

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

REGULAR MEETING

TUESDAY, JUNE 1, 2010

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: Bill Kaupas, John Linnerson, Howard Geerlings, Mark Humitz, Max Bott (alternate for Ron Lautner). Lautner, absent and excused.

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

Also present were four (4) members of the public

3. MINUTES: NOVEMBER 4, 2009 (REGULAR MEETING) There being no concerns, Motion by Linnerson, seconded by Humitz to approve the Minutes of the February 2, 2010 meeting as presented. Carried
4. AGENDA: There being no concerns, Motion by Kaupas, seconded by Humitz 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 06-10-02, MATT CURTIS (OWNER), 9730 N. LONG LAKE ROAD, TRAVERSE CITY, MI 49684, PROPERTY ID. NO. 28-08-016-008-00, SECTION 16, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS OWNER ABOVE. PURPOSE: TO REQUEST (1) A 2-FOOT SIDE YARD VARIANCE FROM THE REQUIRED 15-FOOT WEST SIDE YARD SETBACK, (2) A 2-FOOT SIDE YARD VARIANCE FROM THE REQUIRED 15-FOOT EAST SIDE YARD SETBACK, PER ARTICLE 9, LAKE RESIDENTIAL, SEC. 9.4.5.C. TO ENABLE THE CONSTRUCTION OF A 24' X 44' DETACHED GARAGE. THIS PARCEL IS A THROUGH LOT AS DEFINED IN ARTICLE 3 –

DEFINITIONS, SEC. 3.13, AND IS LOCATED WITHIN AN R-2, LAKE RESIDENTIAL DISTRICT.

- 1) OPEN PUBLIC HEARING: The Public Hearing as opened by Chairman Geerlings at 7:02 pm
- 2) CONFLICT OF INTEREST: None stated
- 3) PRESENTATION OF REQUEST, AS RECEIVED BY STAFF: Mesch presented the application and General Findings of Fact. The property is located in Section 16 and has frontage on Skiver Rd and North Long Lake Rd. This property is zoned R2, Lake Residential. This lot is an existing non-conforming lot that has a single family home and a major detached accessory structure. Where the applicant is proposing the placement of the garage is 50 feet wide. This request is for two-two (2) foot side yard variances (on the east and west side of the property) for a major detached accessory structure. The applicant was denied a 30 foot front yard (from Skiver Road) setback variance in 2002 for an attached garage. The Minutes and site plan for the 2002 variance were included in the packet.
- 4) PRESENTATION BY APPLICANT: Mr. Curtis was present for the request. He explained that he has been trying to figure out a place to put a detached garage and that this was the best location he could find. The existing accessory building would be removed. He is proposing the garage to be a 24-foot wide two (2) car garage, which is why he is asking for a variance(s), as the lot, at that location is 50 feet wide.
- 5) PUBLIC COMMENT: One member of the public spoke in favor of the request. No written, faxed or e-mail comments were received.
- 6) CLOSE PUBLIC HEARING: There being no further public comment, the Public Hearing was closed by Chairman Geerlings at 7:15 pm.
- 7) DISCUSSION BY BOARD MEMBERS: The Board discussed the recorded easement agreement with the adjacent neighboring property to the south for well access. The documented easement is a private property agreement. The applicant should understand and know what the potential impact the easement has on both properties. There was discussion about what size a standard two car garage is, and the Ordinance rules and definition of accessory structures.

The Zoning Board of Appeals reviewed the General Findings of Fact.

Motion by Kaupas, seconded by Linnerson to accept the General Findings of Fact as presented. Motion 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 #60, as amended 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 uniquely shaped and that practical difficulty in placing the requested structure is due to this unique shape and topography of the lot.
 - b. The Board finds that the property involved is an unusually shaped through-lot and does create a practical difficulty constructing a separate 24' x 44' garage.
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 not a result of the current property owner or previous property owner.
 - b. The Board finds that the need for the variance is the result of the property owner's desire to construct a detached 24' x 44' garage, equal parts split on the 50' property west of the home.
 - c. The Board finds this is self-created and that the accessory structure could be built to be 20' wide by 44' deep and not require a dimensional variance.
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 setback requirements are unnecessarily burdensome due to the double front yard setback and lot shape, i.e. angle of Skiver Road relative to North Long Lake Road.

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 would do substantial justice to the applicant and other property owners.

b. The Board finds that none of the neighbors have made public comment opposed to the request.

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 request does not cause adverse impacts on surrounding properties.

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.

Having completed their review and Findings of Fact, it was moved by Kaupas to approve the requested variance with the condition that the existing accessory structure be removed prior to the commencement of any construction. No second, Motion failed.

Motion by Humitz, seconded by Linnerson to deny the request due to the self-created nature of the variance request. Motion carried 3-2.

8. PUBLIC COMMENT: There was public comment regarding the Zoning Ordinance and how it should be flexible enough to allow for the use of your property.

9. REPORTS

A. PLANNING COMMISSION REPRESENTATIVE

Humitz stated that the draft Zoning Ordinance was approved for adoption by the Planning Commission and is headed to the Township Board. The

first round of tree plantings took place. Kaupas asked that the Planning Commission consider creating a definition for garage(s).

B. ZONING ADMINISTRATOR

Mesch stated that everyone received an updated Land Division Ordinance. Per the request of the ZBA members, Township Attorney Bryan Graham provided a memo regarding when the clock starts for an aggrieved party to go to Circuit Court. The Zoning Board of Appeals asked that the discussion about holding a meeting every other month regardless if there is a case be added to the July agenda. The first case to be addressed through the Township Dangerous Building Ordinance has completed successfully, with the old dilapidated cottage being removed and the area leveled and seeded as of June 1, 2010.

C. TOWNSHIP BOARD REPRESENTATIVE

Nothing additional was reported.

10. CORRESPONDENCE: None.

11. ADJOURNMENT: There being no further business, Motion by Kaupas, seconded by Humitz to adjourn the regular meeting at 8:15 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.