

MINUTES
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS
8870 N. LONG LAKE ROAD
TRAVERSE CITY, MI 49684

REGULAR MEETING

TUESDAY, OCTOBER 6, 2009

1. CALL TO ORDER: The meeting was called to order by Chairman Geerlings at 7:00 p.m. at the Long Lake Township Hall.
2. ROLL CALL: Board members present: Jim Johnson (alternate for Ron Lautner), Max Bott (alternate for John Linnerson), Bill Kaupas, Howard Geerlings and Mark Humitz

Township Staff present: Shirley Mesch, Zoning Administrator, and Sara Kopriva, Recording Secretary.

Also present were three members of the public

3. MINUTES: SEPTEMBER 1, 2009 (REGULAR MEETING) There being no concerns, Motion by Kaupas, seconded by Humitz to approve the minutes of the September 1, 2009 meeting as presented. Carried
4. AGENDA: There being no concerns, Motion by Humitz, seconded by Kaupas to approve the agenda as presented. Carried
5. CONFLICT OF INTEREST STATEMENT: None stated.
6. PENDING BUSINESS: None
7. NEW BUSINESS – PUBLIC HEARING:
 - A) ZBA 10-09-02, RUSSELL MCNAMARA (OWNER), 7752 GINGERWOOD DRIVE, TRAVERSE CITY, MI 49684, PROPERTY ID. NO. 28-08-295-011-00, LOT 11, AND PART OF LOT 10, PINWOOD POINT, SEC. 26, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS OWNER ABOVE. PURPOSE: TO REQUEST A 9'6" VARIANCE FROM THE REQUIRED 30-FOOT CORNER FRONT YARD SETBACK ON THE NORTH SIDE OF THE PROPERTY AND

A 2-FOOT VARIANCE FROM THE REQUIRED 10-FOOT SETBACK FROM AN EXISTING MAJOR DETACHED ACCESSORY BUILDING PER LONG LAKE TOWNSHIP ZONING ORDINANCE #60, AS AMENDED, ARTICLE 4 – GENERAL PROVISIONS, SECTION 4.21, NON-CONFORMING CORNER LOTS OF RECORD. TO ENABLE THE CONSTRUCTION OF AN 8' X 11' ONE-STORY ADDITION TO AN EXISTING SINGLE FAMILY DWELLING. THIS PARCEL IS LOCATED WITHIN AN R-2, LAKE RESIDENTIAL DISTRICT.

- 1) OPEN PUBLIC HEARING: The Public Hearing was opened by Chairman Geerlings at 7:00 pm
- 2) CONFLICT OF INTEREST: None stated
- 3) PRESENTATION OF REQUEST, AS RECEIVED BY STAFF: Mesch presented the application and stated the Pinewood Point Plat was approved in November 1971. The lots in Pinewood Point are legal non-conforming lots platted prior to the adoption of the Township Zoning Ordinance, adopted May 8, 1979. Mesch referred the Board members to the General Findings of Fact, as provided to the Board. A copy is attached to these minutes
- 4) PRESENTATION BY APPLICANT: Russell McNamara explained the proposed project, which is a small addition to an existing bedroom, is to allow for a walk-in closet and a wheelchair accessible shower. Mr. McNamara explained that the house was built prior to zoning and the ingress/egress easement was approved on the North property line of his property, for access to other lots. This easement increased the required setback from fifteen feet to thirty feet. The addition would not be any closer to the property line than the existing house or detached accessory building.
- 5) PUBLIC COMMENT: One member of the public spoke in favor of the variance. Kaupas asked that a discussion about easements happen later on the agenda. Geerlings added the item under 9. C.
- 6) CLOSE PUBLIC HEARING: There being no further public comment, the Public Hearing was closed by Chairman Geerlings at 7:13pm.
- 7) DISCUSSION BY BOARD MEMBERS: After review by the Board members, Motion by Humitz, seconded by Kaupas to accept the General Findings of Facts as presented. Carried.
- 8) DECISION by the Board members.

FINDINGS OF FACT UNDER SECTION 23.04.3.a OF THE ZONING ORDINANCE

The Board made the following findings of fact as required by Section 23.04.3.a of the zoning ordinance for each of the following standards listed in that section:

1. That the need for the requested 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.

- a. The Board finds that this request is a unique circumstance because the easement was added in 1987 on the North of the property and after the house was built.
2. That the need for the requested variance is not the result of actions of the property owner (self-created) or previous property owners.
 - a. The Board finds that the structures existed prior to being deemed a corner lot.
3. That strict compliance with area, setback, frontage, height, bulk, density or other dimensional 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 unreasonably burdensome.)
 - a. The Board finds that strict compliance to setbacks would be burdensome and the addition is not any more non-conforming than the existing house.
4. That the requested variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation that [than] applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - a. The Board finds that the variance will do substantial justice to the applicant.
5. That the requested variance will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood.
 - a. The Board finds that the variance will not cause adverse impacts.
6. That the requested variance will not permit the establishment within a district any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.
 - a. The Board finds that this not applicable for the variance.

Having complete their review and Findings of Fact, it was moved by Humitz, seconded by Bott to grant the 9' 6" corner lot setback

variance for a 8' x 11' one-story addition to the existing single family dwelling and a 2 foot setback variance from the detached accessory building. Carried.

- B) ZBA 10-09-03, MOSCHOVICH HOLDINGS, LLC (OWNER), 7270 N. LONG LAKE ROAD, TRAVERSE CITY, MI 49684, PROPERTY ID. NO. 28-08-011-023-11, SEC. 11, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS OWNER ABOVE. PURPOSE: TO REQUEST A 9 SQUARE-FOOT SIGN VARIANCE FROM THE MAXIMUM SIGN DISPLAY AREA OF 16 SQUARE-FEET ALLOWED IN THE LONG LAKE TOWNSHIP ZONING ORDINANCE #60, AS AMENDED, ARTICLE 16 – SIGNS, SECTION 16.7, LOCAL BUSINESS (C1) . TO ENABLE THE CONSTRUCTION OF AN 4.5'H X 5.5'W (24.75 SQUARE-FOOT) BUSINESS IDENTIFICATION SIGN AT FIELDSTONE DELI. THIS PARCEL IS LOCATED WITHIN A C-1 LOCAL BUSINESS DISTRICT.

- 1) OPEN PUBLIC HEARING: The Public Hearing was opened by Chairman Geerlings at 7:20 pm
- 2) CONFLICT OF INTEREST: None stated
- 3) PRESENTATION OF REQUEST, AS RECEIVED BY STAFF: Mesch presented the application and stated that the property is zoning C-1. Local Business. Signs are allowed a maximum of sixteen (16)square feet sign area. The applicant would like to add a changeable letter sign to his sign. Mesch referred the Board member to the General Findings of Fact, as provided to the Board. A copy is attached to these minutes
- 4) PRESENTATION BY APPLICANT: Tom Maschavich, owner of the Fieldstone Deli, explained that 16 square feet was not adequate enough to allow for some changeable messages at the bottom of his sign. The changeable messages would better allow him to be able to promote and grow his business. He is planning on moving the sign from its current location and changing the orientation perpendicular to North Long Lake Road. This change should provide better visibility for his business. The sign will be located the same distance from the road as the existing sign. The changeable signage will allow him to let his customers know that he has added WiFi, a large screen TV, etc.
- 5) PUBLIC COMMENT: There was no public comment.
- 6) CLOSE PUBLIC HEARING: There being no further public comment, the Public Hearing was closed by Chairman Geerlings at 7:29pm.
- 7) DISCUSSION BY BOARD MEMBERS: After review by the Board members, Motion by Kaupas, seconded by Humitz to accept the General Findings of Fact as presented. Carried.
- 8) DECISION by the Board members.

FINDINGS OF FACT UNDER SECTION 23.04.3.a OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 23.04.3.a of the zoning ordinance for each of the following standards listed in that section:

1. That the need for the requested 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.
 - a. The Board finds that this property is a typical commercial lot.
 - b. The Board finds that there is nothing unique about the lot.
2. That the need for the requested variance is not the result of actions of the property owner (self-created) or previous property owners.
 - a. The Board finds that the variance is to increase visibility.
 - b. The Board finds that the Zoning Ordinance allows the owner to place an additional 16 square foot sign on the building, providing wall signage which if utilized could increase visibility of the commercial business.
3. That strict compliance with area, setback, frontage, height, bulk, density or other dimensional 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 unreasonably burdensome.)
 - a. The Board finds that strict compliance with the Zoning Ordinance will not unreasonably affect the property owner.
4. That the requested variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation that [than] applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - a. The Board finds that the sign will not affect the traffic vision area.
5. That the requested variance will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood.
 - a. The Board finds that this is not applicable for this variance.

6. That the requested variance will not permit the establishment within a district any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

a. The Board finds that this not applicable for the variance.

Having complete their review and Findings of Fact, it was moved by Kaupas, seconded by Humitz to deny the request for a 9 square foot sign variance. Vote was 4 yes, 1 no. Motion Carried.

8. PUBLIC COMMENT: There was none.

9. REPORTS

A. PLANNING COMMISSION REPRESENTATIVE

Humitz stated that the Planning Commission is in the process of finishing up the draft Zoning Ordinance. There will be a study session on October 15, a joint meeting with the Township Board and Planning Commission on October 27 and a possible public hearing set in November. Humitz asked for a red lined copy of the Zoning Ordinance to be able to compare the current Ordinance to the draft.

Humitz did bring up to the Planning Commission the Zoning Board of Appeals concerns with the minimum core living area increase from 20' X 20' to 24' X 24'. There was discussion at the Planning Commission about leaving the core living area at 20' x 20' but increasing the minimum square foot requirements. Humitz strongly encouraged the Zoning Board of Appeals members to review the draft.

B. ZONING ADMINISTRATOR

Mesch included the Zoning Report in the packets and stated that the assessor has found many additions during the assessor's review of the properties. Mesch is requiring land use permits be obtained for structures built without a permit.

C. DISCUSSION ABOUT EASEMENT FROM CASE ZBA 10-09-02

Kaupas was concerned about the easement that ran on the North property line for the lots in Pinewood Point and asked how the setbacks were applies to the properties. The yard facing the easement would have to comply with front yard setbacks. Mesch is going to sit down with Assessor, Supervisor and Township Attorney to determine if there is a different way to address these types of situations.

10. CORRESPONDENCE: None

Long Lake Township Zoning Board of Appeals
Minutes-of Regular Meeting
Tuesday, October 1, 2009

11. ADJOURNMENT: There being no further business, Motion by Kaupas, seconded by Humitz to adjourn the regular meeting at 8:14 pm. Carried.

RON LAUTNER, SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

SARA KOPRIVA, RECORDING SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ADOPTION.