

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

REGULAR MEETING

TUESDAY, JULY 7, 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: Mark Humitz, Howard Geerlings, John Linnerson, Bill Kaupas, and Ron Lautner.

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

Also present were ten members of the public.

3. MINUTES: JANUARY 6, 2009 (REGULAR MEETING) There being no concerns, Motion by Linnerson, seconded by Kaupas to approve the minutes of the January 6, 2009 meeting as presented. Motion Carried.
4. AGENDA: There being no concerns, Motion by Lautner, seconded by Humitz to approve the agenda as presented. Carried
5. CONFLICT OF INTEREST STATEMENT: None stated.
6. PENDING BUSINESS: None
7. NEW BUSINESS:

A) ELECTION OF OFFICERS

Moved by Kaupas supported by Linnerson to nominate and elect, if they are willing to continue to serve, the present officers, those being Chairman Geerlings, Vice Chairman-Humitz, and Secretary-Lautner, Motion carried. (Geerlings, Humitz and Lautner all agreed to serve as elected)

- B) ZBA 07-09-01, ROBERT & LINDA BEESLEY (OWNERS), PO BOX 2085, SOUTHGATE, MI 48195, AND TIM DUNLOP (APPLICANT), 4272 SCHARMAN ROAD, TRAVERSE CITY, MI 49686, PROPERTY ID. NO. 28-08-065-007-00, LOT 6, BUCHANAN'S LONG LAKE SUBDIVISION, SECTIONS 16 7 17, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS 9882 N. LONG LAKE ROAD, TRAVERSE CITY, MI 49684. PURPOSE: TO REQUEST A 19-FOOT VARIANCE FROM THE REQUIRED 50-FOOT FRONT YARD SETBACK. TO ENABLE THE CONSTRUCTION OF A 5' X

19'4" ONE-STORY EXPANSION AND REMODEL OF THE EXISTING KITCHEN, IN CONJUNCTION WITH THE ADDITION OF AN 895 SQUARE FOOT SECOND STORY ADDITION AND OVERALL REMODEL TO AN EXISTING SINGLE FAMILY RESIDENCE. THE PARCEL IS LOCATED WITHIN AN R-2, LAKE RESIDENTIAL DISTRICT.

- 1) OPEN PUBLIC HEARING: The Public Hearing was opened by Chairman Geerlings at 7:04pm
- 2) CONFLICT OF INTEREST: None stated
- 3) PRESENTATION BY THE STAFF: Mesch presented the application and indicated that Lot 6 of Buchanan's Long Lake Sub. Is a legal non-conforming lot of record, platted prior to May 8, 1979. On the overhead projector, she showed, on a Township Map, the location of the parcel on North Long Lake Road and the plot plan that the applicant had provided with the application. 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: Bob Beesley presented the project. This house was originally built as a cabin and the family is now ready to make this their permanent residence. The addition will not be any closer to the road than the existing house.  
PUBLIC COMMENT: Three letters, supporting the variance, were received and filed with these minutes. Two (2) members of the public spoke in favor of the variance.
- 5) CLOSE PUBLIC HEARING: There being no further public comment, the Public Hearing was closed by Chairman Geerlings at 7:10pm.
- 6) DISCUSSION BY BOARD MEMBERS: After review by the Board members, Motion by Kaupas, seconded by Linnerson to accept the General Findings of Fact as presented. Carried.
- 7) 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 the house was constructed 31' from the road right-of-way prior to the Zoning Ordinance being adopted on May 8, 1979.

- b. The Board finds that the variance is because of the unique characteristics of the property
    - c. The Board finds that the variance is not due to personal or economic reasons.
  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 need is not the result of the property owner or previous property owner because the house was built prior to Zoning.
  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 none of the neighbors have issues with the addition.
    - b. The Board finds that enforcement of the 50' setback would be burdensome because the addition would not encroach into the 50 foot front yard setback any more then 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 and make the home more conducive to year around living.
    - b. The Board finds that this addition will increase the value of the property and neighboring properties.
  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 the 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 is not applicable for the variance.

Having completed their review and Findings of Fact, it was moved by Lautner, seconded by Kaupas to grant the 19 foot front yard setback variance, to provide for the 5' X 19.4' addition to the existing single family dwelling, for Zoning Board of Appeals case number ZBA 07-09-01, Robert and Linda Beesley, as presented based on the General Findings of Fact and the Board Findings of Fact. Motion Carried.

8. PUBLIC COMMENT: There was none.

9. REPORTS

A. PLANNING COMMISSION REPRESENTATIVE

Humitz stated that the Planning Commission is moving forward with the draft Zoning Ordinance and that it was now with the Township Attorney for his review. The Planning Commission is looking to have the public hearing for it in September. The Township has received a grant for tree plantings along Long Lake Township roads and the Planning Commission has been working on a plan for same. The Township Master Plan has called for a possible Village Center in the Strait and North Long Lake Road area. The Traverse Area Public Schools is in the process of preparing to build a new Long Lake Elementary School and they are looking to work with the Township to provide for some pedestrian connections with the new school and adjacent residential and commercial uses.

There was a discussion on possible ways either through the new Zoning Ordinance or a General Law Ordinance to address the growing problem of upkeep of properties, such as lawns, that are under foreclosure. Humitz will bring this up to the Planning Commission

B. ZONING ADMINISTRATOR

Mesch indicated that Land Use Permit activity has increased, including applications to address construction found by the Assessor's office as that office conducts a parcel by parcel review and updating of the property card information. Two properties in the C-2 Commercial District are now being utilized for food processing; one for Burritt's Market and one for Cherry Republic, Burritt's being an Administrative Site Plan Review and Cherry Republic being a Site Plan Review before the Planning Commission. Two former ZBA cases, which had been denied, were built anyway. Those two properties have been addressed and the property owners have "removed" the unlawful additions.

10. CORRESPONDENCE: None
11. ADJOURNMENT: There being no further business, Motion by Lautner, seconded by Humitz to adjourn the regular meeting at 7:54 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.