

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

TUESDAY March 13, 2018 Township Hall 6:30 pm.

Board Members Present: Tracey Bartlett, Ted Hentschel, Carl Studzinski, Dave Houseman, Frank Guerin

Also Present: Leslie Couturier, Zoning Administrator/Recording Secretary

There were eight (8) 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, although Bartlett did make the Board aware that she owned the house across the street from the subject parcel, but feels she can be impartial.
4. **Approval of the Agenda.** *Guerin moved to approve the agenda as presented, Studzinski supported the motion and the motion passed unopposed.*
5. **Approval of the Minutes.** *A motion was made by Hentschel to approve the minutes of the November 14, 2017 Regular Meeting and site review minutes, Guerin supported the motion and it passed unopposed.*
6. **Public Input:** None
7. **Old Business:** None
8. **New Business:**

A. Appeal Request 3-18; Gary & Patricia Lemon, Owners; Public Hearing & Action.

All legal requirements have been met.

Appeal Request 3-18; John Kittle, authorized agent for Gary & Patricia Lemon, owners, on a parcel of land commonly known as 855 Devery Lane, Traverse City,

property identification number 28-03-630-214-10, in the Lakes Area (LA), Zoning District. The request is for two (2) variances; 1) to construct a 24' x 36' two (2) story detached residential garage (storage above), requiring a variance from Section 505 Table Number 1 Yard Setbacks; specifically a 10' foot front yard variance, resulting in a 10' setback from Devery Lane. The minimum setback for a detached garage is 20' from the road in the LA District. 2) to construct a 12' x 12'- 4" two (2) story residential addition requiring a variance from Section 505 Table Number 1 Yard Setbacks; specifically an 11' front yard variance, resulting in a 19' setback from Devery Lane. The minimum setback for a residential addition is 30' from the road in the LA District.

John Kittle, Design Depot was present along with Mr. & Mrs. Lemon and their son Eric Lemon.

Mr. Kittle and Mr. Lemon gave an overview of the proposed project;

The proposed detached garage will have a basement, a ground level floor, and a second floor. It will be located 10' from the road per the request. The current home has one bedroom and one small bath, with very little space for storage. They are requesting the variance to add a bedroom and a bathroom to make the home a two (2) bedroom, two (2) bathroom house. Additionally they will be removing the existing holding tanks and adding a new septic system and drain field.

Chair Houseman offered time for public hearing at 6:40pm;

- Jay Clynch, 845 Devery Ln., had come with concerns regarding the septic system and where parking would be as the garage is close to the road.

Chair Houseman closed the public hearing at 6:42pm followed by board discussion with questions to the applicants;

Guerin asked Mr., Lemon what the upper level would be used for, Mr. Lemon indicated that as his wife works from home she would utilize it for an office with a small bathroom. The rest of the garage would be for vehicles and residential storage.

A motion was made by Hentschel to approve Appeal Request 3-18 as proposed, all Basic Conditions were 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 of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district". The motion was supported by Guerin and passed unanimously.

B. Appeal Request 4-18; Schichtel Trust, Owner: Public Hearing & Action

Appeal Request 4-18; Robert W. Brott, Esq. – Brott Settles & Brott P.C. Attorneys, Authorized Agent for Schichtel Trust; Kay Schichtel Trustee. On a parcel of land

commonly known as 855 Parsons Road, Traverse City, property identification number 28-03-570-042-00. The request is for the resumption of a previously non-conforming use. Specifically; the business currently operating on the parcel, at one time, had signage but over the years the business remained (for 50+ years) and signs were removed. The property is located in Low Density Residential, where a commercial business and signage is not allowed. The applicant is seeking to add signage back to the property: a 24 square foot freestanding illuminated sign, located where the post from the original sign is, and a 24 square foot logo (business name) window sign.

Bob Brott, Attorney and Ryan Quinn, lessee of the subject property, addressed the board; Mr. Brott gave a brief history of the business, followed by Mr. Quinn who is leasing the legal non-conforming business site/building from the Schichtel Trust. He wishes to place signs on the property as part of the business that has been there for over 50 years. He asserted that he does not want a bright obtrusive sign and further that he is going for the old classic gas station look. He may paint his logo or business name on the window and place a sign in the front yard area.

Chair Houseman offered time for public comment;

- Dennis Bartlett, owner of 927 Holly St. (located across the street east of the subject parcel) contended that bright lighting would be out of character especially late in the evening, and that perhaps the light could face south only. He did believe that signage was needed to help the business.

The public hearing was closed and discussion by the board took place, with questions to the applicant and to staff; staff reiterated that both signs could be no larger than 24 square feet and that the height of signs in residential zoning could be no higher than six feet (6').

A motion was made by Guerin, supported by Bartlett to approve Appeal Request 4-18; the resumption of signage for the legal non-conforming business, two (2) signs, each being no larger than 24 square feet in size. The motion passed unanimously.

9. **Reports:** Bartlett provided a Township Board Report, followed by a Planning Commission report from Hentschel.
10. **Public Input.** None
11. **Adjournment:** Chair Houseman adjourned the meeting at 7:35 pm.

Leslie Couturier
Recording Secretary