

MINUTES
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS
LONG LAKE TOWNSHIP HALL
8870 NORTH LONG LAKE ROAD
TRAVERSE CITY, MI 49685
TUESDAY, DECEMBER 6, 2011

1. CALL TO ORDER – 6:00 P.M.
2. ROLL CALL – Board members present were Humitz, Bott, Johnson (alternate for Linnerson), Kaupas and Geerlings. Also present were Sara Kopriva, Zoning Administrator and Lynette Wolfgang, Recording Secretary.
3. APPROVAL OF AGENDA - Moved by Kaupas supported by Bott to approve the agenda with one change, strike item number 5. Motion carried.
4. CONFLICT OF INTEREST STATEMENT (Declare and cite agenda item) – None stated.
5. ELECTION OF OFFICERS –Item removed from agenda
6. APPROVAL OF MINUTES: November 1, 2011 (REGULAR MEETING) – Moved by Bott supported by Kaupas to approve the minutes with the following addition to item 9A number 9:

The Zoning Administrator was correct in issuing the stop work order and the ZA had the authority to do so based on the Zoning Ordinance.

For the reasons that the land use permit was issued to construct the deck as a new roof on an existing detached accessory building, the deck that was constructed, is not, a new roof accessory building, it is a structure. The change in use of the boathouse to add a second story structure, a roof top deck, is a substantial remodel of the boathouse and is in violation of the Zoning Ordinance which preclude the expansion of a building located within 50 feet of the water, section 12.3(7) of the Ordinance. Also based on 20.12 and 20.01 in the Ordinance giving the Zoning Administrator the authority to do so (revoke the permit). A variance is required in order to add on to the structure inside the setback. The general findings of fact to be incorporated in the decision by reference.

Item 9A number 1 – Exhibit Q is an e-mail from Laura J. Durusha

Motion carried.

7. PUBLIC COMMENTS (any person may speak for up to 3 minutes.) – There was no public comment.
8. POSTPONED BUSINESS: NONE
9. PUBLIC HEARING(S)
 - A) ZBA 12-11-10, Jeffrey and Jennie Wentzloff (owners) of 2265 Cove Dr, Traverse City, MI 49685, requests a variance at Property Id. No. 28-08-023-023-00, Sec. 23, T27N R12W, Long Lake Township, Grand Traverse County, commonly addressed as 2265 Cove Dr, Traverse City,

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MI 49685. PURPOSE: To request a 35 foot variance from the required 50 foot front yard setback per ARTICLE 12-LAKE RESIDENTIAL, Sec. 12.2.2, Lake Residential Zoning District, District Regulations, to permit construction of a 30 foot by 39 foot attached garage and 2 foot by 7 foot mud room in the setback area. This property is located in a LK-Lake Residential zoning district.

1) **OPEN THE PUBLIC HEARING : 6:05 pm**

2) CONFLICT OF INTEREST STATEMENT – None stated.

3) PRESENTATION OF REQUEST, AS RECEIVED BY STAFF – Kopriva stated that there was correspondence to be added as an exhibit and also a packet of information regarding other properties in the area that are close to the road and whether a variance was required. The packet also includes pictures from the tax maps regarding the private road and easement.

Add e-mail from Mike Street as Exhibit L.

Add packet of information from ZA as Exhibit M.

4) COMMENTS AND EXPLANATIONS BY APPLICANT – Jeff Wentzloff stated that Cove Dr. is a private road with no turn around at the end. He stated that his property is the third property from the end of the road. Mr. Wentzloff stated that his lot is nonconforming at slightly over 1/3 of an acre. The proposed home is within the setbacks, the variance is needed for the garage. The proposed home is farther away from the water's edge than required by the Ordinance to preserve the applicant's and neighbors' views, and also to preserve water quality. Mr. Wentzloff stated that the request is minimally disruptive to the neighbors and the architecture style and size is consistent with two newer homes near theirs. He also stated that the proposed 3 car garage would allow them to store a boat or other lake equipment in the garage as opposed to outdoors. A precedent has been set with other buildings being built a similar distance from the road.

5) OPEN PUBLIC HEARING TO PUBLIC COMMENT (Any person may speak for up to 3 minutes.). **6:20 pm**

6) **CLOSE THE PUBLIC HEARING TO PUBLIC COMMENT – 6:20 pm**

7) QUESTION/DISCUSSION BY THE ZBA –

GENERAL FINDINGS OF FACT

1. The board finds that the property is currently zoned LR – Lake Residential – and single family dwelling units and accessory buildings are uses by right in this district. Exhibit H

2. The Board finds that there is an existing, nonconforming (added), single family dwelling unit, located on the property. Exhibit C

3. The Board finds that the estimated construction date of the single family dwelling is 1978. Exhibit A

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4. The Board finds that the first Long Lake Township Zoning Ordinance was adopted May 9, 1979 after the construction of the single family dwelling. Exhibit J
5. The Board finds that the owners would like to demolish the existing single family Home and construct a new single family home on the property. Exhibit C and D

Moved by Humitz supported by Kaupas to approve the General Findings of Fact with the addition of “nonconforming” under item #2. Motion carried.

There was discussion regarding variance footage, the road location and easement location.

8) DELIBERATION BY ZBA –

FINDINGS OF FACT UNDER SECTION 23.4.3a OF THE ZONING ORDINANCE

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 variance is due to the private easement encroachment on the east side of the property. (Exhibit C)
 - b. The Board finds that the lot is less than the 150’ roadside requirement which makes it nonconforming. (Exhibit A and H)
 - c. The Board finds that this standard has been met. 5 yes – 0 no
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 for the variance was not self-created because the property owners did not create the lot or the easement. (Exhibit A, C, E)
 - b. The Board finds that this standard has been met. 4 yes – 1 no
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.)

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a. The Board finds that it would be unreasonably burdensome because if they did not have to deal with the easement they would not need a variance. (Exhibit C)

b. The Board finds that this standard has been met. 3 yes – 2 no

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 a lesser variance would give relief but would force the property owner to move the home closer to the lake. (Exhibit C, E and H)

b. The Board finds that the property owner's to the north and south have submitted letters stating that they do not have an issue with it. (Exhibit K and L)

c. The Board finds that this standard has been met. 3 yes – 2 no.

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 proximity to the road is consistent with others in the area so will not change property values. (Exhibit A, C)

b. The Board finds that this standard has been met. 5 yes – 0 no

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 standard is not applicable.

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 Bott to approve case ZBA#12-11-10 based on the above Findings of Fact. Motion carried.

10. PENDING BUSINESS: NONE

11. NEW BUSINESS: NONE

12. PUBLIC COMMENT (Any person may speak for up to 3 minutes.) There was none.

13. REPORTS

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A. PLANNING COMMISSION REPRESENTATIVE - Humitz reported on the Planning Commission's discussions on nonconformities.

B. ZONING ADMINISTRATOR – Report submitted. Kopriva also reported on last month's case and nonconformities and recommended that the ZBA view the Planner's Moments edition regarding Effective Public Hearings.

C. TOWNSHIP BOARD REPRESENTATIVE – not in attendance.

14. CORRESPONDENCE – None.

15. ADJOURNMENT – Moved by Kaupas supported by Humitz to adjourn at 7:12 pm.

MAX BOTT, SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

LYNETTE WOLFGANG, RECORDING SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

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