

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

MINUTES
REGULAR MEETING

TUESDAY, APRIL 4, 2017

1. CALL TO ORDER: By Vice-Chairman Kaupas at 5:59 pm.
2. ROLL CALL: Board members present were: Kaupas, Marsh, Bott, Johnson, Craves and Schaub. Geerlings was absent and excused. Also present were Kim Smith, Township Zoning Administrator and Ronda Robinson, Recording Secretary.
3. APPROVAL OF AGENDA: Moved by Craves and seconded by Marsh to approve the agenda, as written. Carried.
4. CONFLICT OF INTEREST STATEMENT: Schaub has a conflict with the Public Hearing because he sold the applicants the building in question. Schaub will remove himself to the audience during case ZBA 07-16-05.
5. APPROVAL OF MINUTES: Moved by Bott and seconded by Schaub to approve the minutes of the meeting held on December 6, 2016, as written. Carried.
6. PUBLIC COMMENTS: None.
7. POSTPONED BUSINESS: None.
8. PUBLIC HEARING(S)
 - A) CASE #ZBA 07-16-05. OWNER: RICHARD & KARRILEE WALTER. PROPERTY IDENTIFICATION: PROPERTY ID #28-08-200-071-00, SEC. 10, T27N R12W, LAKE OF THE PINES SUBDIVISION, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS 4210 BRIDLEWOOD DRIVE, PARCEL IS ZONED LOW DENSITY RESIDENTIAL (LDR). AFTER-THE-FACT: PLACED A SECOND MAJOR DETACHED ACCESSORY BUILDING ON A PARCEL WHICH ONLY ALLOWS FOR ONE MAJOR DETACHED ACCESSORY BUILDING. SUBJECT MAJOR DETACHED ACCESSORY BUILDING WAS PLACED WITHIN 10-FT OF ANOTHER BUILDING. VARIANCE REQUESTED: (1) A VARIANCE FROM THE TABLE FOUND IN SECTION 4.6 THAT ALLOWS ONLY ONE MAJOR DETACHED ACCESSORY BUILDING ON A PARCEL ONE ACRE OR

LESS; (2) AN 8'7" VARIANCE FROM THE REQUIRED 10-FT. SEPARATION DISTANCE PER SECTION 4.6.1.A.1).

- 1) **OPEN THE PUBLIC HEARING:** By Kaupas at 6:03 pm.
- 2) **CONFLICT OF INTEREST STATEMENT:** As stated above.
- 3) **PRESENTATION OF REQUEST, AS RECEIVED BY STAFF:** Smith explained that Walters bought a shed and it was delivered earlier than they had expected. They did not contact the Township about permitting or regulations until after it was delivered and placed. They are allowed one major detached accessory building and the new building is their second one. The new building was placed 17 inches from their garage.
- 4) **COMMENTS AND EXPLANATIONS BY APPLICANT:** Walter stated that there was no other place to put the shed, that his intentions were good, that he expected the shed to be delivered this spring, that his wife and himself are disabled and that the shed, in the back yard, will be removed.
- 5) **OPEN PUBLIC HEARING TO PUBLIC COMMENT:** By Kaupas at 6:09 pm.

Rawlin Martin, 4189 Bridlewood, said the shed has been up awhile and it blends in. He doesn't have a problem with the shed staying where it is.

Ned Benfield, 4209 Bridlewood, said the Walters are good neighbors and he supports them.

- 6) **CLOSE THE PUBLIC HEARING TO PUBLIC COMMENT:** By Kaupas at 6:11 pm.
- 7) **QUESTION/DISCUSSION BY THE ZBA:**

Bott asked if the Walters came in after the building was placed and if there was a permit issued. The answers from Smith were yes to the first and no to the second.

Bott asked if the Board denies the first variance will they hear the second one. Answer from Kaupas was yes.

Marsh explained that according to Michigan Residential Code there must be 10 feet between building or 5 feet between eaves if the walls are fire approved.

Kaupas said the garage could be expanded instead of using the new building.

Johnson asked if the new shed was placed where the Walters wanted it.
The answer was yes.

8) DELIBERATION BY ZBA:

The Board having considered the Application, a public hearing having been held on April 4, 2017, after giving due notice as required by law, the Board having heard the statements of the Applicants, the Board having considered two comments by members of the public, the Board having considered 12 Exhibits, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

- A. The Board finds that the first Long Lake Township Zoning Ordinance was adopted May 8, 1979. (Exhibit C)
- B. The Board finds that the Plat of Lake of the Pines was recorded on May 8, 1974, before zoning. (Exhibit J)
- C. The Board finds that the property is currently zoned LDR – Low Density Residential (Exhibit A)
- D. The Board finds that the minimum required lot area is one acre and that the existing parcel, is .43 acre, a legal non-conforming parcel. (Exhibit J)
- E. The Board finds that the minimum lot width at the road right-of-way in Low Density Residential is 150' and the existing parcel is 125', a legal non-conforming parcel. (Exhibit A, I, & J)
- F. The Board finds that the existing building was built in 1987, after zoning. (Exhibit I & K)
- G. The Board finds per ARTICLE 3.2 Accessory Building, Major: An accessory building that is larger than 100 square feet, regardless of its height. (Exhibit A)
- H. The Board finds per ARTICLE 4.6 Accessory Buildings and Uses: Number, Floor Area and...The following standards shall regulate the maximum number of major accessory buildings (as defined in Article 3) permitted, the maximum floor area...TABLE – MAJOR ACCESSORY BUILDING STANDARDS ASSOCIATED WITH RESIDENTIAL USES (D) – Low & Moderate Density Residential; 1 acre or less – Number: 1... (Exhibit A)
- I. The Board finds there is an existing major detached accessory building (120 sq. ft.) located on this parcel that does not meet zoning. (Exhibit G & I)
- J. The Board finds per ARTICLE 4.6.1.a.1) Accessory Buildings and Uses – Setback Requirements: All accessory buildings shall be subject to the same setback requirements as the principal building and shall be a minimum of 10 feet from any other building. (Exhibit A)
- K. The Board finds LUP 1333 was issued May 11, 1987 to construct a single family dwelling (Exhibit K)

L. Michigan Residential Code, Section 30.2.

Motion by Craves and support by Johnson to approve the amended General Findings of Fact. Carried.

REQUEST #1

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.

VARIANCE REQUEST (1) – A variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: there is not any unique circumstances or physical conditions that would require a variance.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

- 2 That the need for the requested variance is not the result of actions of the property owner (self-created) or previous property owners.

VARIANCE REQUEST (1) – A variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: the need for the variance was self-created. The applicants could have taken down the first shed before the second shed was placed on their property.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

- 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.)

VARIANCE REQUEST (1) – A variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was met not met by a vote of 5-0 because: Strict compliance with the Ordinance would not be unnecessarily burdensome because the applicants would still be allowed to have one Major Detached Accessory building.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

- 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.

VARIANCE REQUEST (1) – A variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: Substantial justice would not be done if the applicants were allowed two sheds but their neighbors were not.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

- 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.

VARIANCE REQUEST (1) – A variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was met not met by a vote of 5-0 because: There would be adverse visual impact with too many sheds.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

- 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. N/A

DATE DECISION AND ORDER ADOPTED

Moved by Bott, seconded by Johnson to deny variance request #1 based on the general and specific Findings of Fact and it did not meet the Standards of Approval. Carried unanimously.

REQUEST #2

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.

VARIANCE REQUEST (2) – An 8’7” variance from the required 10-ft. Separation distance per section 4.6.1.a.1). a variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: There is no unique circumstances with this property.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

2. That the need for the requested variance is not the result of actions of the property owner (self-created) or previous property owners.

VARIANCE REQUEST (2) – An 8’7” variance from the required 10-ft. Separation distance per section 4.6.1.a.1).a variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not meet by a vote of 5-0 because: The need for the variance was self-created because the applicants did not get a permit and inspection.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

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.)

VARIANCE REQUEST (2) – An 8’7” variance from the required 10-ft. Separation distance per section 4.6.1.a.1).a variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was met not met by a vote of 5-0 because: Strict compliance with the requirements will not prevent the applicants from using their property for permitted uses because they had many options.

Exhibits: G, H, 4.6, 3.2, 3.2.0, and site visit.

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.

VARIANCE REQUEST (2) – An 8’7” variance from the required 10-ft. Separation distance per section 4.6.1.a.1).a variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: The requested variance wouldn’t do substantial justice to anyone because of the safety concerns.

Exhibits: G, H, 4.6, 3.2, 3.2.0, residential building code and site visit.

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.

VARIANCE REQUEST (2) – An 8’7” variance from the required 10-ft. Separation distance per section 4.6.1.a.1).a variance from the table found in section 4.6 that allows only one major detached accessory building on a parcel one acre or less. The Board finds that this standard was not met by a vote of 5-0 because: The requested variance would cause adverse impacts on the surrounding property because it doesn’t abide by the building code and is unsafe.

Exhibits: G, H, 4.6, 3.2, 3.2.0, residential building code and site visit.

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. N/A

DATE DECISION AND ORDER ADOPTED

Moved by Craves, seconded by Johnson to deny ZBA #07-16-05 based on the above general and specific Findings of Fact. Carried unanimously.

9. PENDING BUSINESS: None.
10. NEW BUSINESS: None.
11. PUBLIC COMMENT: None.
12. REPORTS

MINUTES OF REGULAR MEETING
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS
TUESDAY, APRIL 4, 2017

- A. PLANNING COMMISSION REPRESENTATIVE: Smith reviewed the four new text amendments that the Planning Commission moved on to the Township Board.
 - B. ZONING ADMINISTRATOR: Smith said land use permits are up as well as after the fact permits.
 - C. TOWNSHIP BOARD REPRESENTATIVE: Schaub said the Township Board will be at the MTA conference next week. The Boat launch area on Crescent Shores has had trees removed to start the project.
13. CORRESPONDENCE: None.
14. ADJOURNMENT: By Geerlings at 6:54 pm.

MAX BOTT, SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

RONDA ROBINSON, RECORDING SECRETARY
LONG LAKE TOWNSHIP ZONING BOARD OF APPEALS

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