

ZONING BOARD OF APPEALS

**LONG LAKE TOWNSHIP
8870 NORTH LONG LAKE ROAD
TRAVERSE CITY, MI 49684**

**MINUTES
SPECIAL MEETING**

TUESDAY, NOVEMBER 16, 2010

1. CALL TO ORDER: The Long Lake Township Zoning Board of Appeals Special Meeting was called to order by Chairman Geerlings at 6:00 pm.
2. ROLL CALL: Board members present were Max Bott, Mark Humitz, Howard Geerlings, John Linnerson and Bill Kaupas. Township staff present was Sara Koprive, Zoning Administrator, Leslie Sickterman, Township Planner, Peter Wendling, Township Attorney, and Lynette Ferman, Recording Secretary.
3. APPROVAL OF AGENDA: Moved by Linnerson, supported by Kaupas, to approve the Agenda as presented. Motion carried.
4. CONFLICT OF INTEREST STATEMENT: There was no conflict of interest stated.
5. PUBLIC HEARING:
 - A) **ZBA 11-10-04, CAROLYN FRANCIS TRUST (OWNER), 10110 E. ELK LAKE DRIVE, RAPID CITY, MI 49676, AND ROBERT FRANCIS (APPLICANT) PO BOX 446, ELK RAPIDS, MI 49629, PROPERTY ID. NO. 28-08-330-032-00, LOT 32, SETTLERS COVE #1 SUBDIVISION, SEC. 33, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS 9070 S. TOTTENHAM DRIVE. PURPOSE: TO REQUEST A 7% VARIANCE FROM THE MAXIMUM LOT COVERAGE OF 15% ALLOWED IN ARTICLE 12 – LR LAKE RESIDENTIAL, SECTION 12.2.2, DISTRICT REGULATIONS OF THE LONG LAKE TOWNSHIP ZONING ORDINANCE #109. TO ALLOW FOR THE CONSTRUCTION OF AN IRREGULAR SHAPED, APPROXIMATELY 4,352 SQUARE FOOT SINGLE FAMILY DWELLING WITH A LOT COVERAGE OF APPROXIMATELY 22%. THIS PARCEL IS LOCATED WITHIN AN LR, LAKE RESIDENTIAL DISTRICT.**
 1. OPEN THE PUBLIC HEARING: Opened Public Hearing at 6:16 pm.
 2. CONFLICT OF INTEREST STATEMENT: There was no conflict of interest
 3. PRESENTATION OF REQUEST, AS RECEIVED BY STAFF:

4. COMMENTS AND EXPLANATIONS BY APPLICANT:

The applicant presented his request, stating that the Township's new Zoning Ordinance restricts the footprint of the dwelling to 15% of the lot in the lake residential district.

Planning Commission representative Humitz explained the reasoning behind adding lot coverage requirements to the new Zoning Ordinance.

The applicant stated that his lot is less than ½ acres and that a 15% lot coverage is not adequate on this size lot. He also stated that this subdivision has ordinances regarding the minimum home size, the importance of single floor living, and that he does not feel that this subdivision fits in the Lake Residential zoning district.

The Zoning Administrator gave her staff report regarding neighboring homes, lot sizes and lot coverage. She also explained the lot coverage calculations.

5. OPEN PUBLIC HEARING TO PUBLIC COMMENTS (Any person may speak for up to 3 minutes):

Five members of the public spoke in support of the request. One member spoke in favor of the 15% lot coverage requirement

Five letter/emails were received regarding the variance –3 For and 2 Against (Attached to these minutes)

6. CLOSE PUBLIC HEARING TO PUBLIC COMMENT: Closed Public Hearing at 6:50 pm.

7. QUESTION/DISCUSSION BY THE ZBA

There was discussion regarding public knowledge of the new Zoning Ordinance, the fact that the applicant was not aware the Township was working on a new Ordinance when he purchased the lot, whether there was a zoning change in this subdivision and the location of the driveway.

8. DELIBERATION BY ZBA

Planning Commission Representative Humitz stated the Planning Commission felt that the 15% lot coverage was good for the required minimum lot size in the lake residential district, which is one acre, but may not be good for smaller lots. The Planning Commission is trying to keep densities consistent in neighborhoods.

The Township attorney stated that the time frame required to take this issue to the Planning Commission and the Township Board will not be fast enough to build this year, as this is a Planning issue and many factors play into it.

9. DISPOSITION BY THE ZBA; APPROVE, APPROVE WITH CONDITIONS AND/OR RECOMMENDATION, POSTPONE, DENY. ALL STATED WITH FINDINGS OF FACT, CONDITIONS AND RECOMMENDATIONS.

Moved by Kaupas, supported by Linnerson, to accept the General Findings of Fact. Motion Carried.

FINDINGS OF FACT UNDER SECTION 23.4.3.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 lot is not unique because there are similar lots in subdivision. (Exhibit I)
 - b. The Board finds there is no practical difficulty because there is a building envelope and there is room to build on the lot. (Exhibit I)
 - c. The Board finds unanimously that this standard has not been met.
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 this request is self created because the applicant wishes to build this size house. (Exhibit B, C, and E)
 - b. The Board finds unanimously that this standard has not been met.
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 Ordinance will result in a home size approximately equal to 75% of the homes in the neighborhood and therefore will not be unnecessarily burdensome. (Exhibit L)
 - d. The Board finds unanimously that this standard has not been met.

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 no variance would still give substantial relief to the property owner and be more consistent with justice to the other property owners. (Exhibit L)
 - b. The Board finds most of the properties in the neighborhood are under the 15% maximum lot coverage. (Exhibit L)
 - c. The Board finds that the average lot coverage of immediately surrounding properties equals 15.3%; a lesser relaxation to allow 15.3% lot coverage from request would do substantial justice to the property owner and surrounding property owners. (Exhibit L)
 - d. The Board finds unanimously that this standard has not been met.
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 may cause adverse impact on surrounding property and property values by squeezing in a house that is too large for its lot and neighbor lot. (Exhibit C, L, N and P)
 - b. The Board finds 4-1 that this standard has not been met.
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 a use variance. (Exhibit B)
 - b. The Board finds unanimously that this standard is not applicable.

The applicant stated that the Zoning Ordinance requirement pertains to one acre lots, and how can the Board reach this decision after hearing from so many of the neighbors.

The Township Attorney stated that the variance goes with the land, and that variances are not often granted.

DECISION

Motion by Linnerson seconded by Humitz to deny variance request ZBA 11-10-04 as it does not meet the standards of approval. Motion carried.

7. PUBLIC COMMENT: There was public comment regarding the ability to build a ranch in Settlers Cove with the lot coverage requirement.

The Township Planner stated that this issue is on the Planning Commission's Agenda for next month.

8. CORRESPONDENCE: There is none

9. ADJOURNMENT: Motion by Kaupas, seconded by Linnerson, to adjourn the meeting at 7:35 pm. Motion carried.

MAX BOTT, SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

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

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