

Regular Meeting Of the East Bay Charter Township Zoning Board of Appeals

TUESDAY June 9, 2009 Township Hall 6:30 pm.

Board Members Present: Dave Houseman, Ted Hentschel, Pete Hembrough

Board Members Absent: Carl Studzinski, Dale McAllister

Also Present: Leslie Couturier, Staff

Ten (10) guests in attendance.

1. Call Meeting to Order. Chair Houseman convened the meeting at 6:30pm.
2. **Roll Call.** Roll was called by the recording secretary and a quorum was present.
3. **Review for Conflict of Interest** – none presented
4. **Approval of the Agenda.** *Hentschel moved to approve the agenda as presented. Hembrough seconded the motion and the motion carried unanimously.*
5. **Approval of the Minutes.** *A motion was made by Hentschel to approve the minutes of October 14, 2008 regular meeting as amended. Hembrough seconded the motion and the motion carried unanimously.*
6. **Public Input** (other than agenda items). None at this time.
7. **New Business.**

A. Appeal Request 1-09; Roger R. Hersberger, owner; Public Hearing & Action.

Appeal Request 1-09; Roger L. Hersberger, owner, on a parcel of land commonly known as 4170 Celery Bay Drive, Traverse City, property identification number 28-03-102-075-00, in the Lakes Area, LA Zoning District. The request is to construct a 29' x 11' one-story residential addition, add a basement under the existing house, a 22.5' x 25' residential garage, a 23' x 18' deck and a 18' x 26'/8.5' x 22.5' "U" shaped covered porch onto the existing 29' x 38' house, requiring two (2) variances from Section 505 Table Number 1 Yard Setbacks; specifically a 26.4' front yard variance resulting in a 3.6' setback from the road right-of-way of Celery Bay Drive. The minimum setback from the road in the LA district for a single family dwelling is thirty feet (30'). And a 13.1' rear yard (lake side) variance resulting in a 36.9' setback from the ordinary high water mark of Spider Lake. The minimum setback from the high water mark in the LA district is 50'.

Mr. Hersberger was present and addressed the board detailing his request: at some time the toilet had leaked causing water to infiltrate the entire structure. This resulted in mold and the home has been gutted down to the studs. The present structure is 880 square feet; the applicant would like to make the home his full time location and with the requested additions would increase to 1250 square feet.

Chairman Houseman opened the public hearing at 6:40pm

Dr. John Hoyt, 4168 Celery Bay Drive, conveyed to the board his support of the proposed project, indicating that it would be much better that what is now there.

Chairman Housman closed the public hearing at 6:42pm and Board discussion ensued with questions to the applicant. Greatest concern revolved around the existing eroded property and the possibility that the new construction could add to it.

A motion was made by Hembrough/Hentschel to table appeal Request 1-09 to the next regular meeting so as to give the applicant time to consult with and obtain a report from the Grand Traverse County Soil Erosion Department. The motion passed with no one opposed.

B. Appeal Request 2-09; Chris McClain, owner, Public Hearing & Action.

Appeal Request 2-09; Kris McLain, owner, on a parcel of land commonly known as 802 Indian Trail Blvd., Traverse City, property identification number 28-03-570-075-00, in the Low Density Residential Area, LDR Zoning District. The request is to construct a 24' x 28' two story attached garage, 19' x 14' residential addition, a 14' x 6' residential addition, also a 12' x 5' covered porch, requiring two (2) variances from Section 505 Table Number 1 Yard Setbacks; specifically a 24' front yard variance resulting in a 6' setback from the road-right-of-way of Avenue E. The minimum setback in the LDR Zoning District for a single family dwelling is thirty feet (30'). Also, a 6' variance from the westerly side lot line resulting in a 4' setback. The minimum setback from a side lot line in the LDR Zoning District for a single family dwelling is 10'.

Chris McClain was in attendance, along with her architect, Michael Fitzhugh and Builder, Steve Duell.

Mr. Fitzhugh described the scope of the project and the need for the variance.

Chairman Houseman opened the public hearing at 7:00pm;

Dave Fortin, 852 Indian Trail (also owner of 806, 812, and 814 Indian Trail), spoke to the board indicating that he was in favor of approving a variance, as improvements are good for the area.

Linda Dittmer, 804 Indian Trail, also indicated that she too was “ok” with the project.

Chairman Houseman closed the public hearing at 7:08pm, with Board discussion following along with questions to the applicants.

A motion was made by Hembrough/Hentschel to approve Appeal Request 2-0 as presented. All legal requirements had been met. All of the basic conditions have been met, with the special condition being number two (#2); “where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography...” The motion passed with no one opposed.

A. Discussion Regarding Site Review Visits.

The Board discussed the pros and cons of group site visits versus individual visits. The consensus of the Board was to continue group site visits, as it would be a real negative to change the format.

8. **Reports.**

Township Board.

There was no report as McAllister was not in attendance.

Planning Commission.

Hentschel gave a brief report regarding planning commission projects and issues.

Chairman Houseman adjourned the meeting at 7:25pm.

Leslie Couturier, Recording Secretary