

Peninsula Township Variance Application

Application Guidelines

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

1. Zoning Board of Appeals (ZBA) applications are available from the Peninsula Township Planning & Zoning Department, 7:30 a.m. to 6:30 p.m., Monday, and 7:30 a.m. to 5:00 p.m. Tuesday through Thursday, or online at www.peninsulatownship.com/zoning.
2. **Applications must be submitted to the Planning & Zoning Department at least four (4) weeks prior to the ZBA meeting. Twelve (12) copies must be submitted.**
3. If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.
4. It is the applicant's responsibility to review and address the appropriate sections of the Zoning Ordinance prior to submission.
5. It is the applicant's responsibility to ensure that the application is complete upon submission. **Planning and Zoning Department staff will determine and confirm with the applicant that the application is complete.** An incomplete application will not be considered for review by the ZBA.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
8. The applicant will receive a notice of the public hearing in the mail and is expected to attend the meeting.
9. ZBA meetings are held on the third Tuesday of every month, beginning at 7:00 p.m. in the Township Hall, 13235 Center Road, Traverse City, MI 49686.
10. If the variance(s) are granted, **construction authorized by such variance(s) must begin within six (6) months after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance must take place within one (1) year after the granting of the variance.**
11. If the variance(s) are granted, construction authorized by such variance(s) must comply with all other necessary permits. **A variance is independent from, and does not substitute for, all other permits.**
12. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

OFFICE USE ONLY

Date Received:

Fee Received:

Board Action:

Date Complete:

Meeting Date:

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 Richard M and Dianne L. Frank
Address Line 1 7215 Peninsula Drive
Address Line 2 Traverse City, MI 49686
Phone 248-925-9464 Cell same
E-mail richardmfrank@aol.com

Owner: Name same
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 11-325-036-00 Zoning R-1C
Address Line 1 7215 Peninsula Drive
Address Line 2 Traverse City, MI. 49686

Type of Request

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

- Front Yard Setback Side Yard Setback Rear Yard Setback
 Width to Depth Ratio Lot Coverage Off-Street Parking
 Signage Height/Width Non-Conformity Expansion
 Other: Please Describe: Lake OHW 35' Setback

Attachments

- \$1,200.00 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.

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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

Our house was built in the 1962 and is located on a shallow lot along West Bay. The person who bought our house in 1974 confirmed that the deck area under discussion for this request existed when they bought the house and she believed that the deck was there since the house was built. The layout of the deck is strongly integrated into the house design including coordination with roof overhang or portico structure. The main deck area is naturally located around 3 sides of the house and extended toward a detached garage. A ~8' deck runs along the lake side of the house providing seating areas and access to exit doors from the bedrooms. The entire deck is at the upper (street) level of the house and varies between 4' and 10' above grade.

The deck is aged, in need of structural repair, safety improvements, and update to current building codes. The house itself is within the OHW 60' setback and the deck along the water side encroaches the OHW 35' setback. The house is also located close to the north property line generating a side setback non-conformity. The shallow lot and house footprint generates a front setback non-compliance.

We are requesting to rebuild the deck including new supporting structure on the south and west sides following the existing footprint except for changes highlighted on the attached site plan. We are requesting the Variance Approvals under Section 7.5.6 Moving or Replacing Non-conforming Structure.

Proposed Modifications to existing footprint resulting in net less non-conforming:

- 1. Shortening the deck on the roadside to match corner of the house (less non-conforming)*
- 2. Shortening the deck on the north end/lake side to match the corner of the house (less non-conforming)*
- 3. Widening the passage to the deck connecting the bedrooms for safety, utility, and aesthetics (symmetric with other side). Change from 2' to 4' wide (more non-conforming)*

The net area change of these modifications is -10.8 ft² (less non-conforming)

Safety improvements:

1. *Replace railing that is not conforming to code (opening spacing) replaced with conforming railing: glass along lakeside, balusters against garage side and on stairs.*
2. *Lighting for stairs.*
3. *Elimination of 2 steps in the deck surface.*
4. *Elimination of trip hazards due to deck boards warping.*
5. *Widening passage to deck in front of bedrooms (improved egress).*
6. *Replacing weakened structure (see attached pictures).*

Note: additional considerations for decks within the OHW 5.7.3 (3) and Replacing Non-conforming Structure 7.5.6 are included at the end of this application.

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: _____

The situation is a result of the original parcel size and house placement on the shallow lot. As a result, the deck infringes on 3 setbacks. These conditions were established before 1972 and thus are legally non-conforming.

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 _____

Strict compliance would not allow a connecting deck along the water and street sides of the house thereby preventing foot traffic and safety egress. Two emergency egress exits from bedrooms facing the water would not be accessible. The deck on the roadside provides direct access to the detached garage.

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 _____

The deck along the west (water) side of our house is used for safety egress from bedrooms, circulation, and seating. We have seating in different sections that allows for enjoying sunsets and entertaining. A narrower deck than what is currently present would seriously curtail seating along the west side of the house overlooking the water. The deck area is an integral part of the overall house and roof design making aesthetic considerations very relevant. Section 7.5.6

allows for "the continued intensity of residential use of the lot is substantially the same as in the pre-existing structure".

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

The deck is well matched to the house layout and replacement would not have adverse impacts to surrounding property. If anything, the replacement of the deck would give the house a more modern and aesthetically pleasing design that can only improve property values.

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: _____

No change in allowed use.

6.2.2 (2)(d)2a. i (distance from 35' OHW), iii (15' side setback), iv (<30" above ground) not met.

Section 7.5.6 for Replacing Non-Conforming Structure applies: "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".

Owner Assessment of Conditions for 7.5.6 Moving or Replacing Non-Conforming Structure

- 1) **Less Non-Conforming: Met.** Condition met by following existing footprint with modifications proposed resulting in a reduction in non-conforming deck area (see attached marked up site plan).
- 2) **Increased Safety: Met.** See safety improvements in above question a)
- 3) **Safety and Substantial Justice: Met.** Deck will be built to modern standards and building codes by licensed decking company (Renewit Decks and Outdoor Living)
- 4) a) **Structure not likely to be damaged by high water: Met.** Deck supporting columns will be located like today. Engineering of supporting columns will be the responsibility of a licensed decking company.
b) **No detriment to adjacent properties: Met.** No impact to adjacent properties other than an improvement in appearance.
c) **Shoreline vegetation: Met.** No change to shoreline vegetation required.
d) **Sea Walls: n/a** There is an existing sea wall but it is not affected by this application.

Owner Assessment of 5.7.3 (3) Additional Conditions in Determining Variances for Decks ... within the GLOHWM setback.

- a) **Physical characteristics of waterfront property: Met.** See pictures and renderings. The deck is a critical element of our property with safety, utility, and aesthetic value.
- b) **Proximity to roadway: No change from current.**

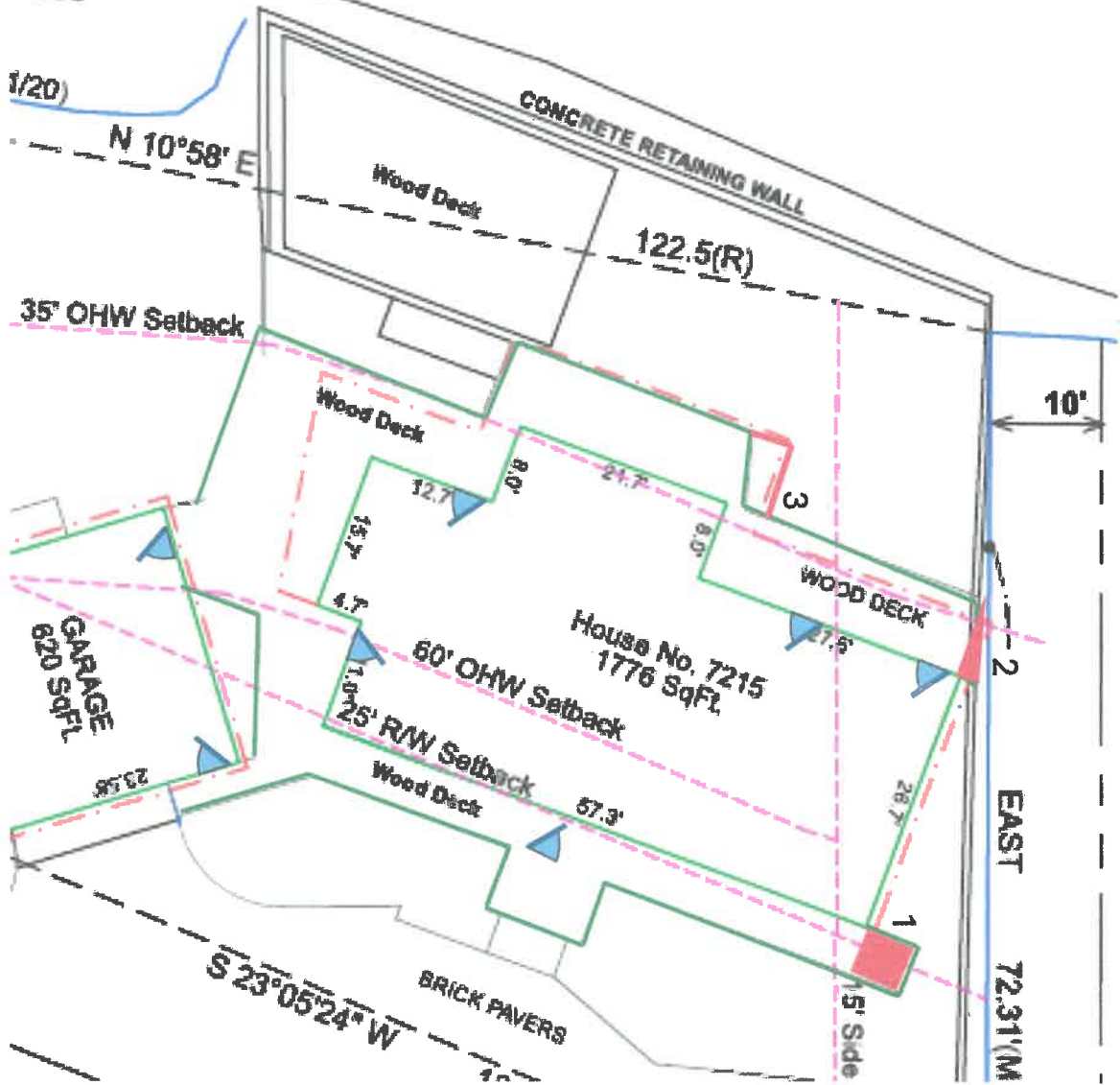
- c) **Obstruction of public view:** *Minor improvement in public view of the water by eliminating deck extending past house to north.*
- d) **Exposure to damage by the elements: Met.** *Structure of deck will be within or on perimeter wall.*
- e) **Aesthetics:** *Notable improvement in aesthetics with modern deck, glass railing and clean design. In fact, not recreating the original deck footprint would have a strong negative effect on aesthetics given the integration of the deck design with the house and roof overhangs or portico. See pictures and renderings from deck company attached.*

Attachments:

1. *Site plan from Michigan Geomatics*
2. *Marked up site plan showing changes in deck footprint*
3. *Assessor Site Plan from file*
4. *Preliminary Deck Layout from Renewit Decks & Outdoor Living*
5. *Photos of house. Upper left is drone shot.*
6. *Photos of house.*
7. *Rendering of new deck, lake view*
8. *Rendering of new deck, lake view*

TRaverse BAY

35 (8/31/2020)
USGS



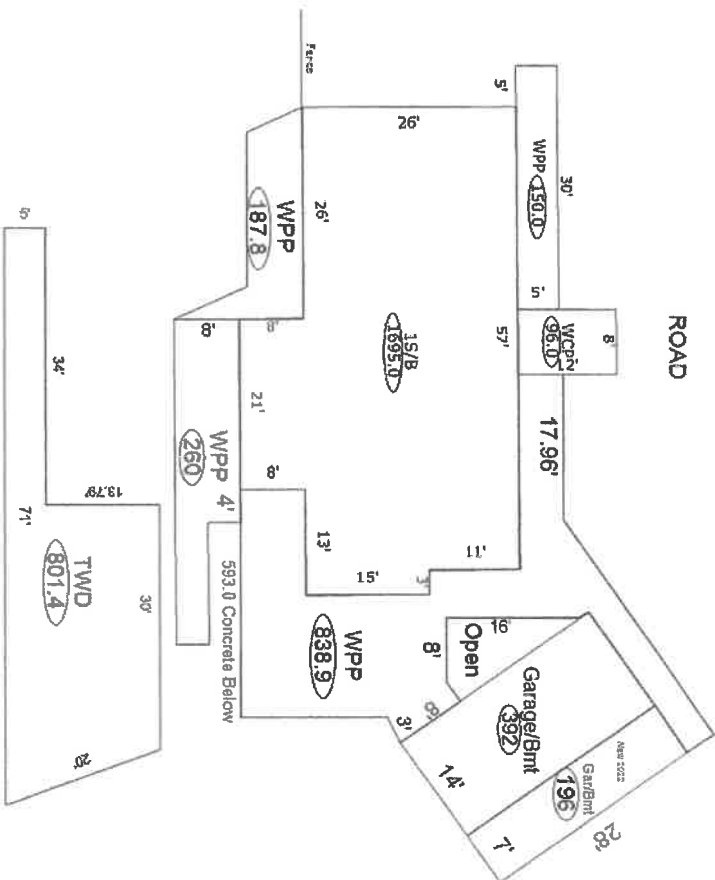
- Existing Deck
- Proposed Changes:
- 1) Reduce to corner -26.9 ft²
- 2) Reduce to corner -6.7 ft²
- 3) Add to widen +22.8 ft²
- Net Area Change -10.8 ft²
- ▲ Doors Exiting to Deck

Site-plan mark-up of
deck footprint

Assessor Site Plan

Parcel Number: 2811-325-036-00, Residential Building 1

Printed on 02/10/2026



*** Information herein deemed reliable but not guaranteed***





Rendering of Proposed Deck



Rendering of Proposed Deck

