PENINSULA TOWNSHIP SPECIAL MEETING

ZONING BOARD OF APPEALS AMENDED AGENDA

13235 Center Rd., Traverse City, MI 49686

October 12, 2022 7:00 p.m.

- 1. Call to Order
- 2. Pledge
- 3. Roll Call of Attendance
- 4. Approval of Agenda
- 5. Conflict of Interest
- 6. Brief Citizen Comments for items not on the Agenda
- 7. Business:
 - 1. Request No. 906, Zoning R-1C

Applicant: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686 Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686 Property Address: 7035 Peninsula Drive, Traverse City, MI 49686

1. Requesting a variance from Section 7.5.6 Moving or Replacing Non-Conforming Structure. Requesting to convert an existing ten (10) foot by sixteen (16) foot 160 square foot attached boat storage area into residential living space.

Parcel Code # 28-11-325-078-00

- 8. Citizen Comments
- 9. Board Comments

10. Adjournment

Christina Deeren
Director of Zoning
Zoning Administrator

Posted: October 5, 2022 3:00 p.m.

Peninsula Township Planning & Zoning Department

EXHIBIT LIST ZBA Request # 906

Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686

Physical Address of Subject Property: 7035 Peninsula Drive, Traverse City, MI 49686

Special Meeting - Hearing date: October 12, 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

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 Inf	<u>ormation</u>
Applic	ant: Name JP Milliken
	Address Line 1 400 Hidden Frest Trail Address Line 2 traverce city M 49086 Phone 231.632.7120 Cell E-mail
Owner:	Name Address Line 1 Address Line 2 Phone E-mail Carcymill Len Camail. com Solicant is not the property owned a letter signed by the owner agreeing to the variance must be included with the application.)
Property Info	rmation
Parcel l Address Address	S Line 1 7036 Peninsua Dr. S Line 2 Traverse City MIN 4968
Type of Reque	<u>est</u>
Indicate which	Ordinance requirement(s) are the subject of the variance request:
[] Wi [] Sig	ont Yard Setback [] Side Yard Setback [] Rear Yard Setback dth to Depth Ratio [] Lot Coverage [] Off-Street Parking nage [] Height/Width [] Non-Conformity Expansion ner: Please Describe:
Attachments	
[]	\$1,000.00 application fee
[]]	Basic Conditions Worksheet
[]	Site plan drawn to scale showing the following:
	 a. Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any; b. All existing and proposed structures including decks and roof overhangs; c. Setbacks for existing and proposed structures (varies by zoning district).
[] I	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

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Is this cond	tion met?	storing to	laundry	mudroom		

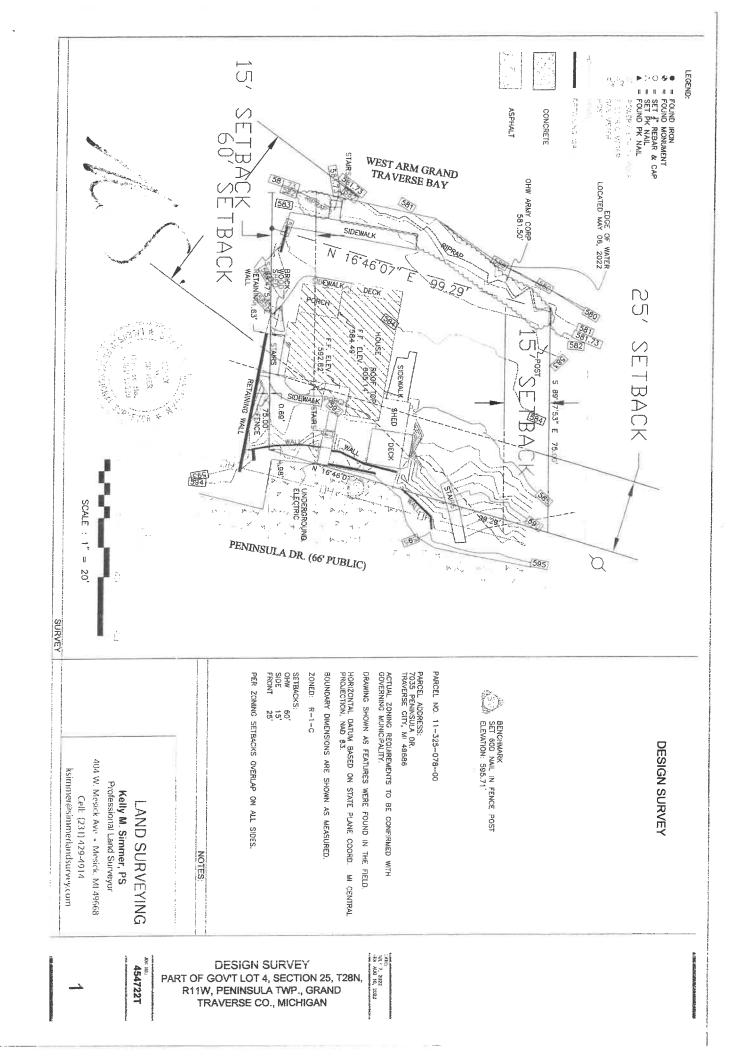
(Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.) Is this condition met? Please explain: 12 Will The Children Constant To Revised June 1, 2018

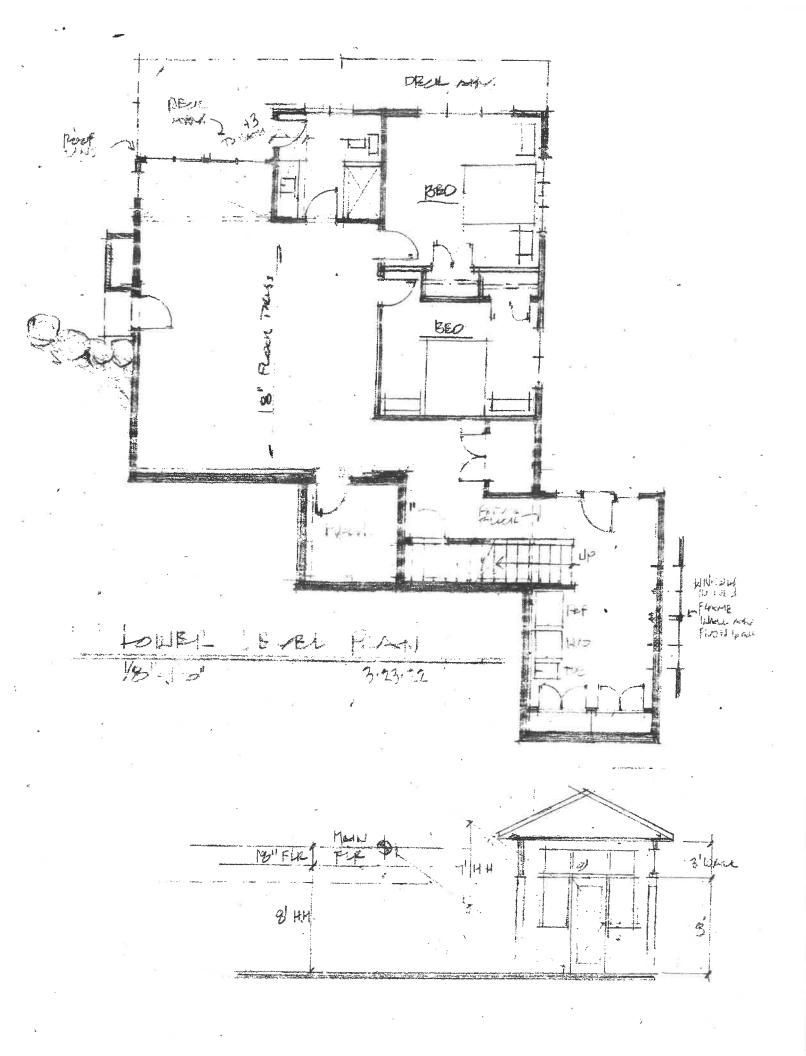
permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

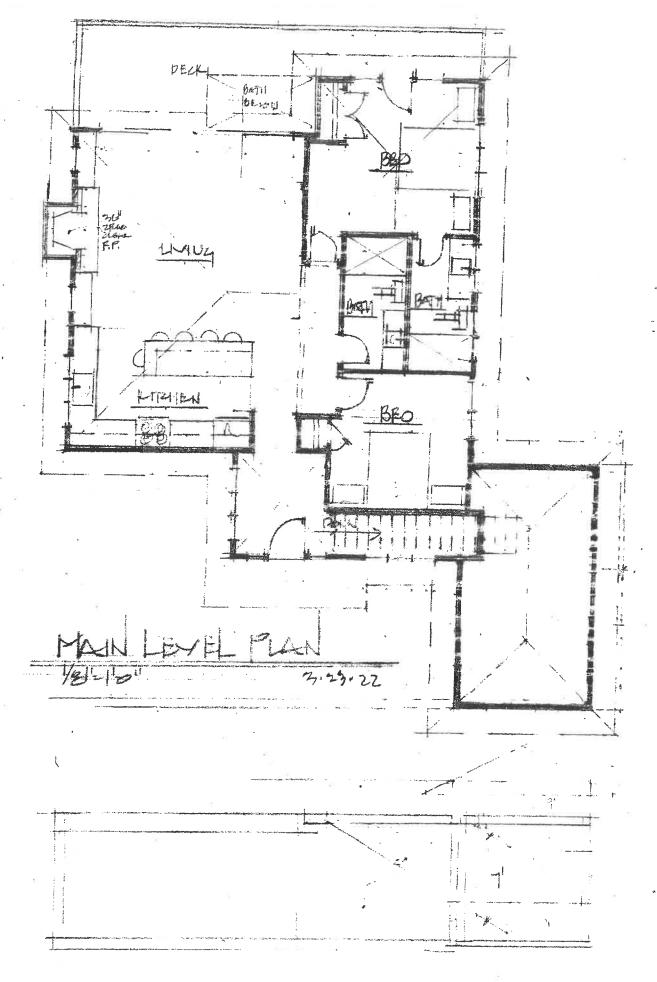
c) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a

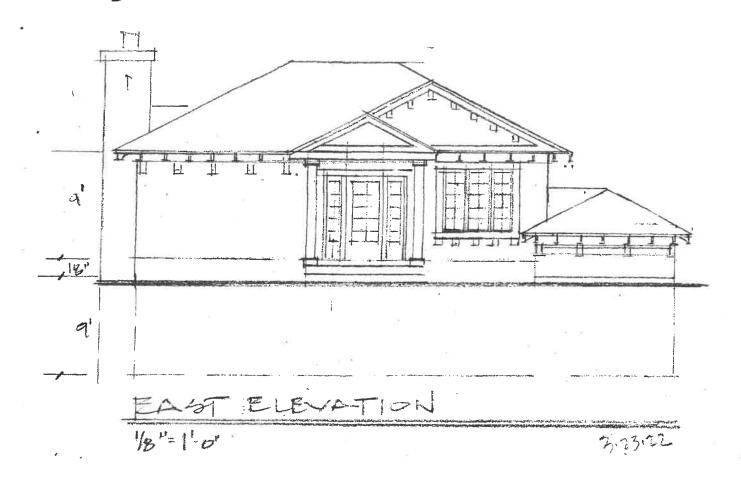
Page 3 of 4

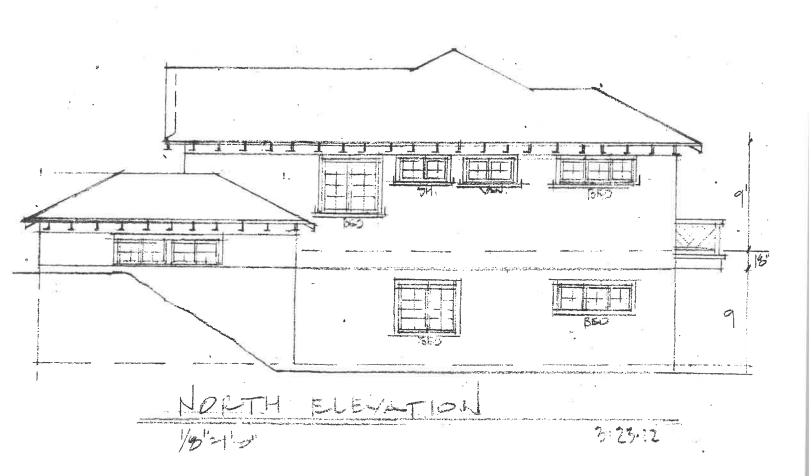
owner of the	property invol		an applied for wou consistent with just victorian (2 4)		
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		ouse adverse imp rty in the neighbo	acts on surroundir orhood.	ng property, prop	perty values or
this conditio	n met? Please e	explain: You V	whome wi	Il allaw 40 ed	e stucture
hat the varia	nce shall not p	permit the establi	shment within a d	istrict of any use	which is not













Peninsula Township Planning & Zoning Department STAFF REPORT

ZBA Request # 906

Physical Address of Subject Property: 7035 Peninsula Drive, Traverse City, MI 49686
Date: October 12, 2022

To:

Peninsula Township Zoning Board of Appeals

From:

Christina Deeren, Zoning Administrator

RE:

Request # 902

Zonina

District:

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

Hearing

Date:

October 12, 2022 - 7:00 PM

Applicant:

John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686

Owner:

John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686

Site:

7035 Peninsula Drive, Traverse City, MI 49686

Tax ID:

28-11-325-078-00

Information:

- Parcel 28-11-3125-078-00 is approximately .23 acres in size or 99 feet by 101.20 feet and approximately 10,018 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, attached garage and a detached garage.
- The original residential structure was constructed in 1953 and is considered legal nonconforming to current zoning standards.
- The residential structure does not conform to the setback requirements within this zoning district as it encroaches on the southerly line. The structure does not meet the front yard or the ordinary high water line setbacks as well.
- No variances request were found in the record file for this property.

Action Requested:

1. Requesting a variance from Section 7.5.6 Moving or Replacing Non-Conforming Structure. Requesting to convert an existing ten (10) foot by sixteen (16) foot 160 square foot attached storage area into residential living space.

Parcel Code: #28-11-325-078-00

SECTION 7.5.6 Moving or Replacing Non-Conforming Structure:

The Township Zoning Board of Appeals may grant a variance for moving or replacing a residential structure on a legal non-conforming lot so that the continued intensity of residential use of the lot is substantially the same as in the pre-existing structure, provided all of the following are met:

- (1) The moved or replaced structure is less non-conforming than the previous structure;
- (2) There is increased safety to the residents of the structure and to the traveling public on the road providing access to the parcel;
- (3) Safety and substantial justice is achieved;
- (4) If the variance allows the structure to encroach into the setback from the Ordinary High Water Line, conditions of approval shall include:
 - (a) provisions for stabilization of the shoreline so that the structure is not likely to be damaged by high water or wave action;
 - (b) there is no additional detriment to adjacent properties;
 - (c) shoreline vegetation is existing or established consistent with the intent of Section 7.4.4 Removal of Shore cover; and
 - (d) sea wall will not be allowed unless it is determined that there is no feasible alternative.
- (5) In addition to (1) through (4) above, the subject parcel shall also meet all of the basic and special conditions as provided for all variances in Section 5.7.3. (REVISED BY AMENDMENT 176B)

Staff Comments:

TABLE OUTLINES CURRENT SETBACKS ON EXISTING NON-CONFORMING RESIDENTIAL STRUCTURE.

Background:

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

R-1C Standards (Section 6.8)	Required	Variance	Conforms to Standards?
Minimum Front Setback	25'	No	No
Minimum South side yard setback	15'	No	No
Minimum North side yard setback	15'	No	No
Minimum Rear setback	30'	No	No
Minimum OHWM	60'	No	No
Road Right-of-way setback	33'	No	No
Percentage of Lot Coverage:	15% - allowed	No	Yes
Current Building(s) on Lot	1435 square feet of buildings existing on property	14.32% Request will not increase the percentage of lot coverage	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)

<u>SECTION 5.7.3(1) BASIC CONDITIONS:</u> 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.

s 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 giv 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 Peninsula Drive.

Peninsula Township Zoning Board of Appeals

ZBA Case No. 906

Peninsula Township 13235 Center Road Traverse City, MI 49686 Date of Meeting: October 12, 2022 SPECIAL MEETING

Applicant: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686 Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686 Address: 7035 Peninsula Drive., Traverse City, MI 49686

Parcel Code: #28-11-325-078-00

Request:

1. Requesting a variance from Section 7.5.6 Moving or Replacing Non-Conforming Structure. Requesting to convert an existing ten (10) foot by sixteen (16) foot 160 square foot attached storage area into residential living space.

Action by the Zoning Board of Appeals:			
(Chair)	☐ Yes	s 🗆 No	
(Vice Chair)	□ Yes	s □ No	
(Member)	□ Yes	s □ No	
(Member)	☐ Yes	S □ No	
(Member)	□ Yes	s □ No	
Board Action:			
.,			

<u>SECTION 7.5.6 Moving or Replacing Non-Conforming Structure:</u>
The Township Zoning Board of Appeals may grant a variance for moving or replacing a residential structure on a legal non-conforming lot so that the continued intensity of residential use of the lot is substantially the same as in the pre-existing structure, provided all of the following are met:

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(b) there is no additional detriment to adjacent properties;
(c) shoreline vegetation is existing or established consistent with the intent of Section 7.4. Removal of Shore cover; and
(d) sea wall will not be allowed unless it is determined that there is no feasible alternative.

(5) In addition to (1) through (4) above, the subject parcel shall also meet all of the basic and special conditions as provided for all variances in Section 5.7.3. (REVISED BY **AMENDMENT 176B)**

1		

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 Special Meeting on October 12, 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. 906, Zoning R-1C

<u>Applicant: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686</u> <u>Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686</u>

Property Address: 7035 Peninsula Drive, Traverse City, MI 49686

Request:

1. Requesting a variance from Section 7.5.6 Moving or Replacing Non-Conforming Structure. Requesting to convert an existing ten (10) foot by sixteen (16) foot 160 square foot attached boat storage area into residential living space.

Parcel Code # 28-11-325-078-00

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 October 13, 2022

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



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 09/15/22 13:39 by mroy - - -

Ad #: 591138 Status: New WHOLD Acct #: 1837

Start: 09/18/2022 Stop: 09/18/2022 Times Ord: 1 Times Run: *** PENINSULA TOWNSHIP BECKY CHOWN CLERK

STDAD 3.00 X 3.25 Words: 168 13235 CENTER ROAD

TRAVERSE CITY MI 49686 Total STDAD 9.75

Class: 147 LEGALS Rate: LEGAL Cost: 97.60 # Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE PUBLIC NOTIC

Phone: (231)223-7322 Given by Fax#: (231)223-7117 P.O. #: Given by: CHRISTINA DEEREN

Email: deputy.clerk@peninsulatownsh Created: mroy 09/15/22 13:34 Last Changed: mroy 09/15/22 13:39 Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS

RE A 97 W Sun 09/18/22 1 Sun 09/18/22 SMTWTFS IN AIN 97 W Sun 09/18/22 1 Sun 09/18/22 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)946-2000Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: Miranda Roy

Printed at 09/15/22 13:39 by mroy

Acct #: 1837

Ad #: 591138

Status: New WHOLD WHO.

LEGAL NOTICE
PUBLIC NOTICE
PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

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1. Request No. 906, Zoning R-1C
Applicant: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI
49686
Depart John P. Milliken Trust (05%), 7035 Peninsula Drive, Traverse City, MI

Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686

Property Address: 7035 Peninsula Drive. Traverse City. MI 49686

1. Requesting a variance from Section 7.5.6 Moving or Replacing
Non-Conforming Structure. Requesting to convert an existing ten (10) foot by
sixteen (16) foot 160 square foot attached boat storage area into residential living
space.

Page 16 do 4.08.44 305 373 30 Parcel Code # 28-11-325-078-00

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 October 13, 2022.

September 18, 2022-1T

591138

PENINSULA TOWNSHIP BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 906

Hearing Date: October 12, 2022 (Special Meeting)

Applicant: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686 Owner: John P. Milliken Trust (95%), 7035 Peninsula Drive, Traverse City, MI 49686

Property Address: 7035 Peninsula Drive, Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-325-078-00 was mailed by regular US mail to the attached list of 13 properties on September 16, 2022 by depositing said notices in a mail box located at United States Postal Services Main Office Building located at: 202 S. Union St., Traverse City, MI 496984

Christina Deeren

Peninsula Township

Director of Zoning