

Peninsula Township Planning & Zoning Department

EXHIBIT LIST

ZBA Request # 881

Physical Address of Subject Property: 9617 Peninsula Drive, Traverse City, MI 49686

Date: October 15, 2019

EXHIBIT LIST

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

EXHIBIT LIST

ITEM 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 KERRIDGE - PAUL MAURER GENERAL CONT.
Address Line 1 10167 E. CHERRY BEND.
Address Line 2 TRAVERSE CITY, MI.
Phone 231.941.1448 Cell 231.620.4200
E-mail john@paulmaurer.com

Owner: Name DICK CUNNINGHAM
Address Line 1 9617 PENINSULA DR.
Address Line 2 TRAVERSE CITY, MI 49686
Phone 863-425-4220 Cell _____
E-mail DICUN4463@GOI.COM

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Parcel ID 11-415-008-00 Zoning R-1B
Address Line 1 9617 PENINSULA DR
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 checked="" type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Rear Yard Setback |
| <input type="checkbox"/> Width to Depth Ratio | <input checked="" type="checkbox"/> Lot Coverage | <input type="checkbox"/> Off-Street Parking |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Height/Width | <input checked="" type="checkbox"/> Non-Conformity Expansion |
| <input type="checkbox"/> Other: Please Describe: _____ | | |

Attachments

- \$1,000.00 application fee
- Basic Conditions Worksheet
- Site plan drawn to scale showing the following:
 - a. Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any;
 - b. All existing and proposed structures including decks and roof overhangs;
 - c. Setbacks for existing and proposed structures (varies by zoning district).
- Front elevation diagram drawn to scale.

Zoning Variance Application

Cunningham Residence

9617 Peninsula Drive, Traverse City, Mi.

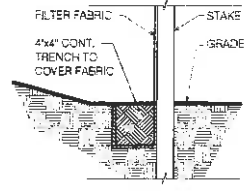
Basic Conditions Work Sheet

Basic Conditions:

- a. This basic condition is met because of the property's size and topographic attributes. This condition is met due to the small overall area of property, the shallow lot depth, the limited lot width and impact of topography. This property creates unique practical difficulty in the creation of an enclosed garage.
- b. This basic condition is met because it is not the result of actions by the property owner. The house was constructed prior to the existing zoning ordinance and met the zoning conditions at the time. At the time of construction, a garage was planned for the north east side of the property, but due to the requirement of the septic field placement the garage was not constructed. At time of construction the owner was told by the Township that a future garage would be allowed.
- c. This basic condition is met. Strict compliance with the area, setback and density will prevent this elderly owner from protection in the winter months for the use of his car for necessary travel. Strict compliance with the ordinance will deny the owner the basic ability to have a small garage for our severe heavy snow winter season.
- d. This basic condition is met. It will provide substantial justice to the owner providing for a basic item in northern Michigan, a protected garage.
- e. This basic condition is met. It will not create adverse impacts on the surrounding property or property values or impact the use and enjoyment of property in the neighborhood.
- f. This basic condition is met. The variance will not establish a use that is not permitted by right. A garage is a standard use in the residential district.

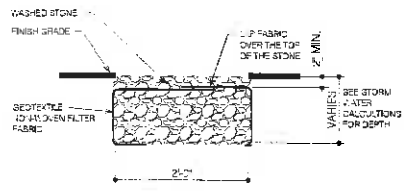
EXHIBIT LIST

ITEM NO. 2



GENERAL NOTES:
 1) INSTALL SILT FENCE PRIOR TO EXCAVATION
 2) INSTALL ON DOWN-SLOPE SIDES OF SITE PARALLEL TO CONTOUR OF THE LAND
 3) EXTEND ENDS UP-SLOPE ENOUGH TO ALLOW WATER TO POOL BEHIND FENCE
 4) BURY 8" OF FABRIC INTO TRENCH
 5) LEAVE NO GAPS - INTERTWINE SECTION OF THE SILT FENCE
 6) REMOVE SEDIMENT IF DEPOSITS REACH HALF OF THE FENCE HEIGHT
 7) MAINTAIN UNTIL VEGETATION IS ESTABLISHED

2 SILT FENCE DETAIL
 C1.1 SCALE 1 1/2" = 1'-0"



1 DRAIN BED, TYP.
 C1.1 SCALE 3/4" = 1'-0"

SOIL EROSION, SEDIMENTATION AND STORMWATER CONTROL PRACTICES

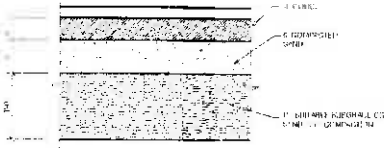
1. SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS AS PROVIDED BY GRAND TRAVERSE COUNTY SOIL EROSION CONTROL PERMIT AND PENINSULA TOWNSHIP.
2. SOIL PILES, TEMPORARY SEED WITH ANNUAL RYE OR WINTER WHEAT IS RECOMMENDED.
3. AFTER ALL STORMS, CLEAN UP ANY SOILS WASHED OFF-SITE.
4. PLACE PLASTIC MESH OR SNOW FENCE BARRIERS AROUND TREES NEAR THE CONSTRUCTION ZONE TO PROTECT.
5. SOIL EROSION FENCING SHALL NOT BE REMOVED UNTIL VEGETATION IS ESTABLISHED.

GENERAL NOTES

1. THE CONTRACTOR SHALL CALL MISS DIG AT 1-900-482-7171, 72 HOURS BEFORE DIGGING (3 DAYS), FOR THE LOCATION OF UNDERGROUND UTILITIES.
2. NO CONSTRUCTION SHALL BEGIN UNTIL THE CONTRACTOR RECEIVES A "NOTICE OF PROCEED" AND HAS OBTAINED ALL PERMITS.
3. THE LOCATION OF THE EXISTING UTILITIES SHOWN ON THE PLANS ARE APPROXIMATE ONLY. THE EXACT LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING IF "OTHER UTILITIES", NOT SHOWN ON THE PLANS, EXIST WITHIN THE AREA OF CONSTRUCTION. SHOULD "OTHER UTILITIES" EXIST, THE CONTRACTOR SHALL NOTIFY THE RESPECTIVE UTILITY OWN(S) AND RESOLVE UTILITY CONFLICTS AND UTILITY ADJUSTMENTS.

PRELIMINARY CONSTRUCTION SCHEDULE

| | |
|----------------|--------------------------|
| OCTOBER 2019 | BUILDING EXCAVATION |
| OCT./NOV. 2019 | BUILDING CONSTRUCTION |
| APRIL 2020 | FINAL GRADE/ SEED, MULCH |
| APRIL 2012 | BUILDING COMPLETION |



2 CONCRETE PAVING DTL
 C1.1 SCALE 3/4" = 1'-0"

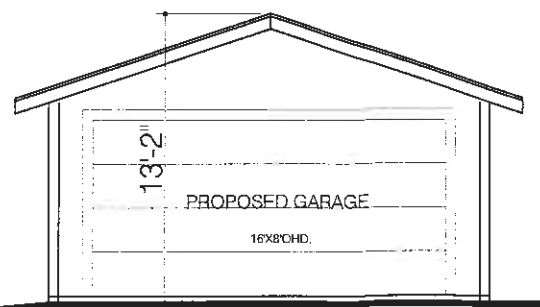
High Water
 = 580.73' NAVD88
Low Plain
 = 583.73' NAVD88

60' shoreline setback measured from breakwall overlaps house and is not shown

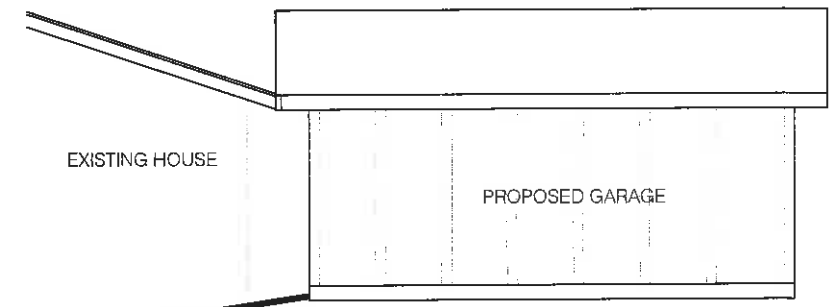
West Grand Traverse Bay
 elev: 582.14' NAVD88 7/9/19
 (581.91' IGLD85)

ZONING SUMMARY
 R1-B : COASTAL ZONE RESIDENTIAL OWNER BUILT 1975
 LOT AREA: 10,339 SF
 LOT AREA COVERAGE: 19% = 1550 SF
 EXISTING STRUCTURES: 1630 SF EXTG. NON CONFORMING
 PROPOSED GARAGE: 440 SF
 TOTAL ALL STRUCTURES = 2070 SF
 PROPOSED LOT AREA COVERAGE: 19% - 4% ABOVE
 SETBACKS: FRONT: 30' SIDE: 15' CHW: 60'
 PROPOSED SETBACKS:
 PROPOSED SETBACK: FRONT 20'-8"
 PROPOSED SETBACK: SIDE 7'
 EXISTING NON CONFORMING STRUCTURE VARIANCE: LOT AREA COVERAGE, SIDE AND FRONT YARD SETBACKS

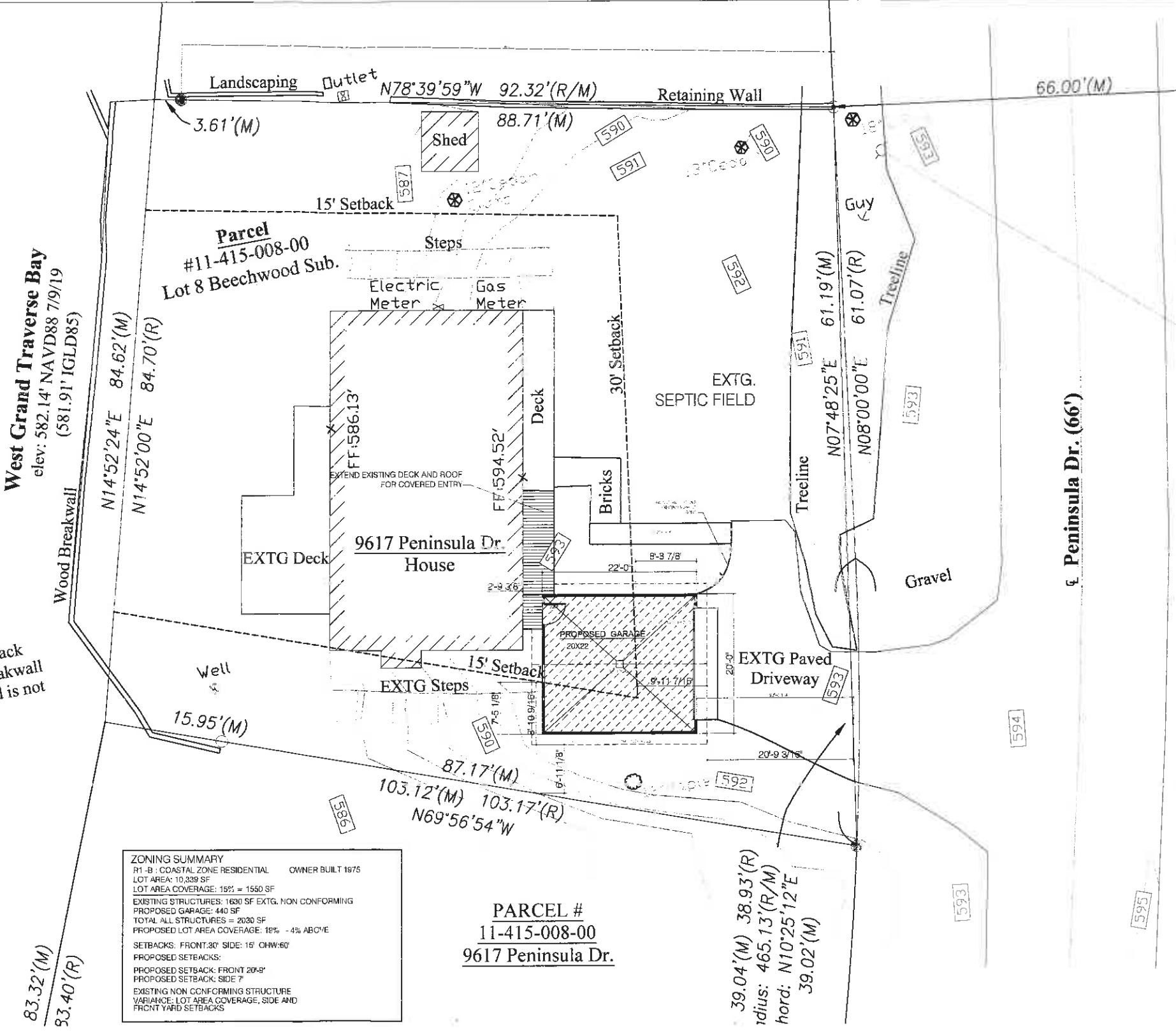
PARCEL #
 11-415-008-00
 9617 Peninsula Dr.



EAST ELEVATION
 SCALE 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE 1/4" = 1'-0"



DATE REWISED
 08-08-19 ZONING REVIEW
 09-13-19 ZONING VARIANCE

TRAVERSE CITY, MICHIGAN 49686
JOHN KERRIDGE
 ARCHITECT PLLC

SITE PLAN AND SEC PLAN
CUNNINGHAM GARAGE ADDITION
PENINSULA DRIVE
TRAVERSE CITY, MI. 49686

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 © COPYRIGHT 2019, JKA

| | |
|---------------------|----------|
| DRAWN: | CHECKED: |
| JK | JK |
| SCALE: 1/8" = 1'-0" | |
| DWG NAME: | |
| SHEET: | |

A1.1

EXHIBIT LIST

ITEM NO. 3

Peninsula Township Planning & Zoning Department

STAFF REPORT

ZBA Request # 881

Physical Address of Subject Property: 9617 Peninsula Drive, Traverse City, MI 49686

Date: October 15, 2019

To: Peninsula Township Zoning Board of Appeals

From: Christina Deeren, Zoning Administrator

RE: Request # 881

Zoning District: R-1B ~ Coastal Zone

Hearing Date: October 15, 2019 – 7:00 PM

Applicant: Richard Cunningham, 9617 Peninsula Drive, Traverse City, MI 49686

Owner: Richard Cunningham, 9617 Peninsula Drive, Traverse City, MI 49686
Site: 9617 Peninsula Drive, Traverse City, MI 49686

Tax ID: 28-11-415-008-00

Information:

- Parcel 28-11-415-008-00 is approximately .277 acres in size or 85 feet by 141.954 feet or approximately 12,066 square feet.
- The property is zoned Coastal Zone (R-1B); the surrounding area is also zoned and Coastal Zone (R-1B).
- The property was purchased in 1972 by the current owner.
- The lot was created before the adoption of the Peninsula Township Zoning Ordinance, and is considered legal non-conforming.

Action Requested:

1. Requesting a variance from the required thirty foot front yard setback to a twenty foot front yard setback in order to construct a twenty foot by twenty-two foot garage.
2. Requesting a variance from the required fifteen foot side yard setback to a six foot side yard setback in order to construct a twenty foot by twenty-two foot garage.
3. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 16.80%.

Parcel Code: #28-11-415-008-00

Mailing: Sixteen (16) surrounding property owners were notified.

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

Staff Comments:

Request #1 Requesting a variance from the required front yard setback of 25 feet to 1 foot in order to construct a detached garage 18 feet by 20 feet and a covered porch 65 sq. ft.

Background:

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

| R-1C Standards (Section 6.8) | Required | Variance | Conforms to Standards? |
|------------------------------|--|-------------------|------------------------|
| Minimum Front Setback | 30' | Yes -20' | No |
| Minimum South | 15' | Yes-6' | Yes |
| Minimum North side setback | 15' | No | Yes |
| 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 13.16% -current 16.80% with garage | Yes Yes Yes | No Yes No |

Article iii

Definitions:

SECTION 3.2 Definitions: For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction. Including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes, fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. (REVISED BY AMENDMENT 152)

SECTION 6.8 Schedule of Regulations (Revised by Amendment 91), (Amendment 107D)

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning District:

R-1B, Coastal Zone: Minimum lot front setback - 30 feet
 Side yard setbacks – 15 feet
 Rear yard setback – 30 feet
 Ordinary Highwater setback – 60 feet

SECTION 5.7.3 VARIANCES: The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building

height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the basic conditions listed herein can be satisfied:

1. Basic Conditions:

- (a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
- (b) That the need for the variance is not the result of actions of the property (self-created) or previous property owners.
- (c) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)
- (d) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give a substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- (e) That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.
- (f) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use of r which a conditional use or temporary use permit is required.

2. Rules: The following rules shall be applied in the granting of variances:

- (a) The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- (b) Each variance granted under the provisions of this Ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance; and the occupancy of the land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
- (b) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of (1) year from the date of the last

denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

Section 5.7.4 Special Exemptions:

(Revised by Amendment 113B)

(DELETED BY AMENDMENT 188)

SECTION 5.7.3(1) BASIC CONDITIONS: The Board shall have the power to authorize, upon an appeal specific variances from such requirements as lot area and width regulations, building height and bulk regulations, **yard and depth regulations**, and off-street parking, and loading space requirements, **provided all of the Basic Conditions listed herein can be satisfied.**

(1) BASIC CONDITIONS: The applicant must meet ALL of the following Basic Conditions. That any variance from this Ordinance:

a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.

Is this condition met: _____

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

Is this condition met: _____

c) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome).

Is this condition met: _____

d) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Is this condition met: _____

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

Is this condition met: _____

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

Is this condition met: _____

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

**Peninsula Township
Zoning Board of Appeals**

ZBA Case No. 881

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: October 15, 2019

Applicant: Richard Cunningham, 9617 Peninsula Drive, Traverse City, MI 49686
Owner: Richard Cunningham, 9617 Peninsula Drive, Traverse City, MI 49686
Address: 9617 Peninsula Drive, Traverse City, MI 49686

Parcel Code: #28-11-415-008-00

Request:

1. Requesting a variance from the required thirty foot front yard setback to a twenty foot front yard setback in order to construct a twenty foot by twenty-two foot garage.
2. Requesting a variance from the required fifteen foot side yard setback to a six foot side yard setback in order to construct a twenty foot by twenty-two foot garage.
3. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 16.80%.

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 LIST

ITEM NO. 4

PUBLIC NOTICE

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

PLEASE TAKE NOTICE that the Peninsula Township Zoning Board of Appeals will hold a Special Meeting on October 15, 2019 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:

1. Request No. 881, Zoned R-1B

Applicant: Richard Cunningham, 9617 Peninsula Drive., Traverse City, MI 49686

Owner: Richard Cunningham, 9617 Peninsula Drive., Traverse City, MI 49686

Property Address: 9617 Peninsula Drive., Traverse City, MI 49686

Request:

1. Requesting a variance from the required thirty foot front yard setback to a twenty foot front yard setback in order to construct a twenty foot by twenty-two foot garage.
2. Requesting a variance from the required fifteen foot side yard setback to a six foot side yard setback in order to construct a twenty foot by twenty-two foot garage.
3. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 16.80%

Parcel Code # 28-11-415-008-00

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 the date of the scheduled hearing.

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 LIST

ITEM NO. 5

PUBLIC NOTICE

PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS
NOTICE OF HEARING

PLEASE TAKE NOTICE that the Peninsula Township Zoning Board of Appeals will hold a special meeting on October 15, 2019 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. 881, Zoning R-1B

Applicant: Richard Cunningham, 9617 Peninsula Drive., Traverse City, MI 49686

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Property Address: 9617 Peninsula Drive., Traverse City, MI 49686

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3. Requesting a variance to exceed the percentage of lot coverage from the allowed 15% to 16.80%

Parcel Code # 28-11-415-008-00

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If you are planning to attend the meeting and are disabled requiring any special assistance, please so notify the Planning & Zoning Department at (231) 223-7318 or call TDD at (231) 922-4766.

Record Eagle:
Please publish by
September 30, 2019 1t

EXHIBIT LIST

ITEM NO. 6

PENINSULA TOWNSHIP
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 881

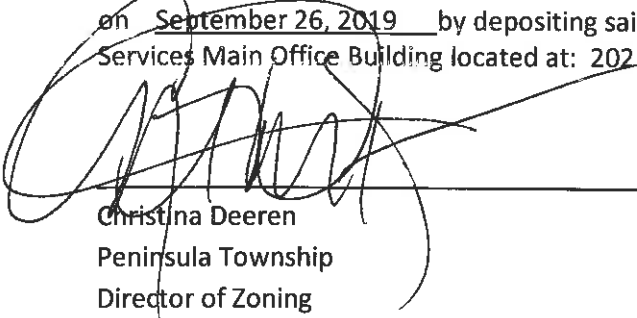
Hearing Date: October 15, 2019

Applicant: Richard Cunningham, 9617 Peninsula Drive., Traverse City, MI 49686

Owner: Richard Cunningham, 9617 Peninsula Drive., Traverse City, MI 49686

Property Address: 9617 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 28-11415-008-00 was mailed by regular US mail to the attached list of 16 properties on September 26, 2019 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