

# PENINSULA TOWNSHIP

REGULAR MEETING

## ZONING BOARD OF APPEALS MINUTES

13235 Center Road, Traverse City, MI 49686

November 16, 2021

7:00 p.m.

1. **Call to Order:** by Soutar at 7:00 p.m.

2. **Pledge**

3. **Roll Call of Attendance:** Present: Dloski, Dolton, Soutar, Wahl, Elliott, Deeren, Meihn via phone

4. **Approval of Agenda:**

Moved by Dloski to approve agenda, seconded by Elliott approved by consensus

5. **Conflict of Interest:** None

6. **Brief Citizen Comments – for items not on the agenda:** None

7. **Business:**

1. **Election of Officers-Appoint new chair, vice-chair**

Soutar: Unable to serve as chair; nominated Dolton for the chair.

Moved by Soutar to nominate John Dolton as chair, seconded by Elliott.

Roll call: yes, Dloski, Dolton, Soutar, Wahl, Elliott

pass unan

Dolton: Requested nominations for vice-chair.

Elliott: Unable to serve as vice-chair.

**Discussion**

Elliott: Nominated Dloski for vice-chair.

Moved by Elliott to nominate Larry Dloski as vice-chair, seconded by Soutar.

Roll call: yes, Dloski, Dolton, Soutar, Wahl, Elliott

pass unan

2. **Request No. 897, Zoning R-1-B**

**Owner: William W. Carruthers Trust, 2217 Bedford Terrace, Cincinnati, Ohio 45208**

**Applicant: Jim Carruthers, 218 E. Eleventh St., Traverse City, MI 49684**

**Property Address: 14114 Bay View Ave., Traverse City, MI 49686**

1. **Requesting a variance from the required thirty (30) foot front yard setback to a two (2) foot setback off of the front property line in order to construct a 12 foot by 24 foot 288 square foot detached garage.**

**Parcel Code # 28-11-680-004-00**

**Jim Carruthers, 218 E. Eleventh St., Traverse City, MI 49684, representing Bill Carruthers of 14114 Bay View Ave., Traverse City, MI 49686:** This has been worked on for over a decade. Asked for a front yard setback from the thirty (30) feet and a possible side yard setback of an air right of twelve (12) inches. Everything at Neahtawanta is non-conforming. Referred to the survey, hoped to purchase property from the resort for the garage, but this did not happen. The decision was to build meeting the north setbacks; the lots are narrow and there are steep slopes. The viewshed in the front yard is an asset, so building in the front yard is not a possibility. The structure will be a storage garage. The propane tank is buried, it will be dug up and moved. Asking for two (2) feet off the sidewalk, at the far eastern side is the septic tank, it is a limiting factor. The neighbors to the north, the Morrisons, came up with a proposal over a decade ago to build garages across the street; this did not occur as a group. His father wanted to go

ahead with a garage build. Met with the neighbors and the resort, so the information was shared. The pedestrian door will be placed on the side by the cottage. The siding and roof will match the original cottage. The curb will not need to be cut. There is no other alternative for a garage. It is a hardship to find storage in the cottage. The cars are parked on the resort property. It will be a one-bay garage with a loft for storage and windows will be used to match the historic nature of the cottage.

**Elliott:** You will not use this for offsite parking, will you drive over the curb?

**Carruthers:** Ramps will be put up to drive over the curb to put items in for storage. It will be used to store a vehicle. There is a drainage problem. The north neighbors received a side setback.

**Elliott:** The side yard setback did not have a public notice; the board cannot address that this evening.

**Deeren:** It was not included.

**Soutar:** Does the overhang encroach on the fifteen-foot (15) side yard setback? Can it be moved?

**Carruthers:** Yes, it does encroach on the side yard setback, it was in the application. We granted the neighbors to the north a variance, figured it would be fine to have air rights for the roof to hangover, so as not to cut down trees.

**Soutar:** A variance may be needed; it has been posted without this.

**Deeren:** Or move it a foot closer to the sidewalk. This may wait until the next meeting. Thinking that the fifteen (15) foot needs to be included. The front of the application only included the thirty (30) feet to a two (2) foot setback, checked off. Thought the fifteen (15) feet included this as well.

**Carruthers:** It could be moved but it would be very close.

**Dolton:** Could the ZBA discuss and potentially approve the front yard setback as requested with an understanding that you have to meet the side yard setback? Then, you could come back to Christina and request a new variance for the side yard setback.

**Carruthers:** Another thousand dollars?

**Deeren:** Yes.

**Dolton:** Another choice is we postpone this meeting altogether in terms of the approval of this variance and address both variances.

**Carruthers:** Postpone it and use the same application.

**Deeren:** The application could be tweaked.

**Carruthers:** I will redo the application.

**Deeren:** That would not require an additional thousand dollars.

**Soutar:** Discuss the issue this evening so issues will come up and can be addressed. Not culling the curb needs to be put in the application. The curb is an essential component to water flow. Where does the water flow, from the road downhill?

**Carruthers:** The curb was installed fifty years ago. The water drained down towards the house. With every storm, there is run-off from the northern neighbors. Felt it was best not to disturb the curb.

**Soutar:** On the septic tank location, how far behind the garage is the septic field, for a minimal variance? To move the garage back, even a few feet, would be a lesser variance.

**Deeren:** Along with the new plan with the fourteen-foot (14) offset on the north side, the pressure tank and septic system need to be noted.

**Carruthers:** Points out well and pressure tank and propane tank on the plans. The septic cannot be moved, it is pumped every fall. The garage cannot be moved to the east.

**Soutar:** Putting the garage back is not a problem for the viewshed.

**Dloski:** You could build without a variance.

**Carruthers:** To build in the field is the only option if this is not granted.

**Elliott:** The community would not support building a garage there.

**Carruthers:** There are unwritten standards; the front field is an asset to the viewshed.

**Deeren:** He cannot build on the rectangle behind the house; he does not currently own the property and buying across the road, the ordinance precludes building a garage.

**Dolton:** If he acquired the property across the street, is that one divided lot?

**Deeren:** He cannot have an accessory dwelling across the street; the street would divide the property for zoning purposes.

**Soutar:** There are only a few variance requests from Neahtawanta residents. There are many anomalies there; there were situations where variances were approved to make the situation better.

**Deeren:** It was platted, not with today's standards. Today's zoning standards are applied. This cannot be tabled; but no action can be taken tonight.

**Meihn:** Options to consider: a motion to decline it with a supplement to come back or continue the hearing to the next meeting.

**Moved by Soutar to move this request to the next meeting, seconded by Dloski.**

**Roll call: yes, Elliott, Soutar, Dolton; Abstain: Wahl, Dloski** pass unan

**2. Approval of Minutes from August 7, 2021 Regular Meeting:**

**Soutar:** Correction, on page one, closet to closest neighbor.

**Moved by Elliott to approve the minutes, as amended, from August 7, 2021, seconded by Soutar**

**Roll call: yes, Elliott, Soutar, Dolton; Abstain: Wahl, Dloski** pass unan

**9. Citizen Comments:** None

**10. Board Comments:** None

**11. Adjournment:**

**Moved by Dloski to adjourn, seconded by Elliott**

approved by consensus

**Adjournment at 7:35 p.m.**