet to a deemed wetlands.

### **Staff Comments:**

Original Section 7.4.7.in its entirety is deleted and replaced by:

#### **Section 7.4.7 Flood Plain and Wetland Controls:**

##### **(A) Wetland**

**Definition of Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream. This applies to public, commercial, and private lands regardless of zoning or ownership. Wetlands are regulated per Part 303 of the Natural Resources and Environmental Act, 1994 PA 451, as amended.

**Development:** There shall be no development or modification of any kind within a wetland area without there first having been issued a wetlands permit by the Michigan Department of Environmental Quality (MDEQ) and/or an Earth Change and Storm Water Permit from Peninsula Township. Any such approved development shall be subject to the following:

- (1) A setback of 25 feet shall be maintained between any structure or impervious (including but not limited to parking lot, driveway, paths, etc.) surface and wetland.

### TABLE OUTLINES VARIANCE No. 3

**Background:**

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

R-1A 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	15'	No	Yes
Minimum Rear setback	30'	Yes – Requesting a variance from 30 feet to 15 feet	No-Variance required
Minimum OHWM	60'	Yes-Requesting a variance to 50 ft to OHWM	No- Variance required
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes
Flood Plain and Wetland Controls: Section 7.4.7(A)(1)	25'	Yes	No – Variance required to place the residential structure up to 6 feet to a deemed wetlands.

**Staff Comments:**

R-1A, Rural & Hillside:

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%

### TABLE OUTLINES VARIANCE No. 4

**Background:**

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

R-1A 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	15'	No	Yes
Minimum Rear setback	30'	Yes – Requesting a variance from 30 feet to 15 feet	No-Variance required
Minimum OHWM	60'	Yes-Requesting a variance to 50 ft to OHWM	No- Variance required

Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes
Flood Plain and Wetland Controls: Section 7.4.7(A)(1)	25'	Yes – from 25 feet to 0 feet	No – Variance required to place a driveway through a deemed wetlands.

**Staff Comments:**

Original Section 7.4.7 in its entirety is deleted and replaced by:

**Section 7.4.7 Flood Plain and Wetland Controls:**

**(A) Wetland**

**Definition of Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream. This applies to public, commercial, and private lands regardless of zoning or ownership. Wetlands are regulated per Part 303 of the Natural Resources and Environmental Act, 1994 PA 451, as amended.

**Development:** There shall be no development or modification of any kind within a wetland area without there first having been issued a wetlands permit by the Michigan Department of Environmental Quality (MDEQ) and/or an Earth Change and Storm Water Permit from Peninsula Township. Any such approved development shall be subject to the following:

- (1) A setback of 25 feet shall be maintained between any structure or impervious (including but not limited to parking lot, driveway, paths, etc.) surface and wetland.

**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-1A, was created after the effective date of the Ordinance and considered legal conforming. The property is located along Kroupa Rd.**

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 903**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: September 20, 2022

Applicant: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Owner: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Address: Kroupa Rd., Traverse City, MI 49686

Parcel Code: #28-11-108-001-02

**Request:**

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback from the ordinary high water line in order to construct a single family residence with an attached garage.

**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:**

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 903**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: September 20, 2022

Applicant: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Owner: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Address: Kroupa Rd., Traverse City, MI 49686

Parcel Code: #28-11-108-001-02

**Request:**

2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.

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:**

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 903**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: September 20, 2022

Applicant: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Owner: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Address: Kroupa Rd., Traverse City, MI 49686

Parcel Code: #28-11-108-001-02

**Request:**

3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.

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:**

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 903**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: September 20, 2022

Applicant: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Owner: John C. Ansted Trust, 10215 Peninsula Drive, Traverse City, MI 49686  
Address: Kroupa Rd., Traverse City, MI 49686

Parcel Code: #28-11-108-001-02

**Request:**  
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

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:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EXHIBIT

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 September 20, 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:

Request No. 903, Zoning R-1A

**Applicant:** John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

**Owner:** John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

**Property Address:** Kroupa Rd., Traverse City, MI 49686

**Request:**

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback from the ordinary high water line in order to construct a single family residence with an attached garage.
2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.
3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

Parcel Code # 28-11-108-001-02

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 September 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**



EXHIBIT

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: Miranda Roy

Printed at 08/31/22 10:42 by mroy

Acct #: 1837

Ad #: 590373

Status: New WHOLD

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

Start: 09/02/2022 Stop: 09/02/2022  
Times Ord: 1 Times Run: \*\*\*  
STDAD 3.00 X 5.41 Words: 351  
Total STDAD 16.23  
Class: 147 LEGALS  
Rate: LEGAL Cost: 163.70  
# Affidavits: 1

Contact:

Phone: (231)223-7322

Fax#: (231)223-7117

Email: deputy.clerk@peninsulatownsh

Agency:

Ad Descript: LEGAL NOTICE PUBLIC NOTIC  
Given by: EMAIL CHRSTINA DEEREN

P.O. #:

Created: mroy 08/31/22 10:33

Last Changed: mroy 08/31/22 10:41

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Fri 09/02/22	1	Fri 09/02/22	SMTWTFS
IN	AIN	97	W	Fri 09/02/22	1	Fri 09/02/22	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: Miranda Roy

Printed at 08/31/22 10:42 by mroy

-----  
Acct #: 1837

Ad #: 590373

Status: New WHOLD WHOI

LEGAL NOTICE  
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 September 20, 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. 903, Zoning R-1A

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive,

Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City,  
MI 49686

Property Address: Kroupa Rd., Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback from the ordinary high water line in order to construct a single family residence with an attached garage.
2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.
3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

Parcel Code # 28-11-108-001-02

2. Request No. 905, Zoning R-1C

Applicant: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,

10665 Bluff Rd., Traverse City, MI 49686

Owner: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,  
10665 Bluff Rd., Traverse City, MI 49686

Property Address: Bluff Rd, Traverse City, MI 49686

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision.

Parcel Code #28-11-625-013-00

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 September 18, 2022.

September 2, 2022-1T

590373

**EXHIBIT**

**No. 6**

PENINSULA TOWNSHIP  
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 903

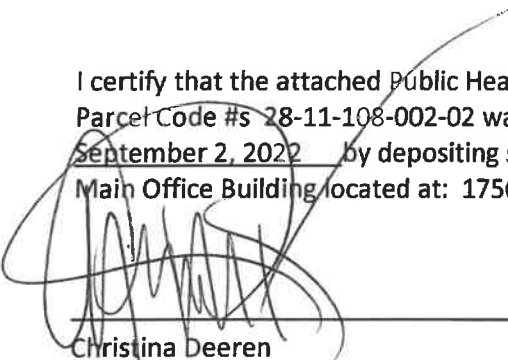
Hearing Date: September 20, 2022

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Property Address: Kroupa Rd., Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-108-002-02 was mailed by regular US mail to the attached list of 6 properties on September 2, 2022 by depositing said notices in a mail box located at United States Postal Services Main Office Building located at: 1756 Barlow St., Traverse City, MI 496984



\_\_\_\_\_  
Christina Deeren  
Peninsula Township  
Director of Zoning



**EXHIBIT**

**No. 7**

September 7, 2022

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

Ref: Applicant/Owner John C. Ansted Sr. Trust for a variance request on four setbacks they are looking have. Parcel#28-11-108-001-02

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,

John Haggard

*Haggard's Plumbing & Heating*

Haggard's  
PLUMBING  
& HEATING

**CASE NO. 905**

Peninsula Township Planning & Zoning Department

**EXHIBIT LIST**

**ZBA Request # 905**

Owner: Bonnie Alfonso Trust Et Al

---

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

Hearing date: September 20, 2022

---

**EXHIBIT LIST**

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

EXHIBIT

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](http://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](http://www.peninsulatownship.com/zoning).
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Twelve (12) 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. **12 copies are required. Applicant Information**

Applicant: Name Alfonso Bonnie Trust ET AL  
Address Line 1 7172 Hilltop Avenue  
Address Line 2 Traverse City, MI 49686  
Phone 231-632-0163 Cell 231-632-0163  
E-mail Bonnie@GoAlfie.com  
Bonnie Alfonso 7172 Hilltop Ave. Traverse City, MI 49686  
Carol Nickerson 245 Clous Road Kingsley, MI 49649  
Michael Alfonso 10665 Bluff Road Traverse City, MI 49686  
Margianne Alfonso 3951 Boursaw Road Traverse City, MI 49686  
Bonita Kay Alfonso 10665 Bluff Road Traverse City, MI 49686

Owner: Name Alfonso Bonnie Trust ET AL  
Address Line 1 7172 Hilltop Avenue  
Address Line 2 Traverse City, MI 49686  
Phone 231-632-0163 Cell 231-632-0163  
E-mail Bonnie@GoAlfie.com  
Bonnie Alfonso 7172 Hilltop Ave. Traverse City, MI 49686  
Carol Nickerson 245 Clous Road Kingsley, MI 49649  
Michael Alfonso 10665 Bluff Road Traverse City, MI 49686  
Margianne Alfonso 3951 Boursaw Road Traverse City, MI 49686  
Bonita Kay Alfonso 10665 Bluff Road Traverse City, MI 49686

*(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: Lot 13 & Lot 14 of Ridgewater Subdivision Zoning: R1-C  
Address Line 1 10665 & 10677 Bluff Road  
Address Line 2 Traverse City, MI 49686

### Type of Request

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

<input checked="" 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 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:  
*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; All existing and proposed structures including decks and roof overhangs; 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:

Parcel B of Ridgewater Subdivision has a depth of lot hardship because of the steep incline covering over 2/3rds of the property. This steep incline makes it virtually impossible to build a residence with-in the required front yard setback. It also forces the land owner to place the septic system along the front yard of the parcel.

- 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 steep incline, covering over 2/3rds of the property, is a natural feature and not created by the land owner.

- 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:

We believe to build a residence on top of the steep incline to fit within the required front yard setback is burdensome to the land owner. We are concerned that the removal of a large portion of the vegetation on the bank could destabilize the incline and lead to issues of erosion for the land owner and adjacent property owners.



- 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:

A 22'-0" relief of the front yard setback, changing it to an 8'-0" setback is further from the property line than both adjacent parcels and many of the homes along Bluff Road. Granting this front yard setback is consistent with what other land owners have been provided and in NO WAY sets a new precedence.

- 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:

A 22'-0" relief of the front yard setback, changing it to an 8'-0" setback is further from the property line than both adjacent parcels and many of the homes along Bluff Road. Granting this front yard setback will not cause adverse impacts on the 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 for which a conditional use or temporary use permit is required.

Is this condition met? Please explain:

A 22'-0" relief of the front yard setback, changing it to an 8'-0" setback is further from the property line than both adjacent parcels and many of the homes along Bluff Road. Granting this front yard setback 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.

Wagner Alfonso  
8-11-22

Michael Alfonso 8/11/22

Bar. S. H. Jones  
8/12/22

Carl Nickson 8/12/2022

Bonita Kay Alfonso 8/12/2022

# AFFIDAVIT FOR THE COMBINING OF ADJOINING LOTS FOR ZONING PURPOSES

Now comes \_\_\_ Bonnie Alfonso, as Trustee of the Bonnie Alfonso Trust; Carol Nickerson; Mike Alfonso; Margianne Alfonso; Mike Alfonso, as Trustee of the Alfonso Joint Declaration Trust; Bonita Alfonso, as Trustee of the Alfonso Joint Declaration Trust., whose address is \_\_\_

Bonnie Alfonso 7172 Hilltop Ave. Traverse City, MI 49686  
Carol Nickerson 245 Clous Road Kingsley, MI 49649  
Michael Alfonso 10665 Bluff Road Traverse City, MI 49686  
Margianne Alfonso 3951 Boursaw Road Traverse City, MI 49686  
Bonita Kay Alfonso 10665 Bluff Road Traverse City, MI 49686

and in consideration for a building permit/land division/lot line adjustment does hereby join together for the purposes of zoning the following land described as:

Lot 13 & Lot 14 of Ridgewater Subdivision Zoning: R1-C

The ownership of one lot shall be burdened the same as the other(s) for zoning purposes. Said parcels cannot be sold independent of one another. Such affidavit shall terminate at such time as those issues which are currently not in compliance with Peninsula Township Zoning requirements otherwise come into compliance with such requirements. This affidavit shall be binding upon the undersigned, his heirs, successors, personal representatives and assigns.

Executed this 15 day of August, 2021

Mike Alfonso  
Owner Name MIKE ALFONSO

Bonita Kay Alfonso  
Owner Name Bonita Kay Alfonso

Carol Nickerson  
Owner Name Carol Nickerson

Margianne Alfonso  
Owner Name Margianne Alfonso

Bonnie S. Alfonso  
Owner Name BONNIE S. ALFONSO

STATE OF MICHIGAN

)

)SS

COUNTY OF TRAVERSE CITY

GRAND TRAVERSE JED

The foregoing was acknowledged before me this 15<sup>th</sup> day of August,  
2022 by

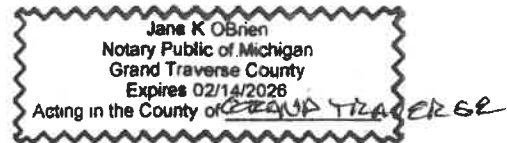
BONNIE ALFONSO, CAROL NICKERSON, MIKE ALFONSO,  
BONHA ALFONSO, MARGIANNE ALFONSO

Jane K O'Brien  
JANE K O'BRIEN, Notary Public

8-15-2022

Prepared by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



August 12, 2022

Peninsula Township  
13235 Center Rd.  
Traverse City, MI 49686

Re: Bluff Road Properties

As we work thru the process to determine options regarding the 10665 & 10677 Bluff Road properties, we ask for a continuance on providing the deed conveyance. If the 25'-0" land split and the variance for the front yard setback are approved by the ZBA, all owners involved will provide deed conveyance for the two parcels

Thank you for your consideration,

The Alfonso Family



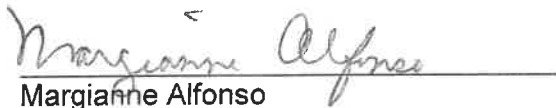
Carol Nickerson



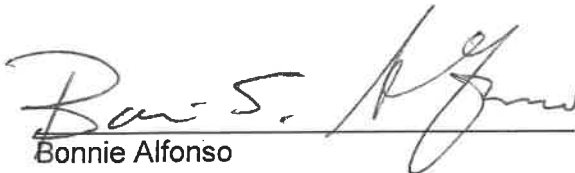
Michael Alfonso



Bonita Kay Alfonso



Margianne Alfonso



Bonnie Alfonso



Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

August 15, 2022

Re: Alfonso Land Split

Dear Christina Deeren;

Please find enclosed the paper work requested for the Alfonso Bluff Road land split to get on the docket, including a check for \$1000 from Bonnie Alfonso.

A draft Encroachment Form has been started (as sent here from Brent Wheat today), however Michael Alfonso is out of town until next week. When he returns Bonnie and Michael will stop in to our offices and sign it, and we will have their signatures notarized here, and will send it on to you for your records too.

We appreciate you getting this on the next agenda.

Sincerely,

Whiteford Associates, Inc.

  
Dave Whiteford



## GRAND TRAVERSE COUNTY HEALTH DEPARTMENT

COMMUNITY HEALTH  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6111

ENVIRONMENTAL HEALTH  
2650 LaFranier Road  
Traverse City, MI 49686  
231-995-6051

ADMINISTRATION &  
MEDICAL EXAMINER  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

EMERGENCY MANAGEMENT &  
PUBLIC HEALTH PREPAREDNESS  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

www.gtchd.org

### ENCROACHMENT AGREEMENT

\*\*PLEASE RETURN COMPLETED FORM TO GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH\*\*

We/I Michael Alfonso of 10665 Bluff Rd Traverse City MI 49686  
Grantor(s) Mailing Address

Owner(s) of 10665 Bluff Rd Traverse City MI 49686  
Full Site Address

Peninsula Township 11-625-013-00  
Township Parcel ID Number

Hereby give permission to: Bonnie Alfonso  
Grantee(s)

Of Bluff Rd Traverse City MI 49686  
Full Site Address

Peninsula Township 11-625-014-00  
Township Parcel ID Number

To place their sewage system inside the ten (10) foot set back from our mutual lot line.

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

State of Michigan, County of \_\_\_\_\_

Acknowledged before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by: \_\_\_\_\_

\_\_\_\_\_  
Prepared by (Name)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
State of Michigan, County of:

\_\_\_\_\_  
Acting in the County of:



## GRAND TRAVERSE COUNTY HEALTH DEPARTMENT

COMMUNITY HEALTH  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6111

ENVIRONMENTAL HEALTH  
2650 LaFranier Road  
Traverse City, MI 49686  
231-995-6051

ADMINISTRATION &  
MEDICAL EXAMINER  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

EMERGENCY MANAGEMENT &  
PUBLIC HEALTH PREPAREDNESS  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

[www.gtchd.org](http://www.gtchd.org)

### ENCROACHMENT AGREEMENT

**\*\*PLEASE RETURN COMPLETED FORM TO GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH\*\***

We/I Bonnie Alfonso of 7172 Hilltop Ave  
Grantor(s) Mailing Address

Owner(s) of Bluff Rd Traverse City MI 49686  
Full Site Address

Peninsula Township 11-625-014-00  
Township Parcel ID Number

Hereby give permission to: Michael Alfonso  
Grantee(s)

Of 10665 Bluff Rd Traverse City MI  
Full Site Address

Peninsula Township 11-625-013-00  
Township Parcel ID Number

To place their sewage system inside the ten (10) foot set back from our mutual lot line.

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

State of Michigan, County of \_\_\_\_\_

Acknowledged before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by: \_\_\_\_\_

\_\_\_\_\_  
Prepared by (Name)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
State of Michigan, County of:

\_\_\_\_\_  
Acting in the County of:

## Sean Patrick Flaherty

---

**From:** Brent Wheat [bwheat@gtcountymi.gov]  
**Sent:** Tuesday, August 02, 2022 12:56 PM  
**To:** sean@whitefordassociates.com  
**Cc:** Caryn Chachulski  
**Subject:** 10707 bluff rd Alfonso lot line adjustment  
**Attachments:** 1162501700\_10721 BLUFF RD\_N.PDF; 10707 Bluff Road.PNG; 1162501300\_10665 BLUFF RD\_N.PDF; site eval 9291.pdf

Hi Sean, I'm so sorry this slipped off of my radar. Below is a conversation Dave and I had in January regarding the Alfonso property for more information. Based on a review of soil borings conducted as part of the attached site survey (9291) the area reserved for the septic system on the site plan for the new residential home is sufficient in size for two bedrooms. If the footprint of the home is slightly reduced a third bedroom could be added. Also, if an Eljen system is installed (see email below) a third bedroom could be added to the bedroom totals. Because the lot is an existing lot of record created prior to the land division act and this proposal is a lot line adjustment and not the creation of a new parcel, a reserve drainfield area is not required. In order to grant the requested deviations to the existing lot line setback of 10' for both drainfields encroachment agreements will need to be signed for both parcels and recorded with the register of deeds in order for the deviations to be granted. The drainfields shall have a separation of 5' between one another both drainfields 2.5' off the property line. In order to grant an okay on the well location, a third-party inspector such as Butch Strait Inspections must verify and provide documentation as to the exact location of the drainfield at 10707 Bluff Rd. Both Dave and I separately tried to pinpoint the exact location of the septic system and the best we could do is approximate. If the 50' isolation ring for the new well is over the property line we will need to have that location verified.

Let me know if you have any questions

Brent

### Brent Wheat

Environmental Health Director

Grand Traverse County Health Department

Environmental Health Division

Phone: 231.995.6015

Fax: 231.995.6033

---

**From:** Brent Wheat <[bwheat@gtcountymi.gov](mailto:bwheat@gtcountymi.gov)>  
**Sent:** Thursday, January 7, 2021 11:03 AM  
**To:** Dave Whiteford <[dave@whitefordassociates.com](mailto:dave@whitefordassociates.com)>  
**Subject:** 10707 bluff rd Alfonso

Hey Dave, based on our conversation yesterday here is what I can find on this portion of bluff road. I do not have any records on 10707 the red house that is also owned by the Alfonso trust however I do have records on the Wiltse's to the east. their drainfield is located on the western side of the property which is an indication that the Alfonso's may be located on the eastern side of the house. In those records it was noted that the Alfono's



well is located in about the middle of the structure in the front yard. The documents are attached. We would likely need an inspection showing the location of the septic tank and drainfield before issuing a well permit for Bonnie's.

Mikes house to the west is currently on holding tanks however as you know he was working with Bonnie to acquire property to install a drainfield. Attached is his current septic system.

This house would likely be a good candidate for an Eljen septic system which has carbon beds under the drainfield pipe which allows for a reduction in the square footage of bed space required. Just food for thought.

<https://www.eljen.com/eljen-gsf>

Hope this helps

Brent

**Brent Wheat**

Environmental Sanitarian

Grand Traverse County Health Department

Environmental Health Division

Phone: 231.995.6015

Fax: 231.995.6033

**Nancy Oien**

---

**From:** Brent Wheat <bwheat@gtcountymi.gov>  
**Sent:** Monday, August 15, 2022 1:24 PM  
**To:** office@whitefordassociates.com; Sean Patrick Flaherty  
**Subject:** blank encroachment agreement document  
**Attachments:** Blank Encroachment agreement.pdf

Hey Sean and Dave, attached is the blank encroachment agreement document for the Alfonso project. As I mentioned to Dave on the phone we need One agreement signed by Bonnie granting encroachment to Mike and another agreement signed by Mike granting Bonnie encroachment. Both documents must be notarized and I would recommend having them recorded with the registrar of deeds.

Brent

**Brent Wheat**  
Environmental Health Director  
Grand Traverse County Health Department  
Environmental Health Division  
Phone: 231.995.6015  
Fax: 231.995.6033



## GRAND TRAVERSE COUNTY HEALTH DEPARTMENT

COMMUNITY HEALTH  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6111

ENVIRONMENTAL HEALTH  
2650 LaFranier Road  
Traverse City, MI 49686  
231-995-6051

ADMINISTRATION &  
MEDICAL EXAMINER  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

EMERGENCY MANAGEMENT &  
PUBLIC HEALTH PREPAREDNESS  
2600 LaFranier Road, Suite A  
Traverse City, MI 49686  
231-995-6100

[www.gtchd.org](http://www.gtchd.org)

### ENCROACHMENT AGREEMENT

**\*\*PLEASE RETURN COMPLETED FORM TO GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH\*\***

We/I \_\_\_\_\_ of \_\_\_\_\_  
Grantor(s) Mailing Address

Owner(s) of \_\_\_\_\_  
Full Site Address

Township \_\_\_\_\_ Parcel ID Number \_\_\_\_\_

Hereby give permission to: \_\_\_\_\_  
Grantee(s)

Of \_\_\_\_\_  
Full Site Address

Township \_\_\_\_\_ Parcel ID Number \_\_\_\_\_

To place their sewage system inside the ten (10) foot set back from our mutual lot line.

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Grantor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

State of Michigan, County of \_\_\_\_\_

Acknowledged before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by: \_\_\_\_\_

\_\_\_\_\_  
Prepared by (Name)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

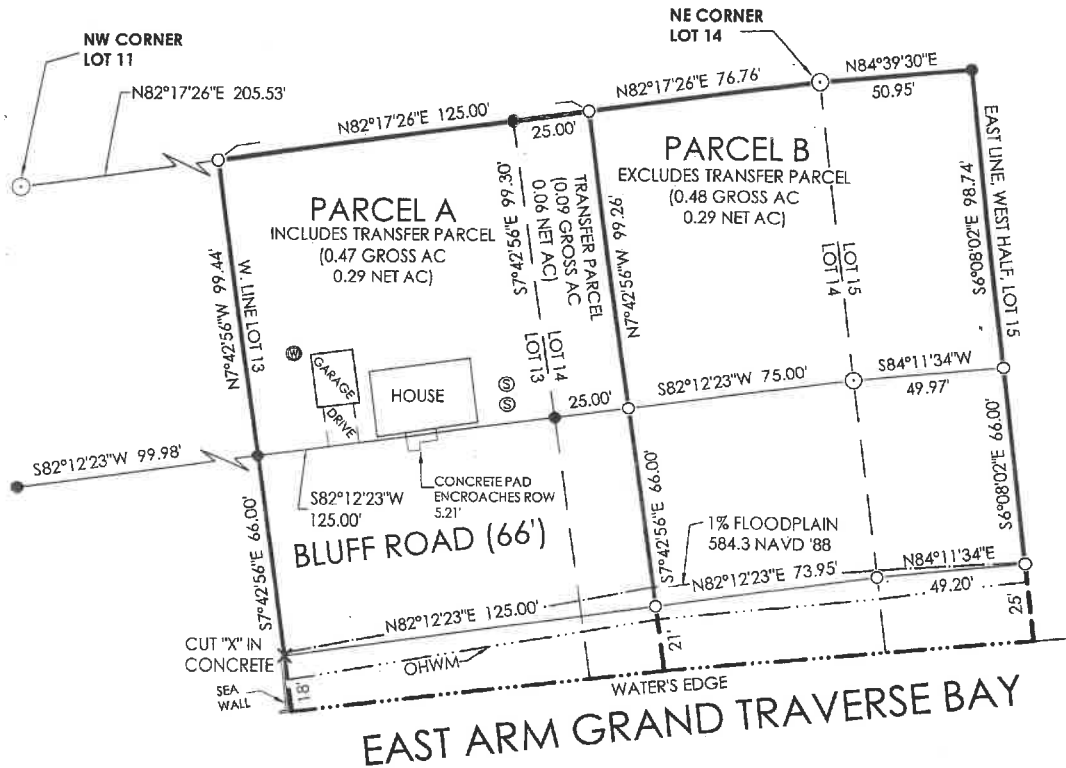
\_\_\_\_\_  
State of Michigan, County of:

\_\_\_\_\_  
Acting in the County of:

EXHIBIT

No. 2

# CERTIFICATE OF SURVEY



## TRANSFER PARCEL:

THE WEST 25' OF LOT 14 OF RIDGEWATER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 5 OF PLATS, PAGE 7, PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF LOT 14; THENCE S 82° 17' 26" W, 76.76 FEET ALONG THE NORTH LINE OF LOT 14 TO THE POINT OF BEGINNING; THENCE S 07° 42' 56" E, 99.26 FEET TO THE NORTH RIGHT-OF-WAY OF BLUFF ROAD; THENCE S 82° 12' 23" W, 25.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF BLUFF ROAD; THENCE N 07° 42' 56" W, 99.30 FEET TO THE NORTHWEST CORNER OF LOT 14; THENCE N 82° 17' 26" E, 25.00 FEET ALONG THE NORTH LINE OF LOT 14 TO THE POINT OF BEGINNING. SIDELINES EXTEND TO THE WATER'S EDGE OF GRAND TRAVERSE BAY. SUBJECT TO THE RIGHT-OF-WAY OF BLUFF ROAD.

## PARCEL A (INCLUDES TRANSFER PARCEL):

LOT 13 AND THE WEST 25' OF LOT 14 OF RIDGEWATER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 5 OF PLATS, PAGE 7, PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF LOT 14; THENCE S 82° 17' 26" W, 76.76 FEET ALONG THE NORTH LINE OF LOT 14 TO THE POINT OF BEGINNING; THENCE S 07° 42' 56" E, 99.26 FEET TO THE NORTH RIGHT-OF-WAY OF BLUFF ROAD; THENCE S 82° 12' 23" W, 125.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF BLUFF ROAD TO THE WEST LINE OF LOT 13; THENCE N 82° 17' 26" E, 125.00 FEET ALONG THE NORTH LINE OF LOT 13; THENCE N 07° 42' 56" W, 99.44 FEET TO THE NORTHWEST CORNER OF LOT 13; THENCE N 82° 17' 26" E, 125.00 FEET ALONG THE NORTH LINE OF LOT 13 AND LOT 14 TO THE POINT OF BEGINNING. SIDELINES EXTEND TO THE WATER'S EDGE OF GRAND TRAVERSE BAY. SUBJECT TO THE RIGHT-OF-WAY OF BLUFF ROAD.

## PARCEL B (DOES NOT INCLUDE TRANSFER PARCEL):

LOT 14 EXCEPT THE WEST 25' THEREOF AND INCLUDING THE WEST HALF OF LOT 15 BOTH BEING OF RIDGEWATER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 5 OF PLATS, PAGE 7, PENINSULA TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF LOT 14; THENCE N 84° 39' 30" E, 50.95 FEET ALONG THE NORTH LINE OF LOT 15 TO THE EAST LINE OF THE WEST HALF OF LOT 15; THENCE S 06° 08' 02" E, 98.74 FEET ALONG THE EAST LINE OF THE WEST HALF OF LOT 15 TO THE NORTH RIGHT-OF-WAY LINE OF BLUFF ROAD; THENCE S 84° 11' 34" W, 49.97 FEET ALONG THE NORTH RIGHT-OF-WAY OF BLUFF ROAD TO THE EAST LINE OF LOT 14; THENCE S 82° 12' 23" W, 75.00 FEET ALONG THE NORTH RIGHT-OF-WAY OF BLUFF ROAD; THENCE N 07° 42' 56" W, 99.26 FEET TO THE NORTH LINE OF LOT 14; THENCE N 82° 17' 26" E, 76.76 FEET ALONG THE NORTH LINE OF LOT 14 TO THE POINT OF BEGINNING. SIDELINES EXTEND TO THE WATER'S EDGE OF GRAND TRAVERSE BAY. SUBJECT TO THE RIGHT-OF-WAY OF BLUFF ROAD.

## Legend

- Iron Found
- Iron Set
- Concrete Monument
- X Set Cut "X"
- Ⓢ Sanitary Manhole
- Ⓜ Water Well



GRAPHIC SCALE: 1 inch = 50 feet

## NOTES:

- ORIGINATING DEEDS USED FOR SURVEY ARE RECORDED WITH DOCUMENT NUMBERS 2015R-20190 AND 201R-00826.
- NET AREAS SHOWN ARE MEASURED NORTH OF BLUFF ROAD RIGHT-OF-WAY.
- PARCEL B IS VACANT



I, Michael K. Geisert, a Professional Surveyor in the State of Michigan, do hereby certify: That I have surveyed and mapped the herein described parcel(s), that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that I have fully complied with the requirements of P.A. 132 of 1970, as amended. This survey plat was prepared for the exclusive use of persons, or entities named in the certificate hereon.

CERTIFY TO:  
MARK McDONALD

**Mansfield**  
Land Use Consultants

Planners - Civil Engineers - Surveyors

PO Box 4015  
830 Cottageview Dr., Suite 201  
Traverse City, MI 49685  
Ph: (231) 946-9310  
www.maaeps.com

BEARING BASIS: ASSUMED

Part of the Ridgewater Subdivision  
Section 9, T28N, R10W  
Peninsula Township, Grand Traverse County, Michigan

DRN: JLB CKD: MKG

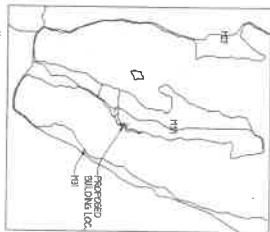
5/4/2022

JOB NO.: 22029

SHT 1 OF 1

# LAND SPLIT ALFONSO

LOT B & 1/4 OF THE RIDGEWATER SUBDIVISION, TRAVERSE CITY, MICHIGAN 49606



VICINITY MAP  
SCALE 1" = 40'

## PARCEL INFORMATION:

CASE# 11-43-01-00

ASSOCIATION: PENINSULA TOWNSHIP

ZONING: R-1C RESIDENTIAL, SINGLE-FAMILY

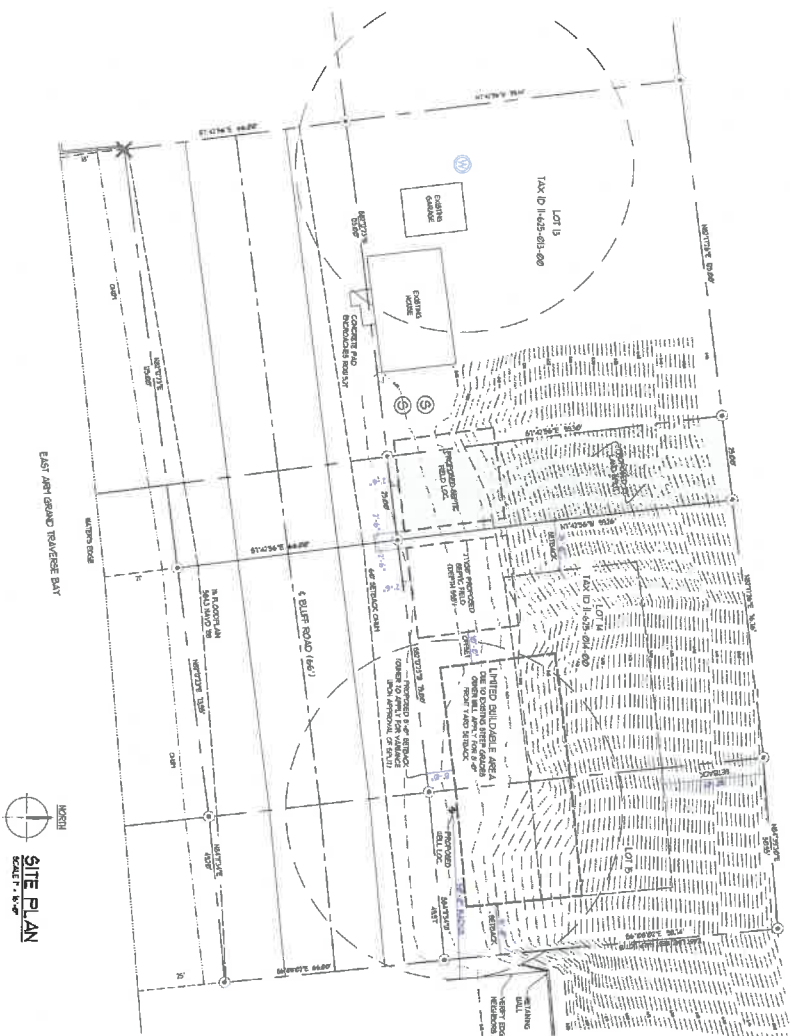
TAX DISCREPANCY: LOT 11 & 1/4, 1/2 OF LOT 10, ALSO 1/2 OF BLUFF RD SET BACK LOT 11 & 1/4, 1/2 OF LOT 10, THE EAST, RIDGEWATER SUB

## DEVELOPER:

ALFONSO, JAMES B. / JAMES B. ALFONSO, 6400 OAK HILL RD, TRAVERSE CITY, MI 49606-1717

## SOIL INFORMATION:

THE SOILS IN THIS AREA ARE CLASSIFIED AS:  
1-4T FINE SAND TOPOIL  
1-4T FINE SAND  
1-4T FINE SAND W/ LAYERS OF SAND  
1-4T FINE SAND



SITE PLAN  
SCALE 1" = 40'



WHITEFORD  
ASSOCIATES  
INC.

ARCHITECTURE

CONSTRUCTION

2000 W. LEXINGTON

TRAVERSE CITY, MI 49606

## SITE PLAN

### ALFONSO LAND SPLIT

LOT B & 1/4 OF THE RIDGEWATER SUBDIVISION  
TRAVERSE CITY, MICHIGAN 49606

## PROJECT

## DATE

07/20/11

## REVISIONS

REVISIONS

C1

**EXHIBIT**

**No. 3**

Peninsula Township Planning & Zoning Department  
**STAFF REPORT**  
ZBA Request # 905  
Physical Address of Subject Property: Bluff Rd., Traverse City, MI 49686  
Date: September 20, 2022

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**To:** Peninsula Township Zoning Board of Appeals

**From:** Christina Deeren, Zoning Administrator

**RE:** Request # 905

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

**Hearing Date:** September 20, 2022 – 7:00 PM

**Applicant:** Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

**Owner:** Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

**Site:** Bluff Rd., Traverse City, MI 49686

**Tax ID:** 28-11-625-013-00 & 28-11-625-014-00

**Information:**

- Parcel 28-11-625-013-00 is approximately .436 acres in size or 100 feet by 190 feet and approximately 19,000 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 1951 and is considered legal non-conforming to current zoning standards.
- Parcel 28-11-625-014-00 is approximately .603 acres in size or 150 feet by 175 feet and is approximately 26,250 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 to the adoption of the Peninsula Township Zoning Ordinance, and is considered legal conforming.
- The parcel is vacant with no improvements on the property.



**Action Requested:**

Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision

Parcel Code: #28-11-625-013-00 & 28-11-625-014-00

**Applicant**

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

**Staff Comments:**

**TABLE OUTLINES VARIANCE REQUEST FOR NEW BUILDING ENVELOPE FOR A PROPOSED PROPERTY DIVISION**

**Background:**

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

<b>R-1C Standards (Section 6.8)</b>	<b>Required</b>	<b>Variance</b>	<b>Conforms to Standards?</b>
<b>Minimum Front Setback</b>	<b>25'</b>	<b>Yes- from the required 25 feet to 8 feet in order to split the property and have an approved building envelope</b>	<b>No- Variance is required</b>
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'	No	Yes
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	25% - allowed	No	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 Bluff Rd.,**

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 905**

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Date of Meeting: September 20, 2022

Applicant: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,  
10665 Bluff Rd., Traverse City, MI 49686  
Owner: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,  
10665 Bluff Rd., Traverse City, MI 49686  
Address: Bluff Rd., Traverse City, MI 49686

Parcel Code: #28-11-625-013-00 & 28-11-625-014-00

**Request:**

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision

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:**

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EXHIBIT

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 September 20, 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:

Request No. 905, Zoning R-1C

**Applicant:** Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

**Owner:** Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686

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

**Request:**

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision.

Parcel Code #28-11-625-013-00 & #28-11-625-014-00

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 September 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**



**EXHIBIT**

**No. 5**



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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Miranda Roy

Printed at 08/31/22 10:42 by mroy

Acct #: 1837

Ad #: 590373

Status: New WHOLD WHOI

LEGAL NOTICE  
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 September 20, 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. 903, Zoning R-1A

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive,  
Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City,  
MI 49686

Property Address: Krouna Rd., Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback from the ordinary high water line in order to construct a single family residence with an attached garage.
2. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to 6 feet in order to construct a single family residence with an attached garage.
3. Requesting a variance from the required thirty (30) foot rear setback to fifteen (15) foot rear setback in order to construct a single family residence with an attached garage.
4. Requesting a variance from the required twenty-five (25) foot setback from a wetlands to zero (0) feet in order to construct a driveway through a wetlands area.

Parcel Code # 28-11-108-001-02

2. Request No. 905, Zoning R-1C

Applicant: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,  
10665 Bluff Rd., Traverse City, MI 49686

Owner: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust,  
10665 Bluff Rd., Traverse City, MI 49686

Property Address: Bluff Rd, Traverse City, MI 49686

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision.

Parcel Code #28-11-625-013-00

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 September 18, 2022.

September 2, 2022-1T

590373

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

ORDER CONFIRMATION

Salesperson: Miranda Roy

Printed at 08/31/22 10:42 by mroy

-----  
Acct #: 1837

Ad #: 590373

Status: New WHOLD

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

Start: 09/02/2022      Stop: 09/02/2022  
Times Ord: 1            Times Run: \*\*\*  
STDAD 3.00 X 5.41      Words: 351  
Total STDAD 16.23  
Class: 147    LEGALS  
Rate: LEGAL            Cost: 163.70  
# Affidavits: 1

Contact:

Phone: (231)223-7322

Fax#: (231)223-7117

Email: deputy.clerk@peninsulatownsh

Agency:

Ad Descrpt: LEGAL NOTICE PUBLIC NOTIC  
Given by: EMAIL CHRSTINA DEEREN  
P.O. #:

Created: mroy 08/31/22 10:33

Last Changed: mroy 08/31/22 10:41  
-----

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Fri 09/02/22	1	Fri 09/02/22	SMTWTFS
IN	AIN	97	W	Fri 09/02/22	1	Fri 09/02/22	SMTWTFS

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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)

**EXHIBIT**

**No. 6**

PENINSULA TOWNSHIP  
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 903

Hearing Date: September 20, 2022

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Property Address: Kroupa Rd., Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-108-002-02 was mailed by regular US mail to the attached list of 6 properties on September 2, 2022 by depositing said notices in a mail box located at United States Postal Services Main Office Building located at: 1756 Barlow St., Traverse City, MI 496984



Christina Deeren

Peninsula Township  
Director of Zoning

**EXHIBIT**

**No. 7**

## **Zoning**

---

**From:** Trish Wiltse <trish@tcfood.com>  
**Sent:** Tuesday, September 6, 2022 11:33 AM  
**To:** planner@peninsulatownship.com; zoning@peninsulatownship.com;  
lwdloski@gmail.com; jdolton@charter.net  
**Subject:** Alfonso variance

Hello

I received your notice regarding the Alfonso variance on Bluff Road. I live next door and just wanted to state that I support this variance

Sincerely

Patricia Wiltse  
10721 Bluff Road

--

TC Foods Inc

## Zoning

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**From:** Robert Brammer <rbrammer@strombergcarlson.com>  
**Sent:** Monday, September 5, 2022 5:45 PM  
**To:** zoning@peninsulatownship.com  
**Cc:** Bonnie Alfonso; Russ and Leslie Knopp  
**Subject:** Alfonso Joint Declaration of Trust

This note is in regards to:

Parcel Code # [28-11-108-001-02](#)

Request No. 905 - Applicant & Owner: Alfonso Joint Declaration Trust, Michael and Kay Bonita-Alfonso Trust, 10665 Bluff Rd., Traverse City, MI 49686, Property Address: Bluff Rd, Traverse City, MI 49686

1. Requesting a variance from the required twenty-five (25) foot front yard setback to an eight (8) foot front yard setback to identify a new building envelope for a land division between lot(s) 13, 14 and 15 of Ridgewater Subdivision.

Parcel Code #28-11-625-013-00 & #28-11-625-014-00

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 September 18, 2022.

My name is Robert C Brammer Jr and I live at 2180 Twin Eagles Drive, TC, MI 49686. This request is with in the character of the neighborhood and should be approved. In fact as I drove by tonight probably 10-12 home on both sides of this lot are non-conforming to this code. Causing this house to have to sit back an additional 17' would cause it to be out of character with its neighbors. These are facts associated with this decision.

On the softer side a "local" wants the option to return to the property they grew up on. This family has employed hundred of people in TC and when the time is right they simply want to watch the sun rise, and hear the water on the shore again. Surely something we can all relate to.

I'm a third generation Old Mission Township resident....David Stromberg, June Brammer his daughter, and now I live here as well with my wife. I hope you grant that opportunity with this variance that conforms with the character of it's neighborhood.

Bob Brammer Jr  
Stromberg Carlson  
Sent from my iPhone

# Minutes from August 16, 2022



Peninsula Township  
Zoning Board of Appeals  
August 16, 2022 7:00 p.m.  
Lola Jackson Recording Secretary  
DRAFT MINUTES

**PENINSULA TOWNSHIP  
REGULAR MEETING  
ZONING BOARD OF APPEALS AGENDA  
13235 Center Rd., Traverse City, MI 49686  
August 16, 2022  
7:00 p.m.**

1. **Call to Order** by Dolton at 7:00 p.m.
2. **Pledge**
3. **Roll Call of Attendance** Dloski, Elliott, Dolton, Wahl, Serocki, Deeren-Director of Zoning, by phone attorney Fahey.
4. **Approval of Agenda** Serocki moved to approve the agenda with a second by Dloski.  

**Approved by consensus**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – for items not on the Agenda** None
7. **Business:**

**1. Request No. 903, Zoning R-1A**

Applicant: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Owner: John C. Ansted Sr. Trust, 10215 Peninsula Drive, Traverse City, MI 49686

Property Address: Kroupa Rd., Traverse City, MI 49686

1. Requesting a variance from the required sixty (60) foot setback from the ordinary high water line to a fifty (50) foot setback in order to construct a single family residence w/ an attached garage.

Parcel Code # 28-11-108-001-02

Deeren: a survey came in for this request which requires additional variances. This case will be moved to next month on September 20, 2022. The request is to be amended and republished.

Dloski moved to table the request until September 20, 2022 with a second by Serocki.

**Approved by consensus.**

**2. Request No. 904, Zoning A-1**

Applicant: Joshua B. & Lesli-Anne D. Humphrey, 1101 Elmer Drive, Traverse City, MI 49686

Owner: Joshua B. & Lesli-Anne D. Humphrey, 1101 Elmer Drive, Traverse City, MI 49686

Property Address: 1101 Elmer Drive, Traverse City, MI 49686

1. Requesting a variance from the required thirty-five (35) foot front yard setback to a thirty-

three (33) foot front yard setback in order to construct a 38'x30' garage attached by a breezeway.

Parcel Code # 28-11-008-021-55

**Joshua Humphrey** (J. Humphrey)

**Lesli-Anne Humphrey** (L. Humphrey)

1101 Elmer Drive

**L. Humphrey:** we are here tonight to request a breezeway and garage attachment on our primary residence. Six years ago we renovated the house and lessened the non-conformity. We used the original footprint of the house. We have worked with a draftsman who has come up with 3 different renditions to try and get as far east as we could. With the garage and septic we were worried we would have foundational issues pulling more dirt away from the current house due to run off issues.

**Deeren:** where is the septic located as it is not delineated on your plan?

**J. Humphrey:** right where the driveway leaves the house, there are two white caps where the drain and cleanout are located.

**Dolton:** asks for staff report.

**Deeren:** the house is non-conforming and was improved with porches and decks. The original 23 acres owned by the previous owner and the sub-division to the west is part of the original parcel. The house was built in 1974 prior to the split and was probably right in the middle of the 23 acres.

**Dolton:** so the split caused the front yard setback and the driveway to be on the easement as opposed to fully on the property.

**Dloski:** you want to connect the breeze way porch and you do not have a garage now?

**L. Humphrey:** no, we have never had a garage.

**Dloski:** so what is the problem with putting the garage where it could be?

**J. Humphrey:** so the problem with the property is if you go too far east you run into the driveway and there is a pretty heavy slant right there. We actually had to push the garage as far to the east as we could, but then lower it by two feet so we can make an approach to the garage. In talking with our builder and excavator we felt that was going to be too high a grade to actually get into the garage correctly from the front side.

**Dloski:** it looks like the driveway goes right through the garage.

**J. Humphrey:** we are abandoning or getting rid of that part of the driveway. We will be approaching the driveway from the front of the house and go around to the actual entrance of the garage. The driveway we have now will go away.

**Dloski:** you will go around the house on the east and the garage from the east. So what is the problem of moving the garage to make it conform?

**J. Humphrey:** if you look at the property where the flat level is today for the garage, there is a foot drop on the driver's side. When you get to the other side of the house, it drops significantly back there as well.

**L. Humphrey:** it would cause the slope to be so significant, it would be unusable. We cannot swing the driveway because of the septic.

**Dloski:** if you move the garage, it won't connect to the breeze way?

**L. Humphrey:** no, with the third rendition we had it moving more east and we are still able to connect to the breeze way. The contractor and excavator said the grade would be too high.

**Dloski:** do you have anything from these contractors to support that?

**J. Humphrey:** just a verbal communication when we met with them.

**Serocki:** this garage is 30 by 38, which is an unusual size for a garage. Why do you need such a large garage? If you went down to 28 by 38 you would be well within the guidelines. It seems it would be the easiest thing to do.

**J. Humphrey:** it would be used for storage, work benches, lawn equipment, and the cars.

**Serocki:** You have 10 acres and have you thought about putting the garage on the other side of the house or in the back?

**J. Humphrey:** yes, we did look at the back of the house. There is a very steep grade and this could create erosion and potential foundation issues.

**L. Humphrey:** the south side of the house is the front of the house and the north side is the back of the house. We cannot do anything to the west of the house as we are so close to the steep grade, so the north east is as far as we can go.

**Dolton:** a standard three-car garage is anywhere between 31-34 feet by 20-24 feet, so this is a significantly large garage. To Serocki's point, you could shrink the garage by 2 feet and not require a variance. Is there a compelling reason you need this size of a garage and you cannot live without it?

**J. Humphrey:** we are planning to spend the rest of our lives in this house and we want to make sure we have all the space we need.

**L. Humphrey:** we are planning on growing our family. We are going to get a riding lawn mower and other equipment and we want to make sure we have the space. We do not want to have sheds or other buildings on the property to store future items. When we bought the property the goal was to try and stay within the original footprint. I'm never moving again. If we could get a tractor in there and begin to do our own snow removal, it would be awesome. So we just want to plan ahead.

**Dolton:** you mentioned you have reduced some non-conformity. Could you describe those changes?

**L. Humphrey:** when we originally bought the house, there was a significant decking around the house. We actually took most of the decking out. We had to come for a variance for an overhang on the front porch 6 years ago. To reach as much conformity as possible has been our goal. We do not want to add additional buildings to the property.

**Dolton:** there is an easement you're no longer going to be needing to utilize, correct? Is that something you are willing to document and give up?

**J. Humphrey:** once we move the driveway and get the garage built, then we can reduce the easements that are across both of the properties back there. No one has expressed interest in using those easements, but we definitely do not want to hang on to them.

**Dolton:** the board does look favorably on reducing non-compliance. We have to vote through all of these basic conditions, but if this was a condition of approval to remove those easements,

would this be an acceptable condition for you?

**Deeren:** I think a portion of the easement is going to have to remain on the southern lot. I know it encroaches on both of those 2 lots.

**L. Humphrey:** eventually we would like to move the driveway a little bit more. The garage goes in first and then we will be able to figure out the rest moving forward.

**Dloski:** so the problem is the width of the garage. You could reduce the width of the garage and build it out to the north a little bit.

**J. Humphrey:** it is a very steep grade going north and we only feel comfortable going to where we are at today with placement.

**Dloski:** our problem is you can build the garage on this site without a variance. I have not heard anything here about this property which requires a variance. So you are saying topography is an issue.

**Wahl:** when did you buy the house?

**L. Humphrey:** 2013. The house was built in 1974, and it was parceled in the 1980s or 1990s.

**Wahl:** does this make a house legal non-conforming?

**Deeren:** yes, it was partially the township's fault in that it should never have been approved to have a subdivision and create a non-conforming house. Ideally this is not what we do. I don't know if it was a bad survey at the time or what happened because I was not here. We would not approve that today at all. You would have had to move the house to get the subdivision in right so they put in the easements.

**L. Humphrey:** so everything is a result of this subdivision going in.

**Wahl:** and when did the subdivision go in?

**Deeren:** I don't know. This was probably at one time the original piece. Then the west side was all subdivided out. I would say it was probably sometime in the 1990s.

**Dolton:** it appears there are no more questions for the applicant. Thank you.

**Deeren:** there is a letter in the packet addition and from the property owner to the north west who opposes this variance. They share the easement for the driveway

**Dolton:** is there anyone who wishes to speak in favor of the applicant?

**Doug Rigan 1150 Gray Road:** I am a licensed builder and was a building contractor for many years. I am quite familiar with trying to build a garage on a hill and I am just here in support of this application. I would like to say in the big scheme of things it is really not going to affect anything. I think 2 feet here or there is fine. You have a hill that falls off to the north and falls off to the east, so we are trying to utilize the top of this hill and that is the challenge. You question the size and we are talking about the depth and not necessarily the width. The depth is important for cars and for storage. A 23-24 foot garage is not a very deep garage. I support this request.

**Dolton:** is there anyone here wishing to oppose this variance? There is a letter in the packet addition opposing this variance.

**Wahl:** does this dimension include the overhangs and do you know how big they are?

**Deeren:** your overhangs need to be behind this line so if you get a variance the overhang of the

garage cannot be closer to the line.

**Dloski:** the gentleman just said a 24 foot garage. However, if it was constructed according to the ordinance, the width of the garage would be 28 feet. So this would make it 38x28, correct?

**Dolton:** Yes, on the size.

This closes the public session and I now bring it back to the board. The one thing that concerns me and is in favor of the applicant is the township error on the split and if the error had not been made, then the house itself would meet the 35 foot set back requirement. So this is an issue I am taking seriously.

**Wahl:** yes, knowing now how far over that house is within what the setback is and it's not something the applicant created. This was there when they bought the property. It's 21 feet and they are looking for 33 feet and this does play in their favor.

**Dloski:** but in light of all that, they can still build a substantial garage. Our job is to make sure we have a legal basis upon which to grant the variance and if they can build a 38x28 foot garage without a variance, I have not heard a legal basis for the variance.

**Deeren:** in looking at this today, it is obviously clear this happened with this type of division. Whether that line shifted when it was platted, I have no idea.

**Dloski:** even if that was the case, they can still build a substantial garage without a variance.

**Dolton:** we will now go through all of the 6 conditions. Please state your reasoning if you vote no. This is recommended by our legal counsel.

**Fahey:** in addition to explaining your reasoning for a no vote, I also think to have the most defensible record possible please also articulate reasons for being in favor of a condition.

**Dolton:** it is important to actually have, if necessary, any comment or discussion so we can be clear on the standard of each condition.

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

1. 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.

**Dolton:** any comment or discussion on this condition?

**Wahl:** this is hard now knowing how far back that house is from the setback. I understand that the garage would not be legal on a non-conforming basis on the new setback with it being 21 feet and then we are looking at 33 feet. I don't know if there is a legal justification there in terms of the house already being pushed back so far.

**Dolton:** I think in terms of risk and the lawyer can correct me if I am wrong, I think the legal risk is we turn something down and the applicant appeals.

**Fahey:** in my opinion the self-created hardship factor that seems to be impacted by the possibility of township error in the placement of the house is just one of the factors. I would just reiterate all the standards have to be met in order for a variance to be granted.

**Dolton:** I think we are ready to vote.

Yes: Wahl-this is somewhat based on township error, which is a unique circumstance.

Yes: Dolton-the township error with the split is what's causing this problem.

No: Dloski-I do not see there are unique circumstances or physical conditions because they can build a substantial garage sized 38x30 without a variance. I do not see any reason other than the owners wanting to build a bigger garage than what is legally permitted.

No: Elliott-I do not think a garage 38 feet is a hardship. The hardships are these steep slopes, but it's a big garage 28x38 feet.

No: Serocki- I agree a 28x38 is a very large garage.

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

**Dolton:** this condition means the property owner or a previous property owner did something such as changing the topography or something else that is now causing this property to require a variance.

Yes: Dolton- I am going to vote yes.

Yes: Wahl- I am voting yes for the same reason as in condition 1, which is due to the township error.

No: Serocki-the need for the variance is a result of wanting a larger garage and I do not think having 2 feet taken off would make much of a difference. They would not need a variance and still have a large garage.

No: Elliott-they can still have a large garage and not need a variance.

No: Dloski-what is a self-created problem is the owners willing or wanting to build a garage that exceeds the ordinance requirement when they don't have to. Again, a 38x28 foot garage would certainly be suitable there and they would not need a variance for that particular building envelope, so they are self-creating this problem.

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.)

**Dolton:** any comments or discussion? Hearing none, let's vote

No: Ashley- this is a hard one because they are on a 10 acre lot and I think there are alternatives as well as building a smaller garage.

No: Dolton- this does not prevent the property owner from constructing a garage.

No: Elliott-conformity with these regulations is not unnecessarily burdensome.

Peninsula Township  
Zoning Board of Appeals  
August 16, 2022 7:00 p.m.  
Lola Jackson Recording Secretary  
DRAFT MINUTES

**No: Dloski-** strict compliance will not prohibit them from building a substantial garage that complies with the township ordinance.

**No: Serocki-** for all the reasons already stated.

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.

No comments or questions.

**Yes: Wahl-** any time you do build a house, it provides some sort of justice to additional property owners.

**No: Serocki-** I don't think this will provide substantial justice to neighboring property owners because I don't think this is a typical situation.

**No: Dloski-** other owners are not going to benefit from this particular variance and again a garage can be built that complies with our variance ordinance.

**No: Elliott-** adherence to the code is not unreachable.

**No: Dolton-** no for the reasons already stated.

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-** I don't think this creates any adverse effect on related properties.

**Yes: Wahl-** it looks like the opposing letter owner is actually going to be getting rid of a portion of the easement and they are not going to be using the driveway, which would be a benefit to surrounding property owners in doing that. They have had an easement over their property forever and putting the garage there does not cause adversity.

**Yes: Elliott-** for the reasons already stated.

**Yes: Serocki-** yes- I do not see any adverse impacts on surrounding property owners.

**No: Dloski:** we have a letter from an adjoining property owner concerned that it will.

6. That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

**Dolton-** this is a residential property. Residential use in my view is not changing.

**Yes: Elliott-** the garage is use by right and a variance would not change this.

**Yes: Dloski-** yes

**Yes: Wahl-** yes.

**Yes: Serocki-** yes.

**Yes: Dolton-** yes, not creating a new use.

**Deeren:** 2 of the 6 conditions pass.

**Dolton:** Unfortunately, all 6 conditions must be met to approve the variance. Calls for a motion

to deny the variance.

**Dloski made a motion Request 904 be denied with a second by Serocki.**

**Dolton:**

**Patricia Rigan 1150 Gray Road:** before you take your vote. I am listening to the comments you are all making and I am Lesli-Anne's mother. Doug and I have raised our children to love the outdoors and the peninsula. Doug and I have both lived on the peninsula since 1975. We have watched it grow and change. We have planted more than 3,000 trees on our property. Deeren and I have talked about how much the peninsula is growing. There are venue-looking buildings, sheds, barns, and outbuildings to accommodate the tractors, snow blowers and they have children with their bicycles, skateboards, and hockey equipment. They have looked at every way they can build a big enough garage for the bicycles and snow blowers. They are farmers and might need a tractor in the future. So they are trying to get everything under one roof without needing to build another structure in the future. I would rather see a garage be 2 feet larger than future structures needing to be built for their growing family and budding farming efforts.

**Dolton:** we may not like the zoning ordinances and yet it is the board's job to handle variance requests and how requests are evaluated is actually not something we get to choose. Those 6 conditions are what is in our code and are used to evaluate every request. There is a cross range of opinions with respect to this particular project on the board, but we have to follow our process and procedure and we want to do this in the most open way possible. We have a motion on the floor.

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

8. **Approval of Minutes from July 19, 2022 Regular Meeting** Elliot moved do approve the minutes with a second by Serocki. **Approved by consensus.**

9. **Citizen Comments** None

10. **Board Comments** Dloski reported the planning committee approved a bed and breakfast at the last meeting. I agree with John (Dolton). This is not an easy job. We are tasked with putting these variances into the legal slots where they belong.

**Deeren:** it is difficult when you are dealing with a large piece of property and not a postage stamp sized lot.

**Wahl:** for me it is difficult when you have a property that is already 21 feet and they are looking for 33 feet for a garage. There is already a substantial non-conformity.

11. **Adjournment** Dloski moved to adjourn the meeting with a second by Wahl.

**Approved by consensus.**

Meeting adjourned at 7:50 p.m.