

**LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS  
LONG LAKE TOWNSHIP HALL  
8870 NORTH LONG LAKE ROAD  
TRAVERSE CITY, MI 49685**

**MINUTES  
REGULAR MEETING**

**TUESDAY, DECEMBER 7, 2010**

1. CALL TO ORDER – 7:00 P.M.
2. ROLL CALL Board members Jim Johnson (Alternate), Bill Kaupas, Howard Geerlings, Mark Humitz and Max Bott were present. Township staff in attendance was Sara Kopriva, Zoning Administrator, Peter Wendling, Township Attorney and Lynette Ferman, Recording Secretary.
3. APPROVAL OF AGENDA Moved by Kaupas, supported by Bott to approve the agenda as presented. Motion carried.
4. CONFLICT OF INTEREST STATEMENT (Declare and cite agenda item) There was no conflict of interest stated.
5. APPROVAL OF MINUTES: NOVEMBER 3, 2010 (REGULAR MEETING) & NOVEMBER 16, 2010 (SPECIAL MEETING) Moved by Kaupas, supported by Humitz to approve the Minutes as presented. Motion carried.
6. PUBLIC COMMENTS (any person may speak for up to 3 minutes.) There was no public comment.
7. POSTPONED BUSINESS There was no postponed business.
8. PUBLIC HEARING(S)
  - A) ZBA 12-10-05, NICK FARRUGIA (OWNER), 9354 NORTH LONG LAKE ROAD, TRAVERSE CITY, MI 49685, PROPERTY ID. NO. 28-08-009-040-01, SEC. 9, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS OWNER ABOVE. PURPOSE: TO REQUEST (1) A 30-FOOT FRONT YARD VARIANCE FROM THE REQUIRED 50-FOOT FRONT YARD SETBACK PER ARTICLE 10-LOW DENSITY RESIDENTIAL, SEC. 10.2.2, DISTRICT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A 14' X 10' (140 SQ. FT.) OFFICE ADDITION; (2) A 33-FOOT FRONT YARD VARIANCE FROM THE

REQUIRED 50-FOOT FRONT YARD SETBACK PER ARTICLE 10-LOW DENSITY RESIDENTIAL, SEC. 10.2.2, DISTRICT REGULATIONS, TO ALLOW FOR THE CONSTRUCTION OF A 10' X 2' (20 SQ. FT.) LIVING ROOM ADDITION; (3) A 4-FOOT FRONT YARD VARIANCE FROM THE REQUIRED 50-FOOT FRONT YARD SETBACK PER ARTICLE 10-LOW DENSITY RESIDENTIAL, SEC. 10.2.2, DISTRICT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A 8' X 7.3' (58.4 SQ. FT.) STORAGE ROOM ADDITION; AND (4) A 2-FOOT FRONT YARD VARIANCE FROM THE REQUIRED 50-FOOT FRONT YARD SETBACK PER ARTICLE 10-LOW DENSITY RESIDENTIAL, SEC. 10.2.2, DISTRICT REGULATIONS AND AN 8-FOOT VARIANCE FROM THE REQUIRED 10-FOOT ACCESSORY BUILDING SEPARATION DISTANCE PER ARTICLE 4-GENERAL PROVISIONS, SEC. 4.6.A.1., ACCESSORY BUILDINGS AND USES TO CONSTRUCT A 11' X 7' (77 SQ. FT) COVERED PORCH ADDITION. ALL REQUESTS LISTED ABOVE ARE ALSO REQUESTING A VARIANCE FROM ARTICLE 5-NONCONFORMITIES, SEC. 5.3, NONCONFORMING STRUCTURES, ALL ADDITIONS ARE TO BE CONSTRUCTED TO AN EXISTING NON-CONFORMING SINGLE FAMILY DWELLING LOCATED WITHIN A LOW-DENSITY RESIDENTIAL DISTRICT.

- 1) **OPEN THE PUBLIC HEARING:** 7:04 PM.
- 2) **CONFLICT OF INTEREST STATEMENT:** There was none.
- 3) **PRESENTATION OF REQUEST, AS RECEIVED BY STAFF**

The Zoning Administrator explained that there are two existing buildings on this property, the home and Long Lake Grocery store. She stated that both structures were built before the Township had Zoning. She also stated that the entire building is currently in the front yard setback and that the building is 642 sq. ft. The Ordinance requires a minimum 960 sq. ft. in this district. The request is for four separate additions. Letter from Karen Baja named exhibit "L".

- 4) **COMMENTS AND EXPLANATIONS BY APPLICANT**

Nick Farrugia, owner, presented his request stating that he purchased the property approximately one year ago and has been living in the very small cabin on the property. He stated that he would like to put in a foundation and an engineered truss system and is requesting the variance to give him additional space to do some of his work away from the customers.

- 5) **OPEN PUBLIC HEARING TO PUBLIC COMMENT** (Any person may speak for up to 3 minutes.).

Bob Lautner, 9289 N. Long Lake Rd., has no objections to the request. Gary Childs, builder on the project, stated that the proposed improvements would make this building conform to construction codes. He stated that this building and the grocery store are a landmark in the Township and that Mr. Farrugia needs a decent place to live. Exhibit “L” is a letter from Karen Baja in favor of granting the variance.

6) **CLOSE THE PUBLIC HEARING TO PUBLIC COMMENT:** 7:16 pm

7) QUESTION/DISCUSSION BY THE ZBA.

The Board asked if these buildings would have one address or two, the Zoning Administrator stated that it would be two different addresses. There was a question regarding the road easement on North Long Lake Road.

8) DELIBERATION BY ZBA.

Moved by Kaupas, supported by Humitz to accept the General Findings of Fact. Motion carried.

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

**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 the variance is due to the non-conformity of the structure, both in location and size. (Exhibit C and H)
  - b. The Board also finds that the variance is due to the current Zoning Ordinance requiring a minimum floor area of 960 square

feet and a minimum living area of 20 x 20 feet, so the variance would bring it into closer conformity. (Exhibit C and H)

- c. The Board also finds that the variance is due to unique circumstances due to the structure being built prior to Zoning and located almost entirely in the front yard setback. (Exhibit A, J, and C)
  - d. 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 variance is not a result of actions by the property owner or the previous property owner, as the structure was built in 1930, prior to the May 9, 1979 adoption of the Zoning Ordinance. (Exhibit A and J)
    - b. The Board unanimously finds 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 the size of the present house makes it almost impossible to use as living space (Exhibit M).
    - b. The Board also finds that strict compliance with the dimensional requirements of the Ordinance would bring the structure into better compliance with the Ordinance, therefore not allowing the applicant to do so would unreasonably prevent the property owner from using the property for a permitted residential purpose. (Exhibit C and H)
    - c. The Board unanimously finds 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 is the smallest practical request to give the property owner relief and brings it up to the 960 square footage requirements. (Exhibit F and H)
  - b. The Board unanimously finds 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 the variance will not cause adverse impact on surrounding property and property values because it is making it more conforming and more aesthetically pleasing would improve property values. (Exhibit H)
  - 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 standard is not applicable.

**Motion:** Moved by Bott, supported by Kaupas to grant the variance based on the General Findings of Fact and the Specific Findings of Fact. Motion carried.

9. PENDING BUSINESS:

Chairman Geerlings suggested a joint meeting between the Township Board, the Planning Commission and the Zoning Board of Appeals. This meeting is tentatively scheduled for May.

10. NEW BUSINESS: NONE

11. PUBLIC COMMENT (Any person may speak for up to 3 minutes.) There was no public comment.

12. REPORTS

- A) PLANNING COMMISSION REPRESENTATIVE: Humitz was not in attendance, but reported that he understands that lot coverage area was discussed. He stated that the amendment for rezoning of non-lakefront properties and the amendment regarding Veterinary Clinics will be going to Public Hearing.

- B. ZONING ADMINISTRATOR: Kopriva stated that her written report was in the members' board packets and that the Township Board is encouraging the ZBA to change their meeting time to 6:00 pm on a trial basis.
  - C. TOWNSHIP BOARD REPRESENTATIVE: John Linnerson was not in attendance.
13. CORRESPONDENCE: There was no other correspondence.
14. ADJOURNMENT: Moved by Humitz, supported by Kaupas to adjourn at 7:50 pm.

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 AN/OR CORRECTION  
PRIOR TO THEIR ADOPTION