

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

TUESDAY September 8, 2009 Township Hall 6:30 pm.

Board Members Present: Dave Houseman, Ted Hentschel, Pete Hembrough, Carl Studzinski, Dale McAllister

Also Present: Leslie Couturier, Staff and Bob Perry, Staff

Two (2) 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.** *McAllister moved to approve the agenda as presented. Hentschel seconded the motion and the motion carried unopposed.*
5. **Approval of the Minutes.** *A motion was made by Hentschel to approve the minutes of August 10, 2009 site review minutes and the August 11, 2009 regular meeting. McAllister 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 5-09; Gary & Sonia Clem, Owners

Appeal Request 5-09; Gary & Sonia Clem owners, on a parcel of land commonly known as 246 Highview Road, Traverse City, property identification number 28-03-660-019-00, in the Lakes Area, LA Zoning District. The request is to construct three (3) additions onto a 52' x 26 existing single family home with attached garage; a 6' x 24' attached garage addition, a 10' x 24' living space addition, and an 8' x 12' screened porch addition, requiring two (2) variances from Section 505 Table Number 1 Yard Setbacks; specifically a one foot (1') front yard variance resulting in a 29' setback from the road right-of-way of Highview Road. The minimum setback from the road in the LA district for a single family dwelling is thirty feet (30'). Also, a five foot (5') rear yard (lake side) variance resulting in a 45' setback from the ordinary high water mark of High Lake. The minimum setback from the high water mark in the LA district is 50'.

Mr. Clem was in attendance and gave an overview of his proposed variance; the size of the lot and the location of the septic system and well limit construction possibilities (existing locations are the only feasible placement) as the lot is narrow. Mr. Clem also indicated that he is concerned with water run-off and drainage and will follow the soil erosion regulations, along with some plantings of native grasses and other plants to aid in filtering run-off.

Board discussion ensued, with questions to the applicant. Staff suggested that the applicant add an area on the north edge of the driveway, to back into, as backing onto High Lake Road at this location is difficult and seems to be unsafe. The applicant concurred with this recommendation. Chair Houseman opened public hearing, hearing none the public hearing was closed.

After more discussion ***a motion was made by Studzinski to approve appeal Request 5-09 as proposed. 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 was seconded by Hembrough. The motion passed with no one opposed.***

B. Appeal Request 8-07; Windjammer Resort, Leonard Martinelli, Owner. Request for Second Extension.

Staff informed the board that Mr. Martinelli's site plan review process had been tabled at the September 1, 2009 Planning Commission meeting, thus the need for the extension.

***A motion was made by Hentschel to extend Appeal Request 8-07 for one year, which will expire on September 8, 2010. The motion was seconded by McAllister. The motion passed with no one opposed.***

C. By-laws; Review & Discussion

Staff presented the Board with two versions of ZBA by-laws; one version included utilizing an alternate member to complete the board in case of an absence, while the second version did not have this incorporated.

After much discussion a ***motion was made by Studzinski to adopt the version of the By-laws without the alternate member and to also strike the last line in Section 3.B; "Site visits shall be conducted individually." The motion was seconded Hembrough. The motion passed with no one opposed.***

D. Election of Officers; Chair, Vice-chair, Secretary

***A motion was made by Hentschel to leave the positions as they are now; Houseman – Chair, McAllister – Vice-chair, and Hembrough – Secretary. Studzinski seconded the motion. The motion passed with no one opposed.***

8. **Old Business.**

9. **Reports.**

Township Board; McAllister gave a brief report and noted that the past minutes were included in the packet.

Planning Commission; Hentschel gave a brief report noting that there has been and will be more discussion concerning temporary and conditional uses, which generally come before the ZBA for approval or denials, with no standards for the ZBA to use in their determinations.

**10. Adjournment.** Chairman Houseman adjourned the meeting at 7:00pm.

Leslie Couturier, Recording Secretary