

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

WEDNESDAY, AUGUST 4, 2010

1. CALL TO ORDER: The meeting was called to order by Chairman Geerlings at 6:58 p.m. at the Long Lake Township Hall

2. BOARD MEMBERS PRESENT: Kaupus, Johnson (alternate for Humitz), Geerlings, Linnerson and Bott.

Township staff present was Sara Kopriva, Zoning Administrator, Leslie Sickterman, Township Planner, and Lynette Ferman, Recording Secretary. The Township Attorney was also present.

Four members of the public were present.

3. APPROVAL OF MINUTES: JULY 6, 2010 REGULAR MEETING Kaupus, supported by Bott, to approve the Minutes as presented. Motion carried.

4. APPROVAL OF AGENDA: Linnerson, supported by Kaupus, to approve the Agenda as presented. Motion carried.

5. CONFLICT OF INTEREST STATEMENT: There was none.

6. PENDING BUSINESS: There was none.

7. NEW BUSINESS:

A.) Consider rehearing for ZBA 06-10-02, requested by Township Attorney.

The Township Attorney explained that there was conflicting information as to whether all members supported the Findings of Fact when this case was originally heard.

Board member Kaupus stated that he felt that this case should be reheard in light of learning that the Planning Commission is working on a definition of a "garage".

There was a roll call vote to determine if the board would rehear this case. No: Johnson. Yes: Linnerson, Bott, Kaupus and Geerlings. Motion carried.

B.) 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, Section 9.4.5.C. PURPOSE: to enable the construction of a 24' x 44' detached garage. This parcel is a through lot as defined in ARTICLE 3 – Definitions, Section 3.13, and is located within an R-2, Lake Residential District.

- 1.) Open Public Hearing at 7:06 p.m.
- 2.) Conflict of Interest Statement: There was none.
- 3.) Presentation of request, as received by staff: Kopriva presented the draft Findings of Fact to the Zoning Board of Appeals.
- 4.) Comments and Explanations by Applicant: There was discussion regarding placing the garage elsewhere because of setbacks, square footage, home occupation, and minor contractor's establishment.
- 5.) Open public hearing to public comment:  

Bill Schearer and Lydia Shaw spoke in favor of the variance.
- 6.) Close the public hearing at 7:34 p.m.
- 7.) Question/Discussion by ZBA: There was discussion as to whether this was self created and the applicant agreed that he would abandoned use of the current garage if granted the variance.
- 8.) Deliberation by ZBA: The Township Planner suggested that Instead of just looking at the setback encroachment of the garage, they should be also looking at the total building bulk that would be encroaching into the setback.

#### 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 property involved is unique because it is non-conforming and the layout of the roads causes it to be unique that there are not any alternatives. (Exhibit "A" and Exhibit "C")
  - b. The Board unanimously finds that this standard has 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 the need for this variance is not the result of the actions of the property owner or previous property owners and therefore not self-created because there is no other site on the property that would allow for this lawful use without a variance of lesser variance (Exhibit "C").
  - b. The Board finds that this request is not the result of the property owner or previous owner because the lot, principal building and accessory building were all created prior to Zoning (Exhibit 6)
  - c. The Board finds 4-1 that this standard has 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 Zoning Ordinance setback requirement is unnecessarily burdensome due to the double front yard setback and lot shape, i.e. angle of Skiver Road relative to North Long Lake Road. (Exhibit "C")
  - b. The Board finds 4-1 that this standard has 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 the variance would do substantial justice to the Applicant as well as property owners in the district (Exhibit 3)
  - b. The Board finds that two neighbors spoke in favor of the request during the public hearing (Exhibit 7 and Exhibit 8)
  - c. The Board finds 4-1 that this standard has 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 this request does not cause adverse impacts on surrounding properties since none of the neighbors have voiced any opposition and actually neighbors have supported it (Exhibit "C")
  - b. The Board unanimously finds that this standard has 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 3)

#### DECISION

Based on the General Findings of Fact and the Board Findings of Fact above, Motion by Kaupas, seconded by Bott to approve ZBA 06-10-02 with the condition that the existing accessory building be removed prior to commencement of construction. Motion carried unanimously.

See attached: Copy of the decision form with general findings of facts, board findings of facts and exhibit list

8. PUBLIC COMMENT: There was none.
9. REPORTS:
  - A.) PLANNING COMMISSION REPRESENTATIVE - Absent
  - B.) ZONING ADMINISTRATOR – Submitted July report

- C.) TOWNSHIP BOARD REPRESENTATIVE – Approving new Zoning Ordinance at August meeting.
- 10. CORRESPONDENCE: There was none.
- 7. ADJOURNMENT: 8:20 P.M.

MAX BOTT, SECRETARY  
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

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

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