

**PENINSULA TOWNSHIP
REGULAR MEETING
ZONING BOARD OF APPEALS AGENDA
13235 Center Rd., Traverse City, MI 49686
October 18, 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. 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

No additional information was submitted – Request to re-table to next Regular Zoning Board of Appeals meeting on November 15, 2022.

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

2. Request No. 907, Zoning R-1B

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Property Address: 12341 Bluff Rd., Traverse City, MI 49686

1. Requesting a variance from the required thirty (30) foot front yard setback to twenty-nine (29) foot front yard setback in order to construct an eight (8) foot by eighteen (18) foot or 144 square foot two story addition to a non-conforming structure.
2. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct an eight (8) foot by ten (10) foot wood deck to a non-conforming structure.
3. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct a ten (10) foot by twenty-four (24) foot steel roof covering over a portion of the existing wood deck and eight (8) feet of the new proposed wood deck.

Parcel Code # 28-11-445-017-00

- 8. Approval of Minutes from September 20, 2022 Regular Meeting**
- 9. Citizen Comments**
- 10. Board Comments**
- 11. Adjournment**

Peninsula Township Planning & Zoning Department

EXHIBIT LIST

ZBA Request # 907

Owner: Alan and Holly Ann Houtman

Physical Address of Subject Property: 12341 Bluff Rd., Traverse City, MI 49686

Hearing date: October 18, 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. Zoning Board of Appeals Variance from September 12, 1983
5. Zoning Board of Appeals Variance from August 12, 1993
6. Public Notice for properties within 300 feet of subject site
7. Public Notice – Record Eagle
8. Certificate of Notification
9. Correspondence

Exhibit 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. **12 copies are required.**

Applicant Information

Applicant: Name Alan J and Holly Ann Houtman
Address Line 1 12341 Bluff Road, Traverse City, MI 49686
Address Line 2 _____
Phone (248)520-2849 Cell (248)343-7972
E-mail hollyhoutman@aol.com

Owner: Name Same as above
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 11-445-017-00 Zoning R1B
Address Line 1 12341 Bluff Road, Traverse City, MI 49686
Address Line 2 _____

Type of Request

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

- | | | |
|--|--|--|
| <input type="checkbox"/> Front Yard Setback | <input type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Rear Yard Setback |
| <input type="checkbox"/> Width to Depth Ratio | <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Off-Street Parking |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Height/Width | <input checked="" type="checkbox"/> Non-Conformity Expansion |
| <input type="checkbox"/> Other: Please Describe: _____ | | |

Attachments

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

Peninsula Township Variance Application

Basic Conditions Worksheet

In order for a variance to be justified, the Applicant must meet **all of the Basic Conditions**, as defined in Section 5.7.3(1) of the Peninsula Township Zoning Ordinance. The Applicant must answer the following questions pertaining to the Basic Conditions in detail. Please attach a separate sheet if necessary and label comments on the attached sheet with corresponding number/letter on application.

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

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

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

Is this condition met? Please explain:

Request #1 – Variance for roof overhang (less than 7 ft²) is consistent with variance issued for prior addition (1993), thus maintaining a cohesive building design and proper water management. Building site was set in 1954, prior to Setback requirements. Proposed addition is otherwise completely contained within Building Envelope, adhering to all Setback requirements.

Request #2 – Front porch/deck location is driven by placement of home addition (only possible location due to septic, driveway and site topology constraints).

Request #3 – Need for porch roof is driven primarily to provide weather protection and mitigate impacts of mid-day sun from both an energy and health perspective. It also protects against tree and animal droppings, as well as providing some shielding from road noise (45 mph Bluff Road).

- 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:

Request #1: Roof overhang is the only non-conformity for proposed building design, and it has been minimized to less than 7 ft², in keeping with the prior design and variance from 1993.

Request #2: No prior actions drove this request.

Request #3: No prior actions drove this request.

- d) 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:

Request #1: Strict compliance to the Front Setback for the roof overhang would either create water management issues (if little-to-no overhang) or an odd shaped home design (one foot notchback), which would detract from both the aesthetic design and usefulness of the space.

Request #2: Deck utility would be limited without the addition; the proposed size is in keeping with the home design aesthetics, functionality and neighborhood expectations.

Request #3: Covered porch will provide greater utilization of the property due to protection from the elements.

- e) 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:

Request #1: The variance for roof overhang allows us to proceed with an aesthetically pleasing design, in keeping with other homes in the neighborhood (many of which have been updated or newly built). The addition would be seamlessly integrated, rather than looking like an "add-on."

Request #2: The front porch design is in harmony with general characteristic of the neighborhood. The most appealing design for the home is to continue the deck across the front to the northern wall, matching the Craftsman / Bungalow theme of neighboring homes.

Request #3: The covered porch will provide a safer outdoor environment (sun exposure), improved energy efficiency and increased utilization. Plus, the design is in keeping with the surrounding neighbors (seven of eight which have covered porches).

- f) 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:

Request #1: Our home is currently the oldest, most "tired" home in the neighborhood. The planned updates and small addition will bring it into closer alignment with the surrounding district, enhancing the neighborhood without causing adverse impact.

Request #2: The continuation of the existing deck will provide a visually appealing elevation, as opposed to a piecemeal design. The home and deck are elevated from the road, thus providing separation / distance from the road itself.

Request #3: As stated above, most homes in the immediate vicinity have covered porches. This feature is both expected and appreciated in this neighborhood, with the intense morning and mid-day sun. The desire for a roof is to provide this coverage, rather than to utilize a seasonal temporary solution that is less appealing for the neighbors to view (e.g., canopy).

- g) 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: This condition will be met for all three of the requests. This property will remain a single family residence.

Exhibit 2

Description of Request:

The requested variances (roof overhang and deck updates) are consistent with previous variances granted for 12341 Bluff Road based upon the location of the original house, which was built in 1954 (prior to current Setback requirements). The prior two owners both sought and received variances for the current roof overhang and the current deck. This request seeks to slightly expand the existing non-conformities to accommodate a modest addition.

1. Allow front roof overhang on building addition into the Front Setback for a dimension of 1' x 7'
 - a. Non-conformance dimension is less than 1' as front plane of House and Front Setback to the road diverge; 1' is the worst-case
 - b. Current north overhang extends into this area already, hence the request for 7', maximum variance requested 7 ft²
 - c. Current house has an approved 1' variance granted August 12, 1993
2. Extend deck to the north by 8' to integrate with current deck space (addition to deck does NOT intrude further into Front Setback direction)
 - a. Maintain current Front Setback from the road
 - b. Front plane of house and Front Setback diverge, maximum variance requested is 80 ft²
 - c. Current deck has an approved variance granted September 22, 1983
3. Add covered steel roof over northern 16' portion of existing deck and requested new deck addition
 - a. Roof overhang into Front Setback, maximum variance request 24' x 1' (24 ft²)
 - b. NOTE: No provisions will be made to allow this to become enclosed living space at a later date (no foundation, no HVAC, plumbing, etc.)

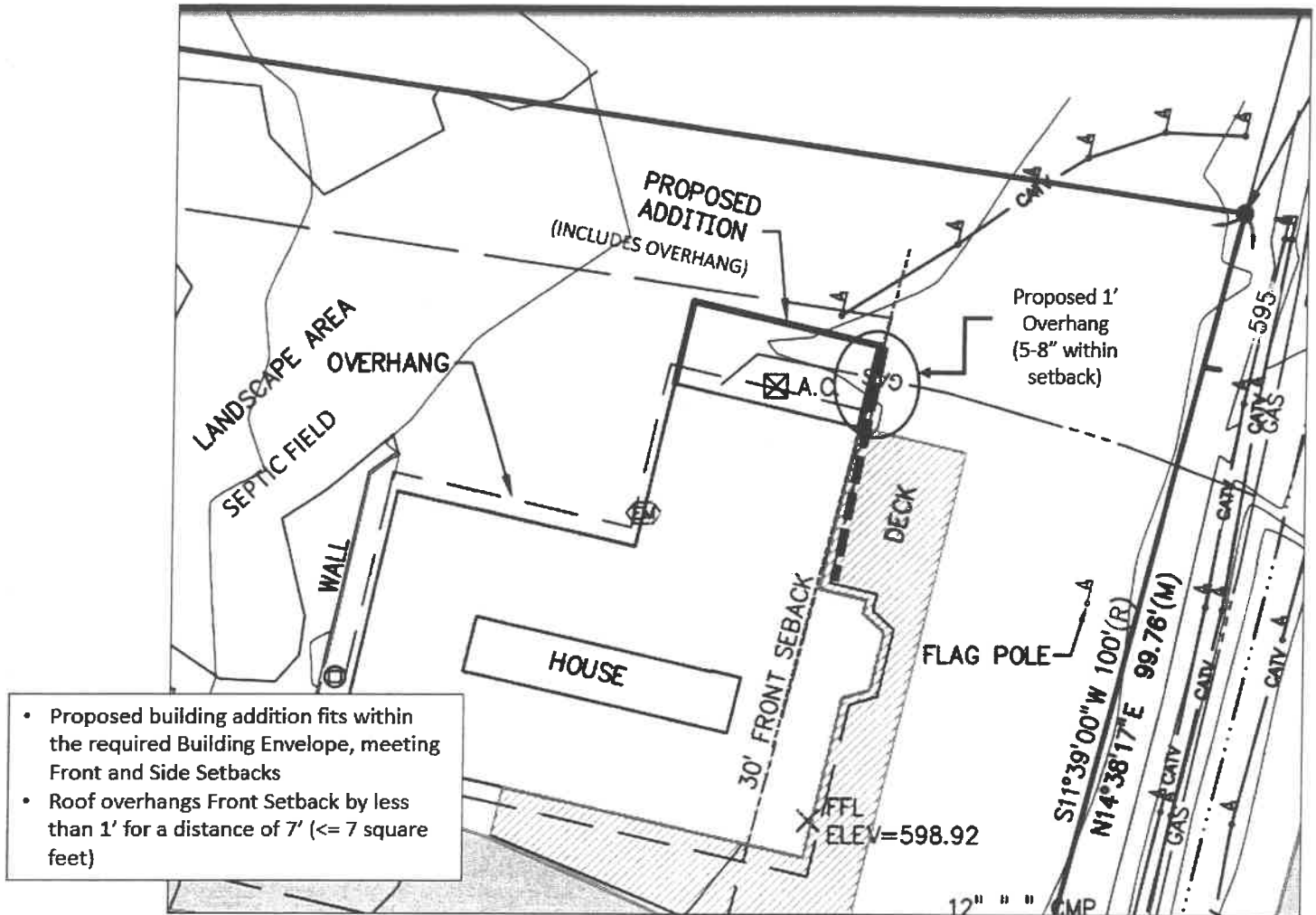
For background information, the home addition consists of an 8' x 18' (144 ft²) area that improves livability and brings the home up to the standard of the surrounding homes. The structural portion of this addition fits completely within the Building Envelope defined by the Front and Side Setbacks. There were no other options available for locating this addition due to driveway, septic field and the steep bluff that lies behind the house. There are no additional bedrooms or bathrooms in this remodel. It is an optimization to provide amenities that are expected of a home in this neighborhood. Note: This home, with the addition, is still a modest-sized home for the neighborhood and does not approach the Maximum Lot Coverage limit.

Proposed Front Elevation:

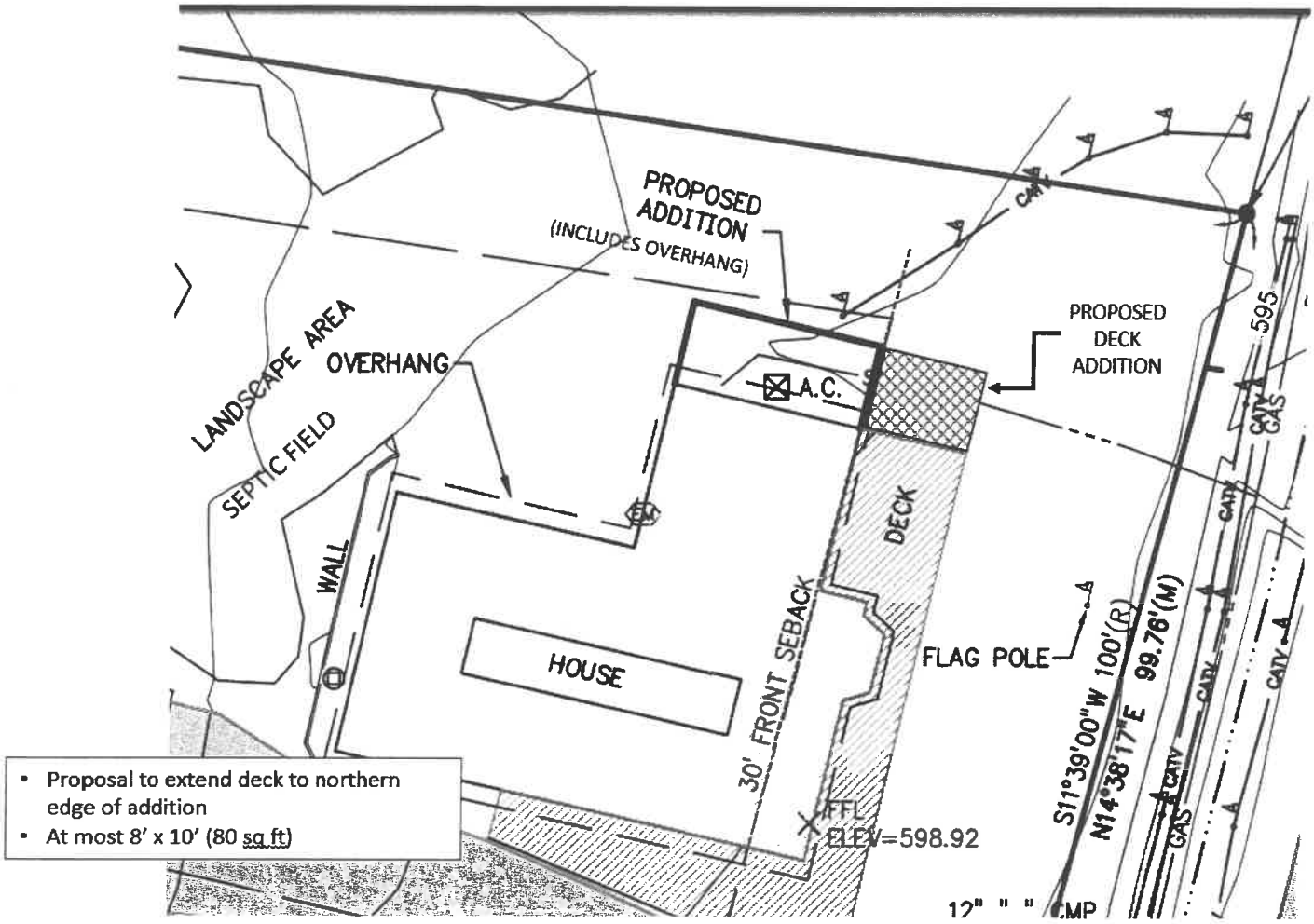




12341 Bluff Road Variance Request #1



12341 Bluff Road Variance Request #2



12341 Bluff Road Variance Request #3

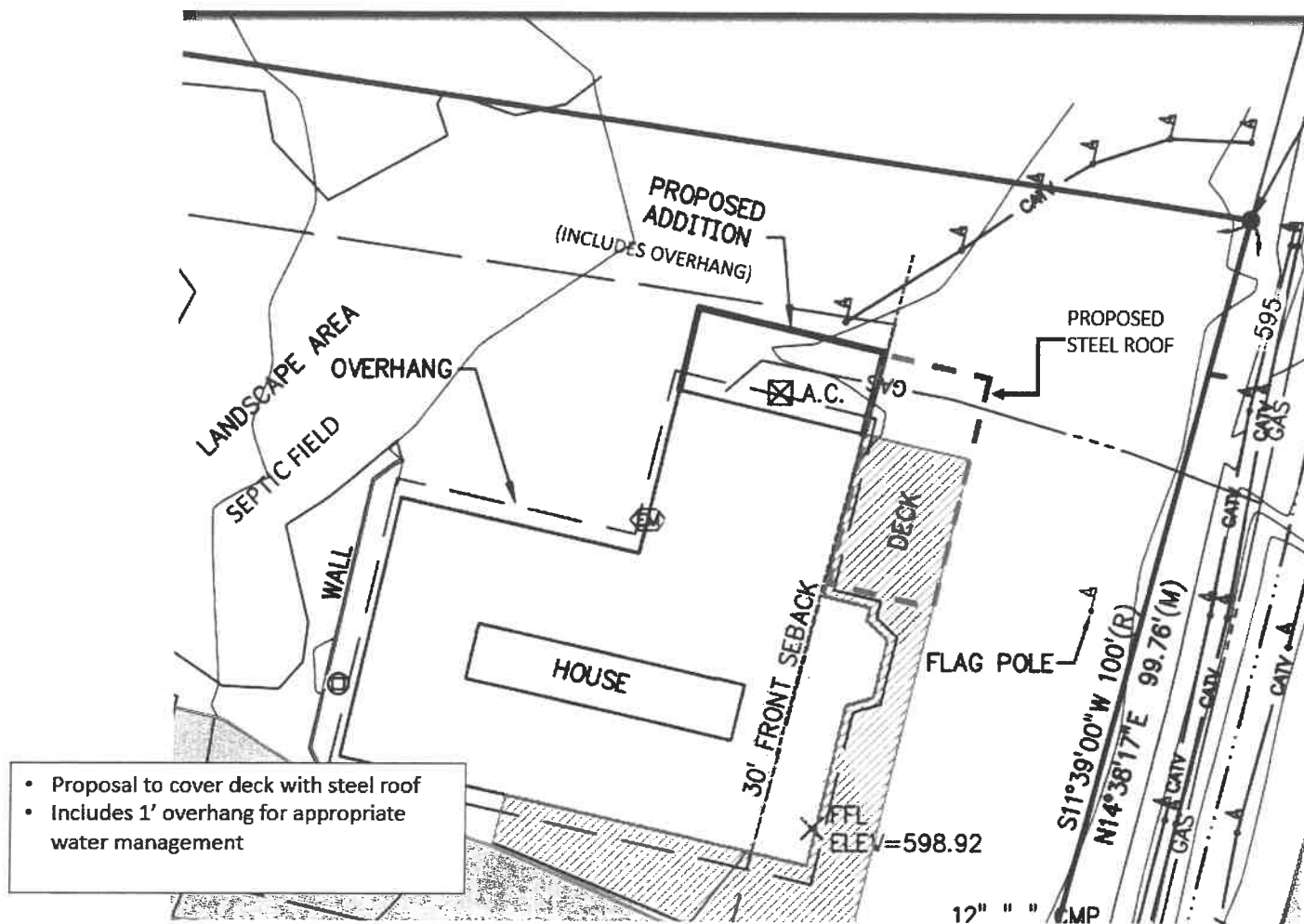


Exhibit 3

Peninsula Township Planning & Zoning Department
STAFF REPORT
ZBA Request # 907
Physical Address of Subject Property: 12341 Bluff Rd., Traverse City, MI 49686
Date: October 18, 2022

To: Peninsula Township Zoning Board of Appeals

From: Christina Deeren, Zoning Administrator

RE: Request # 907

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

Hearing Date: October 18, 2022 – 7:00 PM

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Site: 12341 Bluff Rd., Traverse City, MI 49686

Tax ID: 28-11-445-017-00

Information:

- Parcel 28-11-445-017-00 is approximately .918 acres in size or 100 feet by 330 feet and approximately 33,000 square feet. (Excludes waterside of the property).
- The property is zoned Coastal Zone – Single and Two-Family Residential (R-1B); and the surrounding area is also zoned Coastal Zone – Single and Two-Family Residential (R-1B).
- The lot was created prior the adoption of the Peninsula Township Zoning Ordinance, and is considered legal non-conforming.
- The parcel is improved with a residential structure and detached garage.
- The original residential structure was constructed in 1954 and is considered legal non-conforming to current zoning standards.
- The residential structure does not conform to the setback requirements within this zoning district as it encroaches with in the front yard setback.
- The Zoning Board of Appeals granted a variance on September 12, 1983, for a seventeen (17) foot front yard setback in order to construct a 586 square foot deck attached to the existing residential structure.
- The Zoning Board of Appeals granted a variance on August 12, 1993, for a one (1) foot front yard setback in order to increase the size of deck and add an additional eleven (11) feet to the non-conforming deck.

Action Requested:

1. Requesting a variance from the required thirty (30) foot front yard setback to twenty-nine (29) foot front yard setback in order to construct an eight (8) foot by eighteen (18) foot or 144 square foot two story addition to a non-conforming structure.
2. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19)

foot front yard setback in order to construct an eight (8) foot by ten (10) foot wood deck to a non-conforming structure.

3. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct a ten (10) foot by twenty-four (24) foot steel roof covering over a portion of the existing wood deck and eight (8) feet of the new proposed wood deck.

Parcel Code # 28-11-445-017-00

Applicant

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

Staff Comments:

TABLE OUTLINES VARIANCE REQUEST FOR NEW ADDITION TO RESIDENTIAL STRUCTUE:

Background:

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

R-1B Standards (Section 6.8)	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	Yes – Request variance from 30 feet to 29 feet in order to construct a 144 sq. ft. addition to the existing residential structure	No - Variance Required
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'	NA	NA
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes
Current Building(s) on Lot	2418 square feet	073% Lot Coverage	With new structure total new square footage = 144 sq. ft. + 2418 = 2562= 0776%

Staff Comments:

TABLE OUTLINES VARIANCE REQUEST FOR PROPOSED NEW DECKING:

Background:

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

R-1B Standards (Section 6.8)	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	Yes – Requesting a variance from 30 ft. to 19 ft. in order to construct an 80 sq. ft. deck	No- Variance Required.

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'	NA	NA
Road Right-of-way setback	33'	No	Yes
Current Building(s) on Lot	2562 square feet	073% Lot Coverage	With new structure total new square footage = 80 sq. ft. + 2562 = 2642 = .0800%

Staff Comments:

TABLE OUTLINES VARIANCE REQUEST FOR NEW COVERED PORCH

Background:

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

R-1B Standards (Section 6.8)	Required	Variance	Conforms to Standards?
Minimum Front Setback	30'	Yes – Requesting a variance from 30 ft. to 19 ft. in order to construct a 240 sq. ft. covered porch over a portion of the existing wood deck and 8 ft. of new proposed wood deck	No- Variance Required.
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'	NA	NA
Road Right-of-way setback	33'	No	Yes
Percentage of Lot Coverage:	15% - allowed	No	Yes
Current Building(s) on Lot	2642 square feet	073% Lot Coverage	With new structure total new square footage = 240 sq. ft. + 2642 = 2882 = .08733%

Article III
Definitions:

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

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

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

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

R-1B, Suburban Residential:	Minimum lot front setback -30 feet Side yard setbacks – 15 feet Rear yard setback – 30 feet Ordinary Highwater setback – 60 feet Allowable percentage of lot coverage – 15%
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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 Bluff Rd.,

**Peninsula Township
Zoning Board of Appeals**

ZBA Case No. 907

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: October 18, 2022

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Address: 12341 Bluff Rd., Traverse City, MI 49686

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

Request:

1. Requesting a variance from the required thirty (30) foot front yard setback to twenty-nine (29) foot front yard setback in order to construct an eight (8) foot by eighteen (18) foot or 144 square foot two story addition to a non-conforming structure.

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:

ZBA Case No. 907

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: October 18, 2022

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Address: 12341 Bluff Rd., Traverse City, MI 49686

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

Request:

2. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct an eight (8) foot by ten (10) foot wood deck to a non-conforming structure.

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:

ZBA Case No. 907

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Date of Meeting: October 18, 2022

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686
Address: 12341 Bluff Rd., Traverse City, MI 49686

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

3. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct a ten (10) foot by twenty-four (24) foot steel roof covering over a portion of the existing wood deck and eight (8) feet of the new proposed wood deck.

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 4

REQUEST FOR VARIANCE

PENINSULA TOWNSHIP
Board of Zoning Appeals
13235 Center Road
Traverse City, Mich. 49684

Code # 445-017-00
From Debra Hanson
Address 12341 Bluff Rd
Phone 223-7413
Date 9-12-83
Zoned R-1B

Members, Board of Zoning Appeals:

We are requesting a variance from the Zoning Ordinance as follows:

Zoning Administrator's Decision and/or Zoning Ordinance Reference

6.8.1- R-1B requires 30' set back from R/W

Basis for Variance Request

Build back on front of house.

Specific Request

17' VARIANCE FROM FRONT YARD
SET BACK

APPEAL BOARD ACTION

Van Cleave - yes

Houlihan - yes

Barton - yes

Wagner - yes

Fees: Regular hearing - \$30.00; Special hearing - \$80.00
Fees are non-refundable

Debra Hanson
Applicant's Signature

Check drawn to the order of
PENINSULA TOWNSHIP TREASURER

9/12/83
(date)

CERTIFICATE OF AFFIDAVIT

CODE NUMBER

NAME

ADDRESS

445-017-00	Debra Hanson	12341 Bluff Rd. T.C.
445-013-00	Charles Quick	Ferndale Woods 40 Circle Dr Barrington Ill 60010
445-014-00	Gustave Anderson	12287 Bluff Rd T.C.
445-015-00	Martin Cirulis	P.O. Box 4282 Mt. Edge Sitka AK 99835
445-016-00	Edward Kuhn	122 W. State St. T.C.
445-018-00	Erwin Oestman	12361 Bluff Rd. T.C.
445-019-00	Beaupre Hoag	12365 Bluff Rd T.C.
445-020-00	" "	" " "
445-021-00	Gordon Maylone	12375 Bluff Rd T.C.
134-021-00	Charles Kelly	1946 Pinepoint Rd T.C.
	Arnold Sarya	919 Allover Trail T.C.

I HEREBY CERTIFY THAT NOTICES WERE MAILED ON 9-13-83

FOR Debra Hanson

BY FIRST CLASS MAIL FOR THE ABOVE MENTIONED PARCELS.

Meyer Asar

Zoning Administrator

PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS
13235 CENTER ROAD
TRAVERSE CITY, MICHIGAN 49684

for
September 12, 1983

9/22/83

that these surveyed lots conformed to the Ordinance. Letters were received from Ruth Lo Tom McManus, Katherine McManus, Elmer McManus and Mr. and Mrs. Budy all of whom had no objections. Houlihan questioned the present block structure situated on Bendickson's lot. Shall the request of Fred Bendickson of 13730 Peninsula Drive to divide off lots 1,2,3,4 in R1B zoning be granted as requested. Van Cleave, Yes. Houlihan, Yes on the condition that before the lot on the south be sold the concrete block structure, formerly the barber shop, be removed and that all lots must meet setbacks. Burton, Yes. Wagner, yes the lots are comparable to those in that area and because of the history of the survey and also this split is not against the health, safety and welfare. Approved

5. Ralph Wolff 631 Eastwood St. T.C. Enlargement of beach house 3' variance from R/W & 26' from High water mark

Mr. Wolff was represented by Bob Lange who said that Mr. Wolff wishes to enlarge the present 16' x 16' structure by an extension along the front lines. There would be no more encroachments than as at present, sewage will be pumped across the road, vertical height proposed is 17' with the proposed roof line 5 to 6' above the road line. The dimensions of the structure are 20 x 40'. Neighbor Pete Neason was present and had no objections to this request. Burton asked if this would be for year round use and was answered that it will be used for summer use or week-end use in the autumn. Houlihan queried why they could not build in the area across the road. Response was there is a planted orchard there and the family has always planned to expand this structure. Van Cleave expressed concern about what will happen in the future if sold and even more expansion would or might be requested. Wagner asked when the structure was built and learned it was moved down in 19 and had previously been picker's quarters. Shall the request of Ralph Wolff of 631 Eastwood St., T.C. MI to build a house as presented in submitted plans with a 3' variance from road R/W and 26' variance from high water mark be granted as requested. Burton, Yes Considering the small size of the house. Houlihan, No, Proposal meets all basic conditions but can't see that it meets any of the Special Conditions. Van Cleave, Yes, best use of the lot. Wagner, No Can't fit it into any of the categories of Special Conditions.

Denied

- X 6. Debra Hanson 12341 Bluff Rd. Deck with 17' variance on R/W. Ms. Hanson appeared before the Board explaining why she wanted a deck across the front primarily to take advantage of the view and to utilize the already existing door as access. There followed discussion on the possibility of placing a deck of lesser size across the front to wrap around the side of the home the latter of which would be well within the side setback. Shall the request of Debra Hanson, 12341 Bluff Rd. to build a deck of 6' in width along the front with another deck along the north side with an 11' variance on the front setback be granted as requested. VanCleave, yes, causes no harm to the health, safety and welfare. Houlihan, yes, same reasons. Burton, yes. Wagner, yes.

Approved

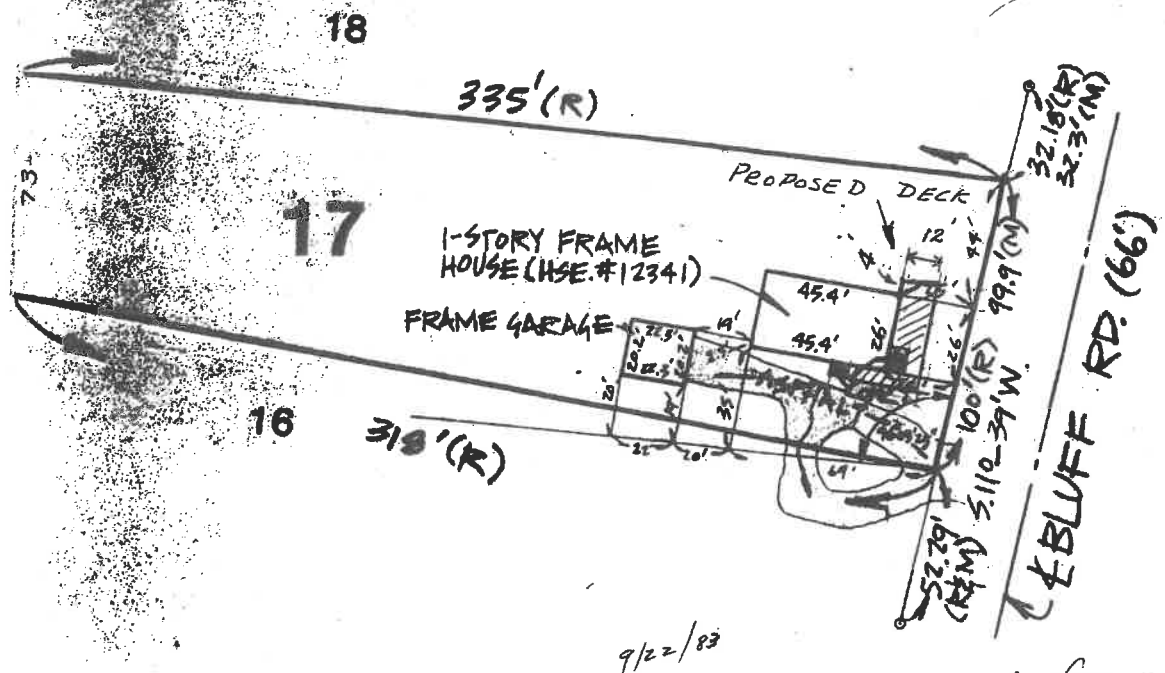
Houlihan/Burton Motion to make a resolution expressing proper thanks and gratitude for Van Cleave's service to the Township. Carried.

Houlihan/VanCleave to adjourn at 10:15 P.M.

Respectfully submitted,

William Wagner, Chairman

These minutes stand to be approved.



MORTGAGE REPORT FOR:

Lot 17, Buena Vista Beach, part of Government Lot 2, Section 34, Town 29 North, Range 10 West, Peninsula Township, Grand Traverse County, Michigan.

I HEREBY CERTIFY TO LAMBRECHT MORTGAGE CO. THAT ON THE ABOVE DESCRIBED PARCEL OF LAND THE EXISTING STRUCTURES ARE AS SHOWN; THAT THERE ARE NO APPARENT UTILITIES AND THAT THERE ARE NO ENCROACHMENTS EXCEPT THAT THE EXISTING ASPHALT MAY OR MAY NOT CONSTITUTE AN ENCROACHMENT.

NOTE: This survey is for mortgage purposes only and should not be used to establish the property lines for the construction of improvements or the erection of fences.

John A. Gavin
Licensed Land Surveyor #21568
November 10, 1982



100 335
73 318
2 253
87 327

SCALE 1"=50'

LEGEND

- =iron set
- =iron found
- ⊙=monument set
- ⊗=monument found
- ⊙=nail set
- ⊗=nail found
- =stake set
- =stake found
- (R)=record
- (M)=measured



GOURDIE / FRASER & ASSOCIATES, INC.
P.O. BOX 927, 124 W. STATE, TRAVERSE CITY, MI. 49684
105 E. WASHINGTON, MARQUETTE, MI. 49855
ENGINEERS - LAND PLANNERS - LAND SURVEYORS

DFS	
11-10-82	
	021085

R. EDWARD KUHN

122 W. STATE STREET - P.O. BOX 987

TRAVERSE CITY, MICHIGAN 49684

(616) 947-7900

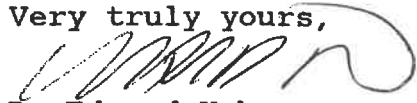
September 16, 1983

Peninsula Township Zoning
Board of Appeals
13235 Center Road
Traverse City, MI 49684

Gentlemen:

My wife and I, along with my parents, own the vacant lot adjoining Debra Hanson's property at 12341 North Bluff Road. We fully support the granting of the variance which Ms. Hanson has requested to permit her to build a deck in front of her house. My wife and I were the previous owners of the house and we always considered the front exposure to the water and the front entryway to be seriously defective. We do not feel that the proposed addition would adversely affect the value of surrounding properties. In fact, those values would probably be enhanced because Ms. Hanson's house would be made more attractive by the addition.

Very truly yours,



R. Edward Kuhn

Exhibit 5

REQUEST FOR VARIANCE No. 307

PENINSULA TOWNSHIP
Board of Zoning Appeals
13235 Center Rd.
Traverse City, MI 49684

Parcel Code # 28-11-445-017-00

From Karen Longuski

Address 12341 Bluff

Phone 223-7816

Date 7/30/93 Zoned R-1B

Hearing Date 8/12/93 7:30 pm.

ZONING ORDINANCE REFERENCE OR ZONING ADMINISTRATOR'S DECISION

Section 6.8 requires a 15 foot side yard setback and a 30 foot front yard setback in the R-1B Residential District.

Section 7.5.5 Extension of Non-Conforming Use or Structure:

Basis for Variance Request

Addition of a family room and second story bedroom and bath to make the home more livable for a larger family. Existing home is non-conforming due to the front yard setback. Home does not have a basement, and the addition will provide a small area for utilities. A variance was granted to the previous owner in 1983 for the existing deck.

Specific Request (Office Use Only)

Approval for extension of a non-conforming structure.

Approval of a 1 foot variance from the front yard setback.

Approval of an 11 foot variance for a deck addition as shown on plan.

APPEAL BOARD ACTION

Gray	Yes
Verhage	Yes
Ferris	Yes
Rosch	Yes
Fulmer	Yes

Conditions
1. Health Dept Approval
2. No Additions/Variations
However extensions
may be approved.

Non-refundable Fee: Regular \$70.00 Special \$600.00

+ Karen Longuski
Applicant's Signature

Check No. 3154 7/30/93
Date

IF YOU DO NOT INDICATE OTHERWISE, THE REQUESTED ITEM WILL BE TABLED
UNLESS YOU ARE PRESENT OR REPRESENTED.

Site Visit at 4:00 on August 12, 1993

CASTEEL JOHN & ELEANOR M
2464 N TRAIL ROAD
MIDLAND MI 48642 X
445-016-00

SHREVE NORMAN F & ANNE J
12305 BLUFF RD
TRAVERSE CITY MI 49684 X
445-015-00

ANDERSON SALLY
12287 BLUFF RD
TRAVERSE CITY MI 49684
445-014-00

QUICK COL & MRS CHARLES
12221 BLUFF RD
TRAVERSE CITY MI 49684 X
445-012-00

OESTMAN ERWIN
12361 BLUFF RD
TRAVERSE CITY MI 49684
445-018-00

HOAG ESTHER & RAMOIE TRINA
12365 BLUFF RD
TRAVERSE CITY MI 49684 X
445-020-00

MAYLONE GORDON & BABETTE X
12375 BLUFF RD
TRAVERSE CITY MI 49684
445-021-00

OCHS ARNOLD J & JOYCE F X
14088 BLUFF RD
TRAVERSE CITY MI 49684
134-021-00

PARCEL CODE

NAME

ADDRESS

445-016-00

445-015-00

445-014-00

445-013-00

w/12

445-018-00

445-019-00

w/20

445-020-00

445-021-00

134-021-00-00

I HEREBY CERTIFY THAT NOTICES WERE MAILED ON _____ FOR 445-017-00 8/12/93 23A Longuski
 BY FIRST CLASS MAIL FOR THE ABOVE MENTIONED PARCELS.

Exhibit 6

**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 October 18, 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. 907, Zoning R-1B

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Property Address: 12341 Bluff Rd., Traverse City, MI 49686

Request:

1. Requesting a variance from the required thirty (30) foot front yard setback to twenty-nine (29) foot front yard setback in order to construct an eight (8) foot by eighteen (18) foot or 144 square foot two story addition to a non-conforming structure.
2. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct an eight (8) foot by ten (10) foot wood deck to a non-conforming structure.
3. Requesting a variance from the required thirty (30) foot front yard setback to a nineteen (19) foot front yard setback in order to construct a ten (10) foot by twenty-four (24) foot steel roof covering over a portion of the existing wood deck and eight (8) feet of the new proposed wood deck.

Parcel Code # 28-11-445-017-00

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

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 16, 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



Exhibit 7

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 09/22/22 12:07 by mroy

Acct #: 1837

Ad #: 591517

Status: New WHOLD WHO

**PUBLIC NOTICE
PENINSULA TOWNSHIP
ZONING BOARD OF APPEALS
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Parcel Code # 28-11-445-017-00

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September 28, 2022-1T

591517

Exhibit 8

PENINSULA TOWNSHIP
BOARD OF ZONING APPEALS

CERTIFICATE OF NOTIFICATION

Request No. 907

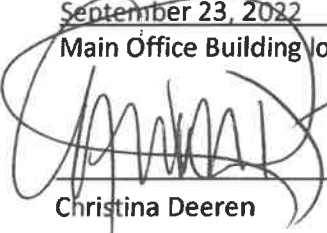
Hearing Date: October 18, 2022

Applicant: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Owner: Alan and Holly Ann Houtman, 12341 Bluff Rd., Traverse City, MI 49686

Property Address: 12341 Bluff Rd., Traverse City, MI 49686

I certify that the attached Public Hearing Notice and map showing the subject property location whose Parcel Code #s 28-11-445-017-00 was mailed by regular US mail to the attached list of 10 properties on September 23, 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

Exhibit 9

CORRESPONDENCE

Mr. and Mrs. Patrick J. Kealy
12361 Bluff Rd.
Traverse City, MI 49686

September 26, 2022

Peninsula Township Zoning Board of Appeals

RE: Notice of Zoning Variance Request (Parcel 11-445-017-00)
Alan J and Holly Ann Houtman
12341 Bluff Road
Traverse City, MI 49686

Dear Peninsula Township Zoning Board of Appeals:

We will not be able to attend the Township Zoning Board of Appeals Meeting in person in October as we are traveling out of the country, so we are submitting our comments via this written response. We have received a copy of the Variance Application that was submitted for 12341 Bluff Road from Holly Houtman.

For reference, our home is directly to the north of the Houtman's home and the proposed variances extend directly towards our house (specifically towards our kitchen and living/great room). We have reviewed the three requested variances. We do not support request #2 (deck extension) or #3 (addition of steel roof) and ask that they be denied, for the following reasons.

1. Relative to Basic Condition A from variance application (Need for variance is due to unique circumstances or physical conditions, etc): Variance Request #2 (deck) and #3 (roof over deck) could be executed on the rear of the house, or the roof could be executed on the South portion of the existing deck. There are alternatives to have a covered deck and even the house extension itself that would not impact the Front Setback.
2. Relative to Basic Condition B from application (the need for the variance is not the result of actions of the previous property owner): Variance request #2 is driven by the desire to extend the existing deck that was allowed under a previous variance request as noted in the application (action from previous owner). If the current deck was not allowed under a previous variance request, we would think this request would not be considered because generally there are no other variances of this nature in the immediate surrounding area. Extending the deck further to the North (towards our property) into the front setback has a direct impact on the view of the surrounding area (East Bay and

Bluff Road to the South) from our residence (kitchen, dining and living/great rooms). The house addition as proposed can be executed without extending the deck.

3. Relative to Basic Condition F from application (variance will not cause adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood): The variance requests #2 and #3 have a direct adverse impact for our property. It has a very adverse impact on the use and enjoyment of our property in that a deck extension and steel roof would eliminate a good portion of our view of the surrounding area (East Bay and Bluff Road to the South) from our kitchen, dining room and family/great room, where we spend a substantial amount of time. The proposed house addition can be executed without extending the deck or adding the steel roof.

Additional Note: Variance Request #3 states the Steel Roof is 24' X 1' for a max area of 24 ft². I believe this is an error and should be stated as 24' X 10' for a max area of 240 ft² that would extend into the Front Setback (1' would not cover the proposed deck and does not correspond to the drawings provided).

Please consider our request to deny Variance Request #2 and #3. Approval of this variance request can set a precedent for the surrounding neighborhood which would also have an adverse impact. I can be reached at (248) 891-4006 if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Kealy", with a stylized flourish at the end.

Patrick J. Kealy

**MINUTES FROM
SEPTEMBER 20 ,2022**