

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## PENINSULA TOWNSHIP ZONING BOARD OF APPEALS AGENDA

December 19, 2023

7:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approval of Agenda
5. Conflict of Interest
6. Brief Citizen Comments – (for items not on the Agenda)
7. Business:

**1. Public Hearing for Request No. 911, Zoning = R-1B – Coastal Zone (Tabled from November 21, 2023, meeting)**

Applicant/Owner: Matthew B Myers & Keegan L Myers, 625 & 701 Tucker Point, Traverse City, MI 49686

Property Address: 707 Tucker Point, Traverse City, MI 49686

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling .5-feet from the front property line, where 30-feet is required.
3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling, 12.6-feet from the rear property line, where 30-feet is required.
4. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 18%.

Parcel Code # 28-11-565-925-55

**2. Public Hearing for Request No. 912, Zoning = A-1 – Agricultural**

Applicant/Owner: Luke C Miller Trust, 2465 Carroll Road, Traverse City, MI 49686

Property Address: 11586 Center Road, Traverse City, MI 49686

1. Requesting an appeal to the zoning administrator's determination that concrete crushing is a heavy industrial use or activity and not allowed within the A-1 Agricultural District.

Parcel Code # 28-11-004-008-00

**8. Approval of Minutes from the November 21, 2023, Meeting**

**9. Citizen Comments**

**10. Board Comments**

**11. Adjournment**

**Business**

# **ZBA Case #911**

Peninsula Township Planning & Zoning Department

**STAFF REPORT**

ZBA Request # 911

Physical Address of Subject Property: 707 Tucker Point, Traverse City, MI 49686

Date: December 12, 2023

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

**From: Jenn Cram, AICP, Director of Planning and Zoning**

**RE: Request # 911**

**Zoning  
District: R-1B Coastal Zone**

**Hearing  
Date: December 19, 2023 – 7:00 PM**

**Applicants/  
Owners: Matthew B Myers and Keegan L Myers, 625 and 701 Tucker Point, Traverse City, MI 49686**

**Subject  
Property: 707 Tucker Point, Traverse City, MI 49686**

**Tax ID: 28-11-565-925-55**

**Background Information:**

- Parcel 28-11-565-925-55 comprises Lots 9 and 10, Block 12 of the Neahtawanta Subdivision and is 9,580 square feet.
- The Neahtawanta Subdivision was platted in 1890 prior to the adoption of the Peninsula Township Zoning Ordinance in 1972. A copy of the plat is included as **Exhibit A**.
- The lot was created legally prior to the adoption of the Peninsula Township Zoning Ordinance.
- The property is zoned R-1B – Coastal Zone – Single and Two Family Residential; and the surrounding area is also zoned R-1B – Coastal Zone – Single and Two Family Residential.
- The minimum lot size for the R-1B zone district is 25,000 square feet.
- Lots 9 and 10 together do not meet the minimum lot size.
- Lots 9 and 10 are legally non-conforming with regard to minimum lot size.
- The parcel currently contains an existing garage with a dwelling and two sheds.
- A vicinity map and aerial image with topography have been included as **Exhibit B**.
- The existing garage and dwelling encroach over the southern property line/right-of-way to Tucker Point and the western property line. Thus, the existing structure is non-conforming with regard to setbacks. The site plan/survey is included as **Exhibit C**.
- The right-of-way for Tucker Point south of the parcel has not been developed and will likely never be developed.
- Based on the sketch included with the on-site septic system permit, the existing garage and dwelling are located on Lot 10 and the on-site septic system is located on Lot 9. The on-site septic system permit is included as **Exhibit D**.

- It is estimated that the garage/dwelling was constructed between 1974 and 1977. This is consistent with the Grand Traverse County Environmental Health Department permit for the well dated August 11, 1977, and the on-site septic system dated April 27, 1978.
- The Grand Traverse County Building Department did not start issuing building permits until 1975 and does not have any records prior to 1978.

**Request:**

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling 0.5-feet from the front property line, where 30-feet is required.
3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling, 12.6-feet from the rear property line, where 30-feet is required.
4. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 18%.

**Applicant**

**Statement:** Please see the enclosed application submitted by the property owners along with additional information submitted to date, **Exhibit E**.

The floor plan and elevations that have been submitted are examples. The final building plans for the replacement structure will be consistent with the footprint shown on the survey/site plan dated April 3, 2023.

**Section 3.2 Definitions:**

***Practical Difficulty:** To obtain a dimensional variance, the applicant must show practical difficulty by demonstrating all of the following:*

- (a) *Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;*

**Staff Comment:** The existing parcel is essentially 40 feet deep. Because the lots as platted are so shallow there is no buildable area on the parcel if the standard setbacks for the zone district are applied.

- (b) *A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;*

**Staff Comment:** A variance from the front and rear setbacks as well as lot coverage will allow the applicant to replace an existing non-conforming structure on a non-conforming lot with a modest structure that is less non-conforming. The footprint of the replacement structure has also been reduced from 1,820 square feet to 1,440 square feet (1,650 including eaves).

- (c) *The plight of the owner is due to unique circumstances of the property; and;*

**Staff Comment:** The plight of the owners is due to the unique circumstances of the small, shallow lots platted in 1890.

(d) *The problem was not self-created. (ADDED BY AMENDMENT 171A)*

**Staff Comment:** As noted above, this problem was not created by the property owners.

**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:                      Front setback = 30 feet  
   Side yard setbacks = 15 feet  
   Rear yard setback = 30 feet  
   Ordinary Highwater setback = 60 feet  
   Allowable percentage of lot coverage = 15%*

**TABLE OUTLINES VARIANCE REQUESTS No. 2, No. 3, and No. 4**

<b>R-1B Standards (Section 6.8)</b>	<b>Required</b>	<b>Variance</b>	<b>Conforms to Standards?</b>
Minimum Front Setback	30'	No	No – Variance Requested
Minimum East side yard setback	15'	No	Yes
Minimum West side yard setback	15'	No	Yes
Minimum Rear setback	30'	No	No – Variance Requested
Minimum OHWM	60'	NA	NA
Percentage of Lot Coverage:	15% - allowed	No	No – Variance Requested

**Staff Comment:**

**The purpose of the front setback is to provide safety and separation of structures from the road. The purpose of the rear setback is for privacy and emergency access between adjacent lots and structures.**

**The purpose of limiting lot coverage is to provide for green space to address stormwater run off and other issues related to development. Green space also provides for an improved quality of life.**

**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;*

**Staff Comment:** The proposed location of the replacement structure is less non-conforming than the existing structure. It is proposed to be located entirely within the boundaries of the parcel. The footprint of the replacement structure has also been reduced to be less non-conforming (1,650 sq. ft. vs. 1,820 sq. ft.).

- (2) *There is increased safety to the residents of the structure and to the traveling public on the road providing access to the parcel;*

**Staff Comment:** The proposed location of the replacement structure is outside of the platted right-of-way. This right-of-way will likely never be developed.

- (3) *Safety and substantial justice is achieved;*

**Staff Comment:** Safety and substantial justice will likely be achieved if the requested setback variances from the front and rear setbacks are approved by the board because the replacement structure will be located within the boundaries of the parcel. The proposed replacement structure is modest in size (1,440 sq. ft.) to meet the required front and rear setbacks as much as is possible. The replacement structure has also been reduced to better meet lot coverage requirements.

- (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 walls will not be allowed unless it is determined that there is no feasible alternative.*

**Staff Comment:** This standard does not apply to this property as it is not located on the shoreline.

- (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)*

**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.*

**Staff Comment:** The need for the variances is due to the unique circumstances and physical conditions of the property, as the lots were platted in 1890 prior to the adoption of the Township zoning ordinance. Furthermore, the lots are non-conforming with regard to minimum lot size even when considered together at 9,580 square feet. The lots are also very shallow (~40-feet wide). As discussed above, this practical difficulty was not created by the applicant.

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

**Staff Comment:** As discussed above, the applicants/property owners did not create the practical difficulty. They did not plat the lots in 1890.

- (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.)

**Staff Comment:** As discussed above, the existing parcel is essentially 40 feet deep. Because the lots as platted are so shallow, there is no buildable area on the parcel if the standard setbacks for the zone district are applied.

- (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.

**Staff Comment:** A variance from the front and rear setbacks as well as lot coverage will allow the applicant to replace an existing non-conforming structure on a non-conforming lot with a modest structure that is less non-conforming. The footprint of the replacement structure has also been reduced from 1,820 square feet to 1,440 square feet (1,650 including eaves).

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

**Staff Comment:** The requested variances will not likely cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood as there is currently a structure that encroaches over the front and side property lines that has existed for approximately forty-five years. The replacement structure will be contained within the parcel boundaries and meets the required side yard setbacks. The replacement structure provides for front and rear setbacks as best as possible while still allowing for the construction of a modest structure (1,440 sq. ft.). It should

**also be noted that the properties to the south and west are owned by family members and the area functions as a family compound.**

- (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.

**Staff Comment: The R-1B zone district allows for single and two-family dwellings as uses by right along with associated accessory structures. The proposed replacement structure will be used as a garage and dwelling consistent with allowed uses.**

*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.*

**Staff Comments: We recommend that the board discuss the setback variances and lot coverage so that the property owners can receive the direction that they need to move forward with building plans. We believe that the board will want to see the building plans prior to approving the request to replace the existing non-conforming structure to ensure that the intensity of the use is not increasing beyond what is allowed within the zoning ordinance.**

**We also recommend that as a condition of approval that the property owners apply for and formally combine Lots 9 and 10, Block 12 so that the replacement structure and on-site septic system are located on the same lot. In addition, this will allow the property to better meet the lot coverage requirements.**

- (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.*
- (c) 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.*

**Staff Recommendation:**

Staff recommends that the Zoning Board of Appeals provide feedback via a formal consideration of requests number two (2) through four (4) related to setbacks and lot coverage and then table action on request number one (1) to a date certain.

**Draft Conditions of Approval:**

1. The property owners shall apply for and formally combine Lots 9 and 10, Block 12 prior to issuance of a land use permit.
2. Final building plans shall be consistent with the examples included in the December 19, 2023, packet (2 story structure w garage space on main level with studio above including a kitchen and three fixture bathroom) and as dimensioned on the site plan dated April 3, 2023.

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 911**

Date of Meeting: December 19, 2023

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owner: Matthew B Myers and Keegan L Myers, 625 and 701 Tucker Point, Traverse City, MI 49686  
Address: 707 Tucker Point, Traverse City, MI 49686

Parcel Code: #28-11-565-925-55

**Request:**

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 911**

Date of Meeting: December 19, 2023

Peninsula Township  
13235 Center Road  
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Applicants/Owner: Matthew B Myers and Keegan L Myers, 625 and 701 Tucker Point, Traverse City, MI 49686  
Address: 707 Tucker Point, Traverse City, MI 49686

Parcel Code: #28-11-565-925-55

**Request:**

2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling 0.5-feet from the front property line, where 30-feet is required.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

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**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 911**

Date of Meeting: December 19, 2023

Peninsula Township  
13235 Center Road  
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Address: 707 Tucker Point, Traverse City, MI 49686

Parcel Code: #28-11-565-925-55

**Request:**

3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling, 12.6-feet from the rear property line, where 30-feet is required.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

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

**Peninsula Township  
Zoning Board of Appeals**

**ZBA Case No. 911**

Date of Meeting: December 19, 2023

Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Applicants/Owner: Matthew B Myers and Keegan L Myers, 625 and 701 Tucker Point, Traverse City, MI 49686  
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**Request:**

4. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 18%.

Action by the Zoning Board of Appeals:

_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Vice Chair)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		
_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Member)		

**Board Action:**

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# Exhibit A



595



I hereby certify that the above plat is correct and that documents containing of book sheets, 116 inches square and in inches long have been placed in the record of all maps in the boundaries and at the intersection of all streets and alleys as shown on plat, 1900

MAISON L. BROWN  
Registered Surveyor

STATE OF MICHIGAN }  
County of Grand Traverse }  
We, O. P. Brown, Register  
of Deeds and  
Mason L. Brown, Surveyor, hereby  
certify that we have carefully compared this copy with the original  
plat of the same and find it correct in every particular and that it  
is a true and correct copy of the original plat of the same and that  
the whole of such original plat is

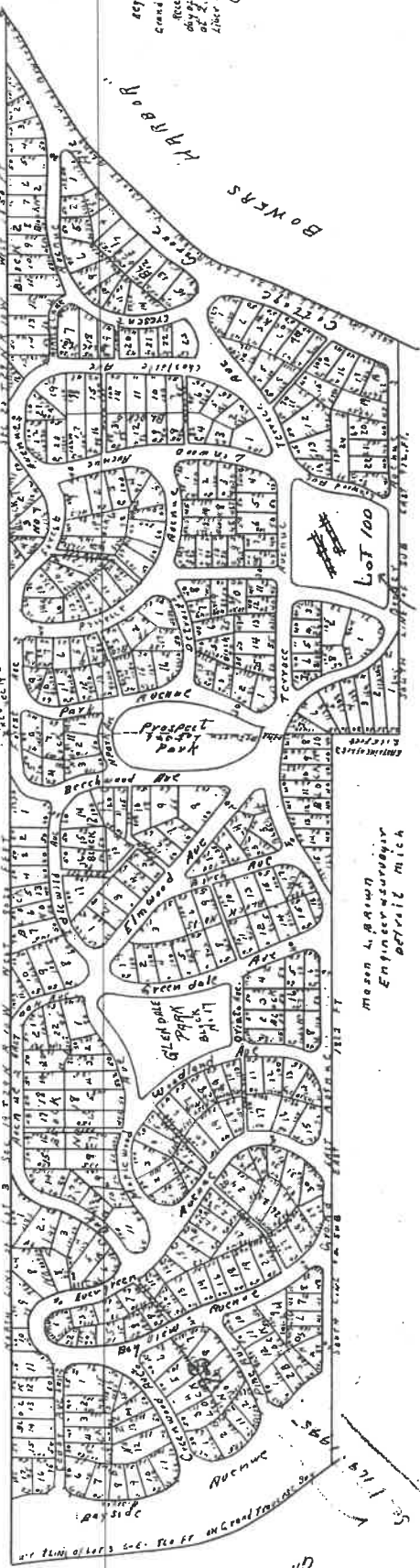
The property herein plotted is described as follows - Beginning at the Northwest corner of Lot 3 Section 19, T29 N. R. 10 W. Thence westerly along said north line of Lot 3 922 feet to the east corner of Grand Traverse Bay. Thence southeasterly along the shore of said Grand Traverse Bay 865 feet to a stake thence east parallel to the east north line of Lot 3 1822 feet to the westerly line of said Lot 3 Thence south on said east line of Lot 3 165 feet to a stake thence east parallel to said north line 972 feet to the east line of Lot 3 Dec. 29 T. 29 N. R. 10 W. said east line of Lot 3 being the west shore of Brown Harbor - so called - thence southeasterly along the said east line of Lot 3 1300 feet to the Northeast corner of said Lot 3 Thence west on the north line of said Lot 3 1800 feet to the fourth of beginning Mary particularly described as the North 510 feet of Lot 3 Sec. 19 and the North 965 feet of 6 Section 20 with in T. 29, N. R. 10 W. Grand Traverse Co. Mich.

KNOW ALL MEN BY THESE PRESENTS, That the undersigned  
Resort Association by James A. Hunt President &  
and S. A. Treadway Secretary  
have caused the land embraced by the above plat to be surveyed and  
plotted in its proper position, to-wit: a resort association  
to be known as the Grand Traverse Co. Michigan and that the streets and  
alleys shown on said plat are hereby dedicated to the use of the public  
without fee and with this plat 27th day of August  
A.D. Eighteen hundred and ninety  
In presence of  
Mason L. Brown, J.P.H. James A. Hunt President L.S.  
J.D. McNeill E.A. Treadway Secy  
W.D. Edgemoor

Examined and Approved  
Aug. 9, 1890  
W.D. Edgemoor  
Deputy Auditor General

NE-AH-TA-WANTA  
SUBDIVISION OF PART OF LOTS 3 & 6 IN SECTIONS 19 & 20  
T29 N. 10 W. TOWNSHIP OF PENINSULAR  
GRAND TRAVERSE COUNTY  
MICHIGAN  
AUG 4<sup>th</sup> 1890

SCALE 200 FT. PER INCH



MASON L. BROWN  
ENGINEER-SURVEYOR  
DETROIT MICH

RECEIVED COURT ORDER  
OCTOBER 24-11-97  
Voucher No. 17-57

STATE OF MICHIGAN }  
County of Wayne }

On this 24th day of August 1890 before me a Notary Public in and for said county personally appeared the above named S. A. Treadway Secretary of the Michigan Resort Association and acknowledged to me that he was the same person who executed the above dedication and who acknowledged the same to be their legal act and deed

Charles J. Lewis Notary Public  
Wayne County Michigan

STATE OF MICHIGAN }  
County of Wayne }

On this 24th day of August 1890 before me a Notary Public in and for said county personally appeared the above named James A. Hunt President of the Michigan Resort Association and acknowledged to me that he was the same person who executed the above dedication and who acknowledged the same to be their legal act and deed

Charles J. Lewis Notary Public  
Wayne County Michigan

I hereby certify that this plat is a correct copy of the plat now on record in the Register of Deeds Office being made under the supervision of the Auditor General by having the plat measured and affixed thereto a carefully compared copy of the dedication and certification

Dated this 14th day of July 1911  
John B. Coe  
Clerk and Ex. Secy

REQUISITION OFFICE }  
Grand Traverse County }  
Received and read the 14th day of August A.D. 1890 at 2 o'clock P.M. and recorded in Book 2 of files in page 46  
D. Brown Register  
By Secy B. W. Coe

## **Exhibit B**





## Exhibit C

SECTION 19, T29N, R10W, PENINSULA TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN

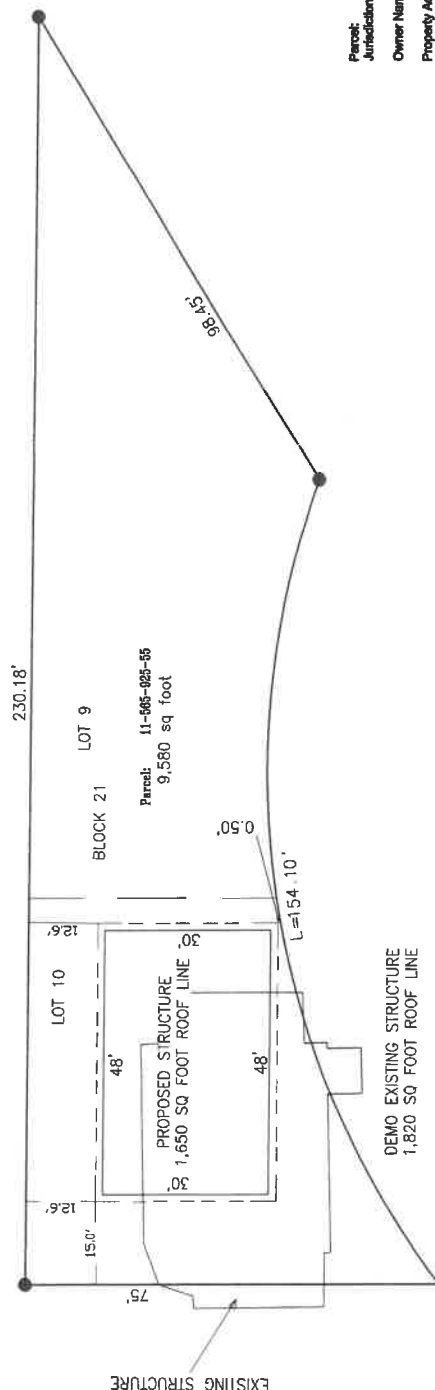
FRONT REDUCED TO 0.5'

CURRENTLY BUILDING HAS A NEGATIVE SETBACK AND FALLS INSIDE A ROAD)

REAR REDUCED 12.6'

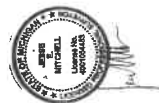
FOOTPRINT REDUCED BY 170 SQ FEET

AND WOULD BE MORE CONFORMING OVERALL TO THE ZONING ORDINANCE.



DEMO EXISTING STRUCTURE  
1,820 SQ FOOT ROOF LINE

10-03-2023



**JESSE E. MITCHELL, P.L.S.**  
**PROJECT MANAGER**

**Know what's below.  
Call before you dig.**



## PLAN LEGEND

PROPERTY LINE	ONE-SIDE ELECTRIC
RIGHT-OF-WAY	IRON SET
SETBACK	IRON FOUND
CORNER	MANHOLE FOUND
	NAIL SET
	NAIL FOUND
	CONCRETE CORNER
	SECTION CORNER
	PALE, FENCE/ELECTRIC
	DAY WIRE
	ELECTRIC BOX
	TELEPHONE BOX

Parcel: 11-585-025-55  
Jurisdiction: Peninsula Township

**Owner Name:** MYERS MATTHEW B & KEEGAN L

**Property Address:**  
707 TUCKER POINT  
TRAVERSE CITY, MI 49606

**Mailing Address:**  
14111 CABERNET COVE  
TRAVERSE CITY, MI 49688

**Tax Description**  
LOT 9 & 10 BLK 21 NEANTAWANTA, SEC 19 T28N-R10W...LOTS  
COMBING FOR ZONING AND RECORDED IN 2006R-08716 SPLIT/COMB  
CON BY SALLY: CRTSY SPLIT 2006-11; PARENT  
PARCEL(S): 11-586-918-00, 11-586-925-00; CHILD PARCEL(S):  
11-585-918-50, 11-585-925-55

## LOCATION OF EXISTING UTILITIES

1. EXISTING PUBLIC AND KNOWN UNDERGROUND STRUCTURES ARE SHOWN ON THE PLANS. THE INFORMATION SHOWN IS BELIEVED TO BE REASONABLY CORRECT AND COMPLETE. HOWEVER, NEITHER THE CORRECTNESS OR THE COMPLETENESS OF SUCH INFORMATION IS GUARANTEED. PRIOR TO THE START OF ANY CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY "JESS D&C" AND REQUEST THE UTILITY COMPANIES TO MARK ALL OF THE UTILITIES IN QUESTION.

2. SPECIAL CARE SHALL BE TAKEN IN EXCAVATING IN THE PROXIMITY OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL PROVIDE SUPPORT FOR ANY UTILITIES WITHIN THE EXCAVATION, PROVIDE PROPER COMPACTION UNDER ANY UNDIMINISHED UTILITY STRUCTURE AND IF NECESSARY, INSTALL TEMPORARY SHEETING OR USE A TRENCH BOX TO MINIMIZE THE EXCAVATION. CONTRACTOR SHALL PROTECT AND SAVE HARMLESS FROM DAMAGE ALL UTILITIES ABOVE OR BELOW THE GROUND SURFACE, WHICH MAY BE ENCOUNTERED DURING CONSTRUCTION.



Courtesy Split 2005-011

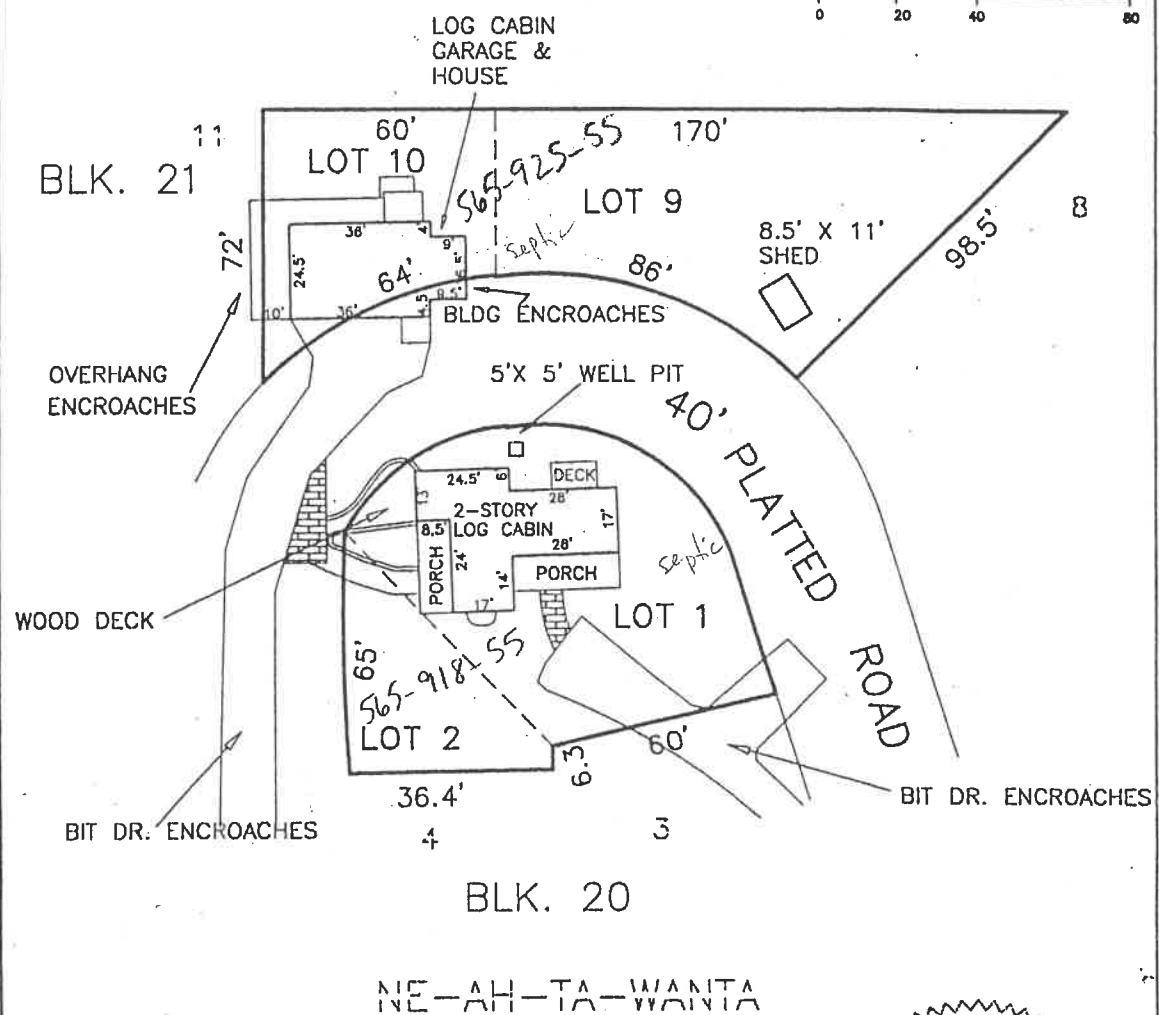
# MORTGAGE INSPECTION

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

DESCRIPTION: A parcel of land situated in the Township of Peninsula, County of Grand Traverse, State of Michigan, and described as follows to-wit:

AS FURNISHED: Lots 9 and 10, Block 21, AND Lots 1 and 2, Block 20, "Ne-Ah-Ta-Wanta", according to the recorded plat thereof.

SUBJECT TO all agreements, covenants, easements, reservations, and restrictions of record, if any.



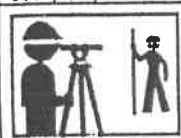
I hereby certify to: FIRST CHICAGO NBD MORTGAGE CO.  
and/or it's successors and assigns, that on the above described parcel of land that the existing buildings and substantial visible improvements are as shown and that there are no encroachments unless otherwise indicated.

ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF MITCHELL & ASSOCIATES, PC, IS PROHIBITED.

STATE OF MICHIGAN  
CAROL A. WAITE  
Professional Surveyor  
No. 43074  
Carol A. Waite, Professional Surveyor No. 43074  
DATE 11/10/98

NOTE: This inspection 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. No responsibility is extended herein to the present, or future land owner or occupant, without the completion of a certified boundary survey.

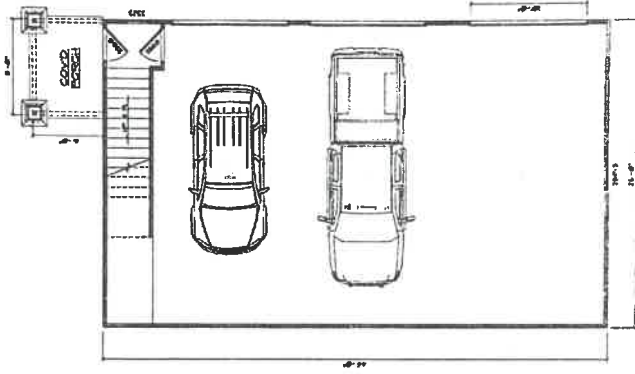
CLIENT: FC NBD MORTGAGE CO.-MYERS  
LOCATION: PART OF GOV'T LOT 3, SECTION 19, T29N-R10W PENINSULA TWP., GRAND TRAVERSE CO., MI



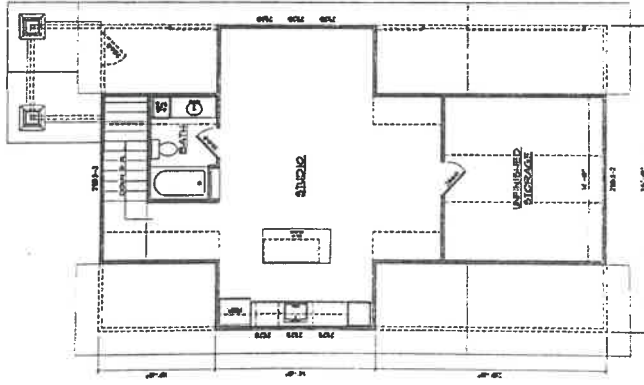
**MITCHELL & ASSOCIATES**  
SURVEYING / ENGINEERING  
4061 Cortfield Road South P.O. Box 306  
Kingsley, MI 49640  
(616) 263-5463 • FAX (616) 263-7921  
Toll Free In Michigan 1-800-533-0827

DRAWN KAS	DATE 11-4-98	FILE NO. 982083
CX CAW	PLO. BK. 421 PG. 38	SHEET 1 OF 1

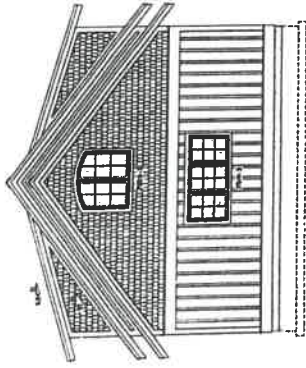
Example



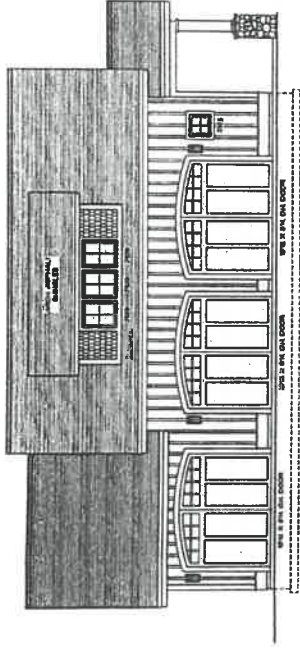
MAIN LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"



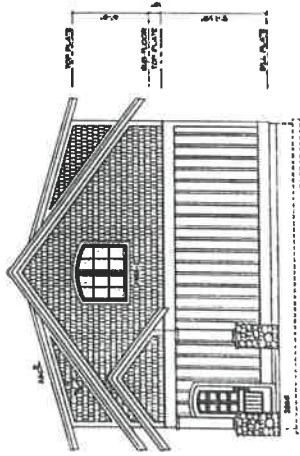
UPPER LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"



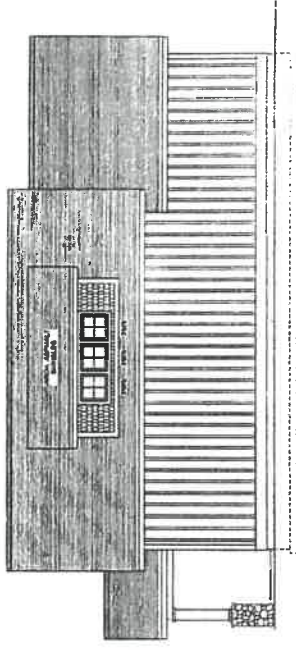
WEST ELEVATION  
SCALE 1/4" = 1'-0"



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



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



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

1812 Buckeye Drive  
Lima, OH 43026  
614.225.2179

Example



## **Exhibit D**

# GRAND TRAVERSE, LEE LANAU & BENZIE DISTRICT HEALTH DEPARTMENT

10767 TRAVERSE HIGHWAY  
TRAVERSE CITY, MICHIGAN 49684  
PHONE 947-2460

GOVERNMENTAL BUILDING  
P.O. BOX 335  
BEULAH, MICHIGAN 49617  
PHONE 882-4409

DIAGRAM

SEWAGE PERMIT ☐  
WELL PERMIT ☐

OWNER MATT MAFERS  
ADDRESS NEAN TA. LILANIA R PH. \_\_\_\_\_  
TYPE OF ESTABLISHMENT Auto NEW ☐ EXISTING ☒  
LOCATION SAME  
TOWNSHIP OR CITY HAWAIIAN SECTION 19  
COUNTY GRAND TRAVERSE DATE 4-13-78

SOIL:

SOIL TYPES TO A DEPTH OF 6'

DEPTH TO GROUND WATER TABLE

NO. OF BEDROOMS <u>1</u>	NUMBER OF BATHS <u>1</u>
SEPTIC TANK SIZE <u>500</u>	LAUNDRY <u>ALWAYS</u>
TILE FIELD	DISHWASHER <u>ALWAYS</u>
TRENCH WIDTH	GARBAGE DISPOSAL <u>ALWAYS</u>
LINEAL FEET	OTHER
DRAIN BED <u>15' x 20'</u>	WATER SUPPLY:
LINEAL FEET <u>150'</u>	CITY <u>WELL</u> <input checked="" type="checkbox"/>
SQUARE FEET <u>450</u>	WELL TYPE <u>4"</u>
TILE LINES ON <u>3'</u>	DEPTH <u>410'</u>
OTHER	APPROVED

PERMIT TO INSTALL, CONSTRUCT OR REPLACE  
EXPIRES SIX (6) MONTHS AFTER DATE OF ISSUE

ISSUED TO Matt Mafers  
DATE 4-13-78 BY Frederick D. Perkins  
HEALTH DEPT REPRESENTATIVE

RECEIPT

RECEIVED 4-13-78 FOR SEWAGE DISPOSAL PERMIT  
FOR WELL PERMIT 4-13-78

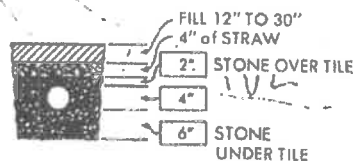
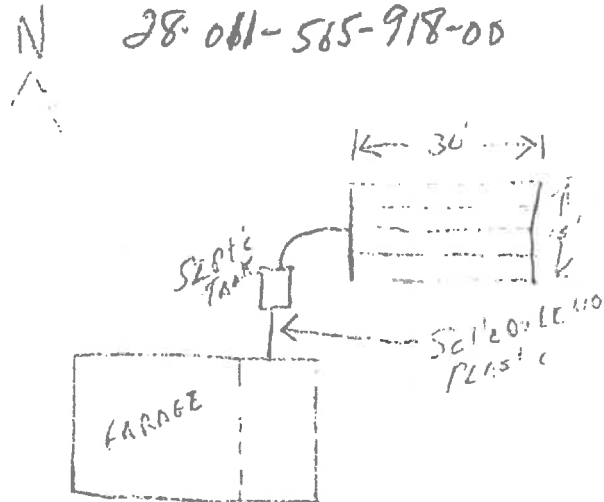
AGREEMENT

I HEREBY AGREE TO COMPLY WITH REQUIREMENTS OF THE SANITARY CODE FOR THE COUNTIES OF GRAND TRAVERSE, LEE LANAU AND BENZIE, AND THE APPLICABLE LAWS OF THE STATE OF MICHIGAN IN THE INSTALLATION OF A SEPTIC TANK SEWAGE DISPOSAL SYSTEM &/OR WELL INSTALLATION ON THE ABOVE DESCRIBED PROPERTY, AND TO CONSTRUCT THE SAME ACCORDING TO THE PLANS AND SPECIFICATIONS AS DESCRIBED AND APPROVED ABOVE; OTHERWISE I UNDERSTAND, THE PERMIT WILL BE VOID

FINAL INSPECTION REQUIRED BEFORE COVERING. ONE DAY NOTICE SHALL BE GIVEN FOR INSPECTION.

SIGNED

OWNER OR AGENT



ALLOW 1" SLOPE PER 50 FOOT OF TILE  
1/2 - 1 1/2 IN. DIA. CLEAN & OR WASHED STONE  
4" OF STRAW TO BE PLACED OVER STONE

## ISOLATION DISTANCES FOR PRIVATE HOMES:

SEWAGE DISPOSAL SYSTEM SHALL BE LOCATED AT LEAST 50 FEET FROM ANY POTABLE WATER SUPPLY, WELL, SPRING, OR UNPROTECTED WATER SUCTION LINE. BURIED OR UNEXPOSED SEWERS OR PIPES THROUGH WHICH SEWAGE MAY BACK UP SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET FROM ANY POTABLE WATER WELL OR SUCTION PIPE. SUCH SEWERS OR PIPES SHALL BE CONSTRUCTED OF CAST IRON OR OTHER APPROVED (HEALTH DEPT.) MATERIAL.

## CERTIFICATE OF INSPECTION (PERMIT TO COVER)

SEWER \_\_\_\_\_ SEPTIC TANK \_\_\_\_\_

FINAL DISPOSAL \_\_\_\_\_ ISOLATION DIST. \_\_\_\_\_

NOTES Completed 4-27-78

INSPECTION BY \_\_\_\_\_ APPROVED \_\_\_\_\_

CONTRACTOR Travis Bay Good NOT APPROVED \_\_\_\_\_

APPROVAL OF A PLAN AND THE INSTALLATION CANNOT BE CONSIDERED BY THE OWNER AS A GUARANTEE THAT SUCCESSFUL OPERATION IS ASSURED. THERE ARE MANY WAYS A SYSTEM CAN BE ABUSED CAUSING FAILURE.

## WATER WELL RECORD

ACT 294, PA 1965

MICHIGAN DEPARTMENT  
OF  
PUBLIC HEALTH

## 1 LOCATION OF WELL

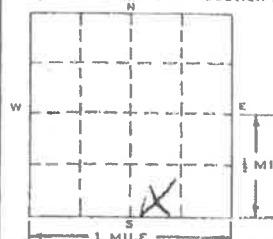
County Grand Traverse Township Name Benjamin Fraction NW 1/4 Section Number 19 Town Number 29 Range Number 10

Distance And Direction from Road Intersections

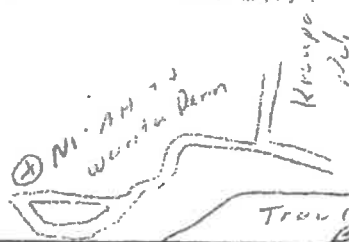
1 1/2 mi. W of Kropf's Rd on  
MI-NAWAWA Pkwy.

Street address &amp; City of Well Location

Locate with "X" in section below



Sketch Map:



2

## FORMATION

THICKNESS  
OF  
STRATUMDEPTH TO  
BOTTOM OF  
STRATUM

SAWD - Stone	17	17
WATER SAWD	7	24
Clay	6	30
WATER SAWD	17	47

## 3 OWNER OF WELL:

Address

Matthew MeyersTraverse City, Mich.

## 4 WELL DEPTH: (completed) Date of Completion

47 ft. 7-22-77

5 ☐ Cable tool ☐ Rotary ☐ Driven ☐ Dug  
☐ Hollow rod ☐ Jetted ☒ Bored ☐

6 USE: ☒ Domestic ☐ Public Supply ☐ Industry  
☐ Irrigation ☐ Air Conditioning ☐ Commercial  
☐ Test Well ☐

7 CASING: Threaded ☒ Welded ☐ Height: Above/BelowDiam. 4 in. Surface 1 ft.Weight 44 lbs./ft.Drive Shoe? Yes ☐ No ☒

## 8 SCREEN:

Type: S.S. Dia.: 4"Slot/Groove 0.010 Length 5'Set between 41 1/2 ft. and 47 ft.

Fittings:

## 9 STATIC WATER LEVEL

17 ft. below land surface

## 10 PUMPING LEVEL below land surface

       ft. after        hrs. pumping        g.p.m.       ft. after        hrs. pumping        g.p.m.

## 11 WATER QUALITY in Parts Per Million:

Iron (Fe)        Chlorides (Cl)       Hardness        Other       12 WELL HEAD COMPLETION: ☐ In Approved Pit☒ Pitless Adapter ☒ 12" Above Grade13 Well Grouted? ☒ Yes ☐ No☐ Neat Cement ☐ Bentonite ☒ 3 AWGDepth: From        ft. to        ft.

## 14 Nearest Source of possible contamination

50 feet        Direction        Type       Well disinfected upon completion ☒ Yes ☐ No

## 15 PUMP:

☐ Not installedManufacturer's Name 19-11Model Number 117 HP 1/2 Volts 115Length of Drop Pipe 31 ft. capacity 17 G.P.M.Type: ☒ Submersible☐ Jet☐ Reciprocating

USE A 2ND SHEET IF NEEDED

## 16 Remarks, elevation, source of data, etc.

## 17 WATER WELL CONTRACTOR'S CERTIFICATION:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

REGISTERED BUSINESS NAME       REGISTRATION NO.       Address 10725 Glenview Dr. N.E. TC.Signed       

AUTHORIZED REPRESENTATIVE

Date 8-11-77

# GRAND TRAVERSE, LEE LANAU & BENZIE DISTRICT HEALTH DEPARTMENT

10767 TRAVERSE HIGHWAY  
TRAVERSE CITY, MICHIGAN 49684  
PHONE 947-2460

BENZIE MEDICAL  
CARE FACILITY  
FRANKFORT, MICHIGAN 49635  
PHONE 352-9634

NO. 11165

SEWAGE PERMIT ☒  
WELL PERMIT ☐

DIAGRAM

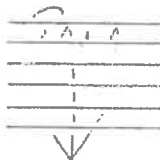
28-011-565-918-00

Call - 323-7182

OWNER MATTHEW MYERS  
ADDRESS P.O. Box 646 PH. 665-7794  
TYPE OF ESTABLISHMENT CABIN NEW ☐ EXISTING ☐  
LOCATION 111 - 17 - 714 - KIANA  
TOWNSHIP OR CITY LEE LANAU SECTION 1  
COUNTY GRAND TRAVERSE DATE 8-23-76

SOIL:

SOIL TYPES TO A DEPTH OF 6'



DEPTH TO GROUND WATER TABLE

NO. OF BEDROOMS 3 ✓ COMPLETE PLUMBING YES ✓  
SEPTIC TANK SIZE 1200 NUMBER OF BATHS 1 ✓  
TILE FIELD NO LAUNDRY NO ✓  
TRENCH WIDTH NO DISHWASHER NO ✓  
LINEAL FEET NO GARBAGE DISPOSAL NO ✓  
OTHER NO  
DRAIN BED NO  
LINEAL FEET NO WATER SUPPLY:  
SQUARE FEET NO CITY NO WELL YES  
TILE LINES ON 3 WELL TYPE 4" Submersible  
OTHER NO DEPTH 40'  
APPROVED \_\_\_\_\_

PERMIT TO INSTALL, CONSTRUCT OR REPLACE  
EXPIRES SIX (6) MONTHS AFTER DATE OF ISSUE

ISSUED TO Matthew Myers  
DATE 8-24-76 BY Elisabeth L. Linder  
HEALTH DEPT REPRESENTATIVE

RECEIPT

RECEIVED 8-24-76 FOR SEWAGE DISPOSAL PERMIT  
8-24-76 FOR WELL PERMIT

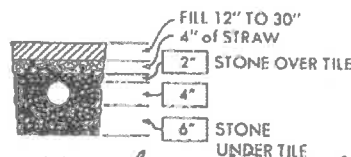
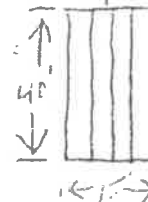
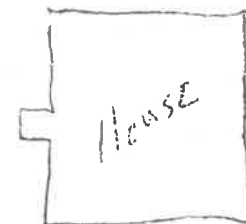
AGREEMENT

I HEREBY AGREE TO COMPLY WITH REQUIREMENTS OF THE SANITARY CODE FOR THE COUNTIES OF GRAND TRAVERSE, LEE LANAU AND BENZIE, AND THE APPLICABLE LAWS OF THE STATE OF MICHIGAN IN THE INSTALLATION OF A SEPTIC TANK SEWAGE DISPOSAL SYSTEM &/OR WELL INSTALLATION ON THE ABOVE DESCRIBED PROPERTY, AND TO CONSTRUCT THE SAME ACCORDING TO THE PLANS AND SPECIFICATIONS AS DESCRIBED AND APPROVED ABOVE; OTHERWISE I UNDERSTAND, THE PERMIT WILL BE VOID

APPLICANT'S SIGNATURE (OWNER OR HIS REPRESENTATIVE)

FINAL INSPECTION REQUIRED BEFORE COVERING. ONE DAY NOTICE SHALL BE GIVEN FOR INSPECTION.

SIGNED Matthew Myers  
OWNER OR AGENT



ALLOW 1" SLOPE PER 50 FEET OF TILE  
1/2 - 1 1/2 IN. DIA. CLEAN & OR WASHED STONE  
4" OF STRAW TO BE PLACED OVER STONE

New house being built other one burned down. Now to be the same size. Inspected 4-10-78 F.D.C.

ISOLATION DISTANCES FOR PRIVATE HOMES:

SEWAGE DISPOSAL SYSTEM SHALL BE LOCATED AT LEAST 50 FEET FROM ANY POTABLE WATER SUPPLY, WELL, SPRING, OR UNPROTECTED WATER SUCTION LINE. BURIED OR UNEXPOSED SEWERS OR PIPES THROUGH WHICH SEWAGE MAY BACK UP SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET FROM ANY POTABLE WATER WELL OR SUCTION PIPE. SUCH SEWERS OR PIPES SHALL BE CONSTRUCTED OF CAST IRON OR OTHER APPROVED (HEALTH DEPT.) MATERIAL.

CERTIFICATE OF INSPECTION  
(PERMIT TO COVER)

SEWER \_\_\_\_\_ SEPTIC TANK \_\_\_\_\_

FINAL DISPOSAL \_\_\_\_\_ ISOLATION DIST. \_\_\_\_\_

NOTES Completed 8-24-76

INSPECTION BY \_\_\_\_\_ APPROVED \_\_\_\_\_

CONTRACTOR Myers & Sons Co NOT APPROVED \_\_\_\_\_

APPROVAL OF A PLAN AND THE INSTALLATION CANNOT BE CONSIDERED BY THE OWNER AS A GUARANTEE THAT SUCCESSFUL OPERATION IS ASSURED. THERE ARE MANY WAYS A SYSTEM CAN BE ABUSED CAUSING FAILURE.

# Exhibit E

# 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 MATT + KERRAN MYERS  
Address Line 1 625 TUCKER PT, TVL, MI 49686  
Address Line 2 701 TUCKER PT, TVL, MI 49686  
Phone \_\_\_\_\_ Cell 231 392 3503 / 231 392 3555  
E-mail MATT@M22.COM / K@M22.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 11-565-925-55 Zoning R1B  
Address Line 1 701 TUCKER PT, TVL, MI 49686  
Address Line 2 \_\_\_\_\_

### Type of Request

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

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

### Attachments

- ☒ <sup>(gr)</sup> \$1,000.00 application fee
- ☒ Basic Conditions Worksheet
- ☒ Site plan drawn to scale showing the following:
- Property boundaries; Shoreline properties must show the Ordinary High Water Mark on a certified survey, and the Flood Elevation Line (3 feet above OHWM) if any;
  - All existing and proposed structures including decks and roof overhangs;
  - Setbacks for existing and proposed structures (varies by zoning district).
- ☒ ~~NA~~ 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: YES, LOT IS TOO NARROW. EXISTING  
STRUCTURE BUILT IN 1977.

- 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: YES, EXISTING STRUCTURE. NON-EXISTANT  
PLATTED ROAD IS THE ISSUE.

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

Is this condition met? Please explain: YES, TRUE HARDSHIP.

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

Is this condition met? Please explain: YES, NEAHTAWANTA PLAT NEEDS  
UPDATED TO MEET CURRENT STRUCTURES + USES.

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

Is this condition met? Please explain: YES, OUR FAMILY OWNS ALL  
HOUSES + BUILDABLE OPTIONS SURROUNDING PARCEL.  
NO OTHER FAMILY / NEIGHBOR / PUBLIC WILL BE  
IMPACTED IN ANY WAY.

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

Is this condition met? Please explain: YES.



### Image/Sketch for Parcel: 11-565-925-55



**\*\*Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

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**Image/Sketch for Parcel: 11-565-925-55**

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# **ZBA Case #912**



# PENINSULA TOWNSHIP

## MEMO

**To:** Zoning Board of Appeals  
**From:** Jenn Cram, AICP, Director of Planning and Zoning  
**Date:** December 13, 2023  
**Re:** Zoning Board of Appeals Request No.912 – Luke C Miller Appeal

---

As noted on the December 19, 2023, Zoning Board of Appeals regular meeting agenda, a public hearing is scheduled for Request No. 912 for the Luke C. Miller appeal to the zoning administrator's determination that concrete crushing is a heavy industrial use or activity and not allowed within the A-1 – Agricultural District.

Staff and legal counsel requested additional information from the applicant on December 5, 2023, to assist with understanding of the facts related to the use/activity of crushing concrete on the subject property and the requested appeal. The applicant has provided some of the requested information, but not all the information. Staff and legal counsel believe that additional information is necessary for us to complete the findings of fact and to provide the board with the details needed to make an informed decision.

Staff and legal counsel therefore respectfully request that the board make a motion to table the item to the January 16, 2024, regular meeting.

To allow staff and legal counsel adequate time to review all information and complete the findings of fact for the January 16 packet, we would like to receive all requested information no later than noon on January 3, 2024.

The applicant has been informed of this request. Both staff and legal counsel will be available during the December 19, 2023, meeting to answer any questions.

# Minutes

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686  
Ph: 231.223.7322 Fax: 231.223.7117  
[www.peninsulatownship.com](http://www.peninsulatownship.com)

## PENINSULA TOWNSHIP ZONING BOARD OF APPEALS MINUTES

November 21, 2023  
7:00 p.m.

1. **Call to Order** by Dolton at 7:00 p.m.
2. **Pledge**
3. **Roll Call** Dolton, Dloski, Dunn, Cram-Director of Planning and Zoning, Patterson-township attorney. Absent-Wahl, Ammerman
4. **Approval of Agenda** Dloski moved to approve the agenda with a second by Dunn. **Approved by consensus**
5. **Conflict of Interest** None
6. **Brief Citizen Comments – (for items not on the Agenda)**
7. **Business:**

**Dolton:** lacking a full board member attendance tonight, the applicant has requested we postpone and table this request to the next meeting on December 19, 2023.

**Dunn moved to table request No. 911 until December 19, 2023 with a second by Dloski.**

**Approved by consensus.**

### **1. Public Hearing for Request No. 911, Zoning = R-1B – Coastal Zone**

**Applicant/Owner: Matthew B Myers & Keegan L Myers, 625 & 701 Tucker Point, Traverse City, MI 49686**

**Property Address: 707 Tucker Point, Traverse City, MI 49686**

1. Requesting to replace an existing two (2) story non-conforming structure per Section 7.5.6.
2. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling .5-feet from the front property line, where 30-feet is required.
3. Requesting a variance from Section 6.8 of the Zoning Ordinance to construct a new garage and dwelling, 12.6-feet from the rear property line, where 30-feet is required.
4. Requesting a variance from Section 6.8 of the Zoning Ordinance to exceed the maximum lot coverage of 15% up to 18%.

Parcel Code # 28-11-565-925-55

8. **Approval of Minutes from the August 1, 2023 Special Meeting** \_Dloski moved to approve the minutes with a second by Dunn. **Approved by consensus**

9. **Citizen Comments** None

10. **Board Comments Cram-** I have two additional completed applications in addition to the request just tabled. Additionally, there is another request set for January, 2024. What is the board's thinking on this schedule?

**Dolton:** my thinking is we should not start a new request after 10:00 p.m. If we have started a request and it runs past 10:00 p.m., it needs to be completed. Ten o'clock seems like a reasonable time as the board has had 3 hours of discussion.

**Dloski:** it does not seem fair a petitioner might sit here for 3 hours and not get heard. Maybe what we can do is limit the number of applications for each meeting. If an applicant has 4 variance requests within an application, we know this probably will take longer.

**Cram:** is the board open to having a special meeting in addition to the regularly scheduled meeting in January?

All board members stated yes.

**Dloski moved to limit the number of ZBA cases heard in a meeting to 2 with a second by Dunn. Approved by consensus**

11. **Adjournment** \_Dloski moved to adjourn with a second by Dunn. **Approved by consensus**  
Adjourned at 8:15 p.m.