

**AGENDA
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JANUARY 14, 2014
7:00 P.M.**

**Committee Room, Governmental Center, 2nd Floor
Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464**

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES-** Approval of the August 13, 2013 regular meeting minutes.
- 4. REQUEST 13-BZA-16 – A REQUEST FROM STEVEN URSELL, 303 WEST SIXTEENTH STREET, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance to allow for a new driveway to be constructed on Pine Street and not the alley located at the property mentioned.
- 5. REQUEST 13-BZA-17 – A REQUEST CHRIS FIFAREK, 13046 CENTER ROAD, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance of 2 feet to allow the for the construction of a new 400 square foot (20' x 20') detached garage to be 2 feet from the rear (west) property line.
- 6. CONSIDERATION OF ADOPTING RULES AND PROCEDURES FOR THE CITY OF TRAVERSE CITY BOARD OF ZONING APPEALS.**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Makayla Vitous, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, T.D.D., 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

**MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, AUGUST 13, 2013
7:00 P.M.**

**Committee Room, Governmental Center, 2nd Floor
Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464**

PRESENT: Members Warren (7:05), Wegener, Jones, Szajner, Grant, Raftery, Donaldson, Vice-Chairperson Callison and Chairperson Cockkfield.

ABSENT: Member Lomasney

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES- Approval of the July 9, 2013 regular meeting minutes.

Motion by Member Donaldson, seconded by Member Wagner to approve the July 9, 2013 regular meeting minutes as presented. Upon vote the motion carried 8-0.

3. REQUEST 13-BZA-14 – A REQUEST FROM DEBORAH AND PAUL NEWHOUSE, 532 SIXTH STREET, TRAVERSE CITY, MICHIGAN, for:

A dimensional variance of 9 feet, 9 ½ inches to allow for an addition to the south side of the home to encroach in the 20 foot minimum front yard setback along Chippewa Street for the property commonly known as **420 South East Bay Boulevard**. Traverse City, Michigan.

Dave Heim, 2304 Leisure Lane, Traverse City, Michigan, presented and answered questions from the Board.

Deborah Newhouse 532 Sixth Street, Traverse City, Michigan, presented and answered questions from the Board.

Richard Purvais, 608 East Orchard, Traverse City, Michigan, spoke in favor of granting the variance.

Eric Stehouwer, 2017 Chippewa, Traverse City, Michigan, spoke in favor of granting the variance,

Charles Svec, 414 South East Bay Blvd., Traverse City, Michigan, spoke in favor of granting the Variance.

Motion by Member Callison, seconded by Member Szajner, to grant a dimensional variance of 9 feet, 9 ½ inches to allow for an addition to the south side of the home to encroach in the 20 foot minimum front yard setback along Chippewa Street for the property commonly known as 420 South East Bay Boulevard, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 13-BZA-14. Upon vote the motion carried 8-1, with Member Grant voting in opposition.

4. PUBLIC COMMENT

None.

5. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 13-BZA-14**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 420 South East Bay Boulevard
Property Description: E 100 FT OF LOT 44 & E 100 FT OF S 1/2 OF LOT 45 KEZIS MOKESA ADD ALSO THT PRTOF GOV LOT 4 SEC 1 T27N R11W LYING DIRECTLY E OF ABOVE DESC PARCEL & E BAY BLVD S BOUNDED ON E BY E GT BAY & ON WBY E BAY BLVD S HAVING EXCLUSIVE RIPARIAN RIGHTS ONLY
Variance Granted: A dimensional variance of 9 feet, 9 ½ inches to allow for an addition to the south side of the home to encroach in the 20 foot minimum front yard setback along Chippewa Street
Applicant: Deborah and Paul Newhouse, 532 Sixth Street, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 13-BZA-14

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 13-BZA-14, for the property commonly known as **420 South East Bay Boulevard**, Traverse City, Michigan, from Deborah and Paul Newhouse.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 13-BZA-14:

1. The parcel is a small corner lot.
2. The existing home is in the front yard setback along Chippewa Street and S. East Bay Boulevard Street and is considered a Class 2 nonconforming use
3. The lot is irregular in shape and the existing house is not situated square on the lot.
4. The building codes would not let the house be rebuilt as it was prior to the fire damage (i.e. bathrooms and bedrooms are too small).
5. The applicant's are trying to preserve the view of the bay for the neighbor to the east.
6. Three people from the neighborhood spoke in favor of granting the variance.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: JANUARY 14, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR

DMW

SUBJECT: REQUEST 13-BZA-16

DATE: JANUARY 10, 2014

You have a request from Steven Ursell, **303 West Sixteenth Street**, Traverse City, Michigan, for relief from the zoning regulations to allow for the construction of a new driveway which will have access to Pine Street.

The property is zoned R-1b and new driveways are not permitted to access a street when alley access is available. The applicant currently has a nonconforming driveway which has access to Sixteenth Street. The applicant is proposing to remodel the existing home and would like to eliminate the driveway on Sixteenth Street and construct a new driveway accessing Pine Street. Mr. Ursell will be requesting a dimensional variance to allow for a new driveway to be constructed on Pine Street and not the alley.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>11-14-13</u>
Check Number: <u>1107</u>	Date of Public Hearing: <u>12-10-13</u>
Receipt Number: <u>18351</u>	Case Number: <u>13-B2A-16</u>

TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): LOTS 1 AND 2, BLOCK 3, 2nd FERNWOOD ADDITION TO TRAVERSE CITY, MICHIGAN, 303 WEST SIXTEENTH STREET, TRAVERSE CITY, MI 49684

REQUEST AND PROPOSED PROJECT:
ELIMINATE DRIVEWAY ON 16TH STREET AND CONSTRUCT A NEW DRIVEWAY ON PINE STREET

TO BE COMPLETED BY ZONING ADMINISTRATOR:	
Request:	_____
Appeal for Administrative Decision	_____
Interpretation of Ordinance	_____
Exception	_____
Variance	<u>X</u>

Name: STEVEN URSELL Phone: 231 499 5575 Fax: —

Address: 303 WEST 16TH STREET, TRAVERSE CITY, MI 49684

Signature of Owner: [Signature]

Signature of Applicant (if different): _____

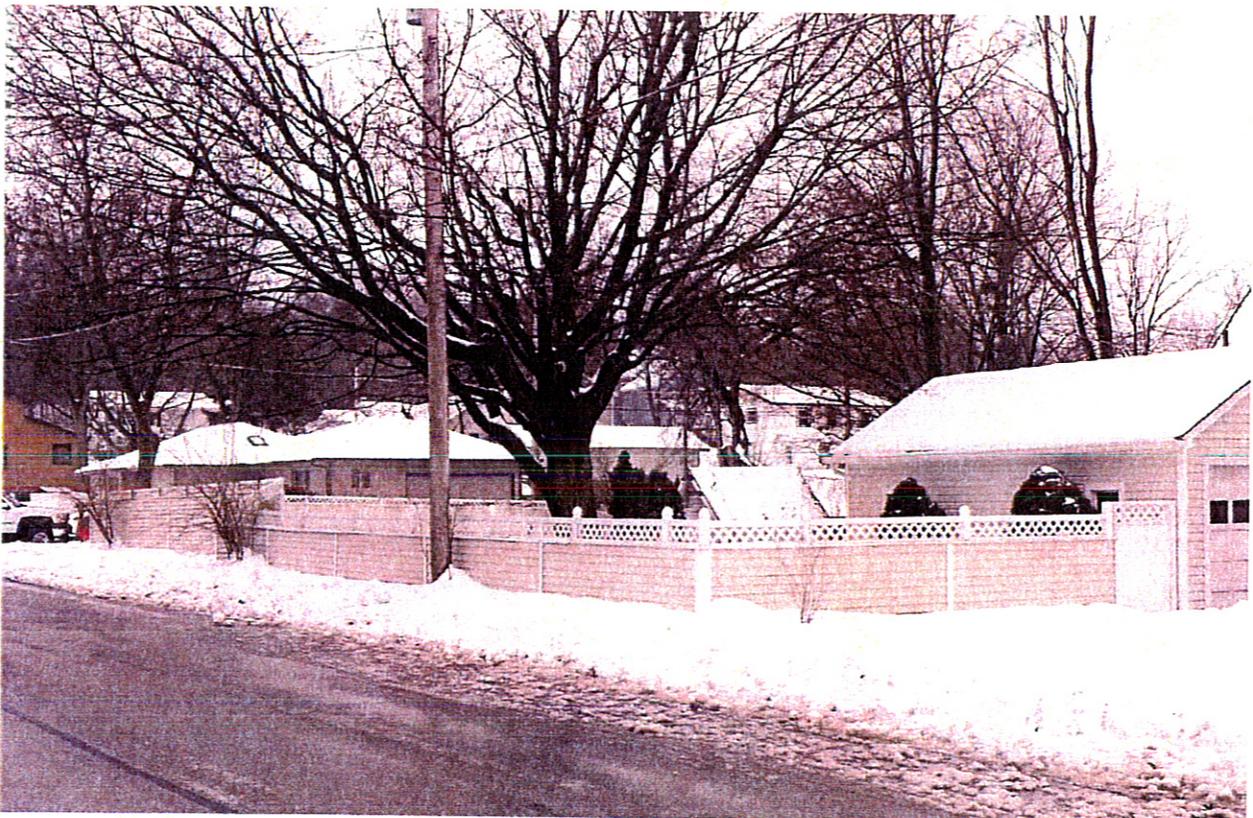
Relationship of Applicant to Owner: _____

APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***

303 W. 16th



303 West Sixteenth Street
Traverse City
MI 49686

Traverse City Board of Zoning Appeals
City of Traverse City

14th November 2014

Dear Sir/Madam

Proposal: Eliminate driveway on 16th Street and construct a new driveway on Pine Street
303 West 16th Street, Traverse City, MI 49684

Please find enclosed a check for \$240 and 13 copies of the following plans for the above proposal:

Drw No: 5/7/71 Survey of 303 Sixteenth Street

Drw No: 1001/01 Existing and Proposed Site Plan

Drw No: 1001/02 Existing/Proposed Elevations 16th/Pine Street

In support of the above proposal I would like the following to be considered:

Improve safety/existing access

The proposed access change will be an improvement over the existing access. I have only been living at this property for a few months and already found that it is tricky pulling in and out with it being so close to the crossroads between 16th Street and Pine Street. Moving the vehicle access onto Pine Street will mean that the access is further away from the crossroads, ensuring that it will be safer for road users, pedestrians and myself.

In addition, 16th Street has a sidewalk but Pine Street does not, so eliminating the driveway on 16th Street will also make the sidewalk safer for pedestrians.

Precedent

There are 16 other properties that have boundaries directly next to Pine Street and 8 of these properties have a vehicle access onto Pine Street. So, the proposed access would be very similar to other vehicle accesses along this Street.

Access from the rear alley

The property is directly adjacent to a rear alley, however, it is not possible to construct a rear access, and keep the integral attached garage that I currently have, because of the existing swimming pool, pool house and electricity pole to the rear. A new access to the rear alley is therefore not possible.

Improvement to House

At present the house is a one bedroom and I would like to remodel this so that it becomes a practical 3 bedroom family home. If the access proposed is approved this enables the remodel of the house to be designed to reflect a more traditional design for the area. Enclosed with the application are drawings which show the principle of the design for the proposed remodel should the access be approved.

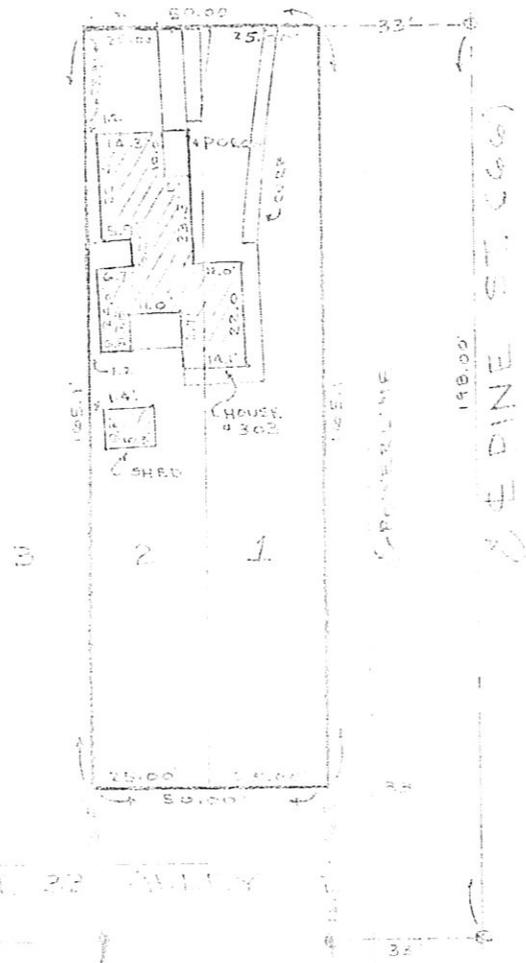
I trust the above confirms the benefits of proposal. Please do not hesitate to contact me should you require any further information.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Steven Ursell', with a horizontal line underneath.

Steven Ursell
(Owner of Property)

16TH ST. (60.00)



SCALE: 1" = 40'

⊕ = IRON FOUND
 ⊙ = NAIL SET

**SURVEY OF 303 SIXTEENTH STREET
 TRAVERSE CITY, MICHIGAN**

I hereby certify that we have surveyed Lot 1 & 2, Block 3, of the 2d Fernwood Addition to Traverse City, Michigan; and that the lot lines are as shown, that the existing structure is within the lot lines, and that there are no encroachments on said parcel, and that there are no apparent existing utilities across said property.

William R. Donnan

William R. Donnan
 Registered Land Surveyor #17618
 May 27, 1971



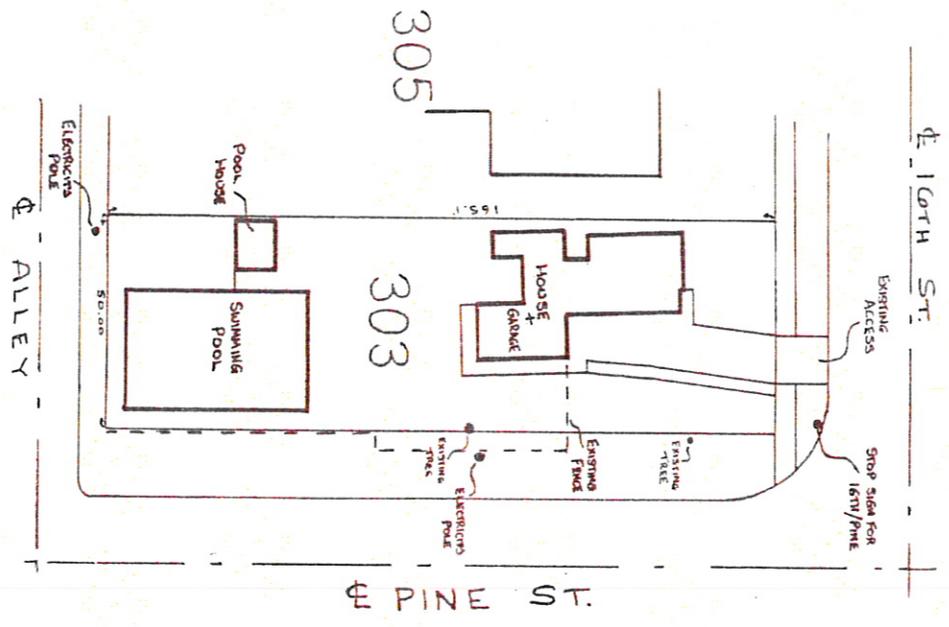
GOURDIE • MILLER • FRASER • ASSOCIATES
 I N C O R P O R A T E D

124 WEST STATE STREET TRAVERSE CITY, MICHIGAN 49684
 ARCHITECTURE • ENGINEERING • SURVEYING • MAPPING

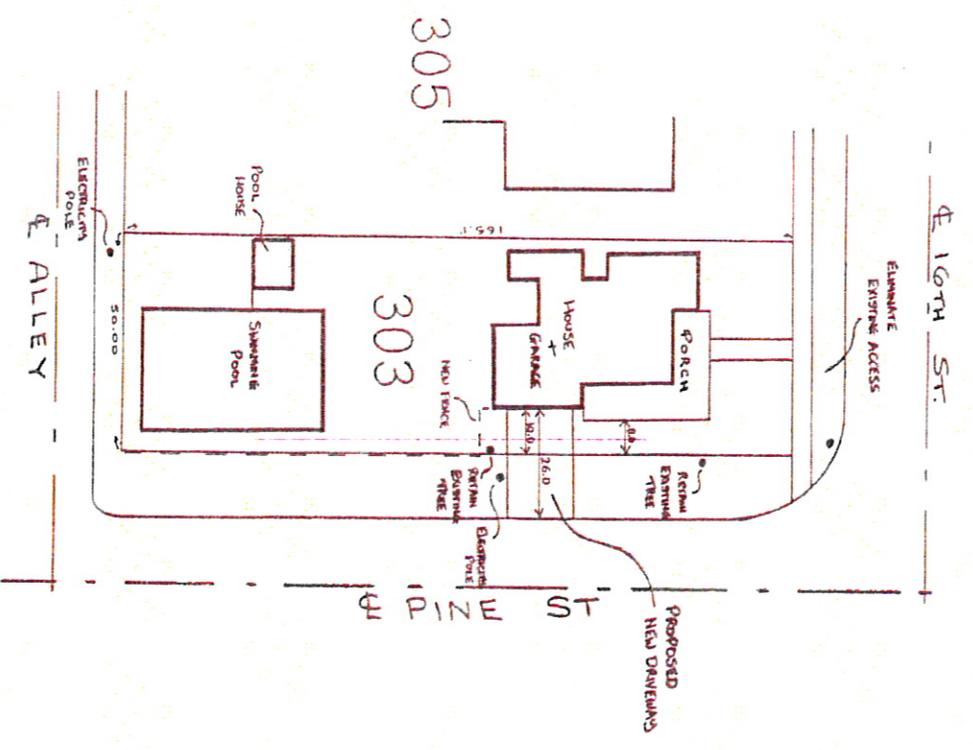
17618 5/27/71

PROJECT NO. 71176

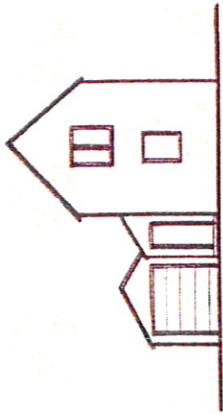
EXISTING SITE PLAN



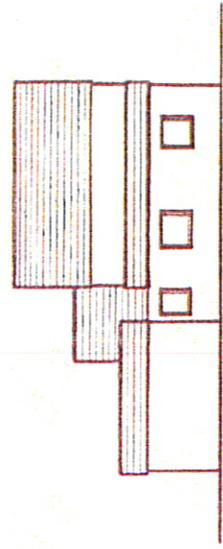
PROPOSED SITE PLAN



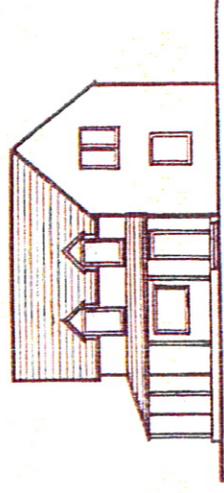
EXISTING AND PROPOSED SITE PLAN	
SCALE: 1" = 20'	APPROVED BY: [Signature]
DATE: 11-11-13	REVISION: [Blank]
THIRD EDITION DRAWINGS ON 16TH STREET AND CONSTRUCTION & NEW DRAWINGS ON PINE STREET	
303 WEST 16TH ST. TOWERGE CMA	DATE: 1001-01



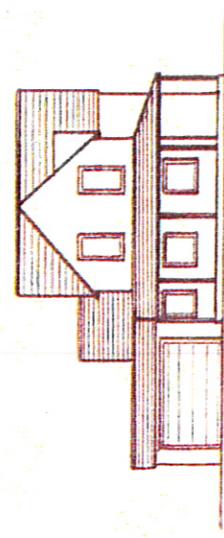
EXISTING FRONT ELEVATION
(16TH STREET)



EXISTING SIDE ELEVATION
(PINE STREET)



PROPOSED FRONT ELEVATION
(16TH STREET)



PROPOSED SIDE ELEVATION
(PINE STREET)

EXISTING / PROPOSED ELEVATIONS 16TH / PINE ST	
DATE: 11-11-13	APPROVED BY: [Signature]
SCALE: N.T.S.	DESIGNED BY: S. WISSELL
PROJECT: ELIMINATE DRIVEWAYS ON 16TH STREET AND CONSTRUCT A NEW DRIVEWAY ON PINE STREET	
308 WEST 16TH ST., TAMEREE CITY, FLORIDA 32063	
10-01-02	

Linda and Bob Sniff
305 West 16th Street
Traverse City

December 8th, 2013

Board of Zoning Appeals
City Planning Department
City of Traverse City

To the Board of Zoning Appeals,

Request 13-BZA-16 – A request from Steven Ursell, 303 West 16th Street, Traverse City for: A dimensional variance to allow for a new driveway to be constructed on Pine Street and not the alley located at the property.

We write in support of our neighbor, Steven Ursell, request to allow a new driveway which will have access to Pine Street.

As background, our family members have been living in 303 West 16th Street for over 50 years before Steven Ursell purchased the property this past summer. We have been living in 305 West 16th Street for approximately 10 years.

We support the proposal because the current access to the property on 16th Street is extremely close to the crossroads of 16th and Pine Street and this does make it very difficult to reverse in and out of the property. While our family lived in the property we are aware of at least 2 accidents which were caused mainly because of the existing access to the property being so close to the crossroads.

Also, due to the existing swimming pool, pool house and topography at the rear of 303, it is not possible for Steven to construct a new access and garage from the rear alley so it makes perfect sense for a new access to be constructed off Pine Street as the next best alternative.

We welcome the proposal and hope that the Board of Zoning Appeals allows the new driveway from Pine Street which will be much safer for all road users and pedestrians than the current situation.

Kind Regards,

Handwritten signatures of Bob Sniff and Linda Sniff in cursive script.

Linda and Bob Sniff



Tonights Board Meeting , Request # 13-BZA-16, 303 West 16th Street

Larry Thompson <dooley2shoes@gmail.com>
To: dweston@ci.traverse-city.mi.us

Tue, Dec 10, 2013 at 1:55 PM

Dear Mr. Weston,

My name is Larry Thompson and I own a house at 225 West 15th Street, near the Pine Street intersection and am therefore a close neighbor to the gentleman requesting a Pine Street access to his property.

I have spoken with Steve and he has explained how he intends to improve his property, for the betterment of his investment and for our neighborhood. Please record my support on his behalf as I am unable to attend tonights meeting.

Please feel free to contact me with questions. Thank you.

--

Larry G. Thompson II

Sales Representative

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m: 231-360-3550 | p: 800-543-6023 | www.pilotbrands.com

Elizabeth Tomlinson
315 W. 15th St.
Traverse City, MI 49684

RECEIVED

DEC 2 2013

PLANNING DEPT
CITY OF
TRAVERSE CITY

December 23, 2013

David Weston, Planning and Zoning Administrator
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

Dear David:

I am writing in response to a Notice of Public Hearing for the property at 303 West Sixteenth Street. I would like to respond with my approval of the requested driveway construction on Pine Street. I feel that if Mr. Ursell is eliminating his driveway on Sixteenth, it would be fair to allow him a driveway onto Pine instead. It is typical in this neighborhood to have a driveway that accesses the main roadway, sometimes in addition to access via the alley. I enjoy having access to both at my own house. Please grant Mr. Ursell relief from the zoning regulations for his remodeling project.

Sincerely,

Elizabeth Tomlinson
315 W. 15th Street

Rachel Brege
419 West 15th Street
Traverse City

City Planning Department
City of Traverse City

12/9/13

To Board of Zoning Appeals,

Request 13-BZA-16 – A dimensional variance to allow for a new driveway to be constructed on Pine Street and not the alley located at the property at 303 West 16th Street.

I am a local resident who lives on 15th Street and I have seen the above application and plans for the proposed new access onto Pine Street.

I write in support of the new access onto Pine Street, because the existing access onto 16th Street is a hazard being so close to the crossroads of 16th and Pine. I can also see from the plans that it is not possible for the applicant to construct a new garage and access from the rear alley due to the existing structures (swimming pool ect).

It would be sensible if the Board of Zoning Appeals allowed the new access onto Pine Street because this will be an improvement over the existing access and make it safer for all vehicle users and pedestrians.

Regards,

A handwritten signature in cursive script that reads "Rachel Brege". The signature is written in black ink and includes a horizontal flourish at the end.

Rachel Brege



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: JANUARY 14, 2014

 FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

 SUBJECT: REQUEST 13-BZA-17

 DATE: JANUARY 10, 2014

You have a request from 13046 Center Road, Traverse City, Michigan for relief from the zoning laws (§1332.07(c)) to construct a 400 square foot (20' x 20') detached garage in the rear yard setback located at the property commonly know as **410 Wadsworth Street**, Traverse City, Michigan.

The property mentioned is zoned R-2 (Two Family Dwelling District) and detached garages are required to have a minimum rear yard setback of 4 feet. The applicant would like to demolish and existing detached garage and construct a new detached garage which will be 2 feet from the rear (west) property line. Mr. Fifarek will be requesting a dimensional variance of 2 feet for the rear yard setback encroachment.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>11-18-13</u>
Check Number: <u>45755</u>	Date of Public Hearing: <u>12-10-13</u>
Receipt Number: <u>18352</u>	Case Number: <u>13-BZA-17</u>

TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): 410 Wadesworth

REQUEST AND PROPOSED PROJECT:

Garage DIM VARIANCE TO ALL FOR A NEW DETACHED GARAGE TO BE LOCATED 2 FEET+ FROM THE REAR (WEST) PROPERTY LINE.

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request:	Appeal for Administrative Decision	_____
	Interpretation of Ordinance	_____
	Exception	_____
	Variance	<input checked="" type="checkbox"/>

Name: CHRIS FIFAREK Phone: 231-360-3221 Fax: _____

Address: 13046 Center Rd TC MI 49686

Signature of Owner: Chris Fifarek & Louise McBurnett

Signature of Applicant (if different): Chris Fifarek

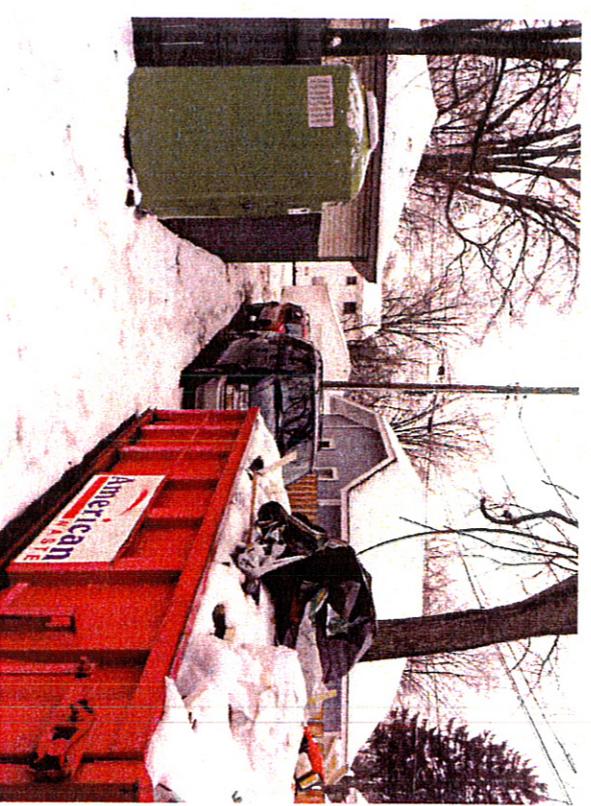
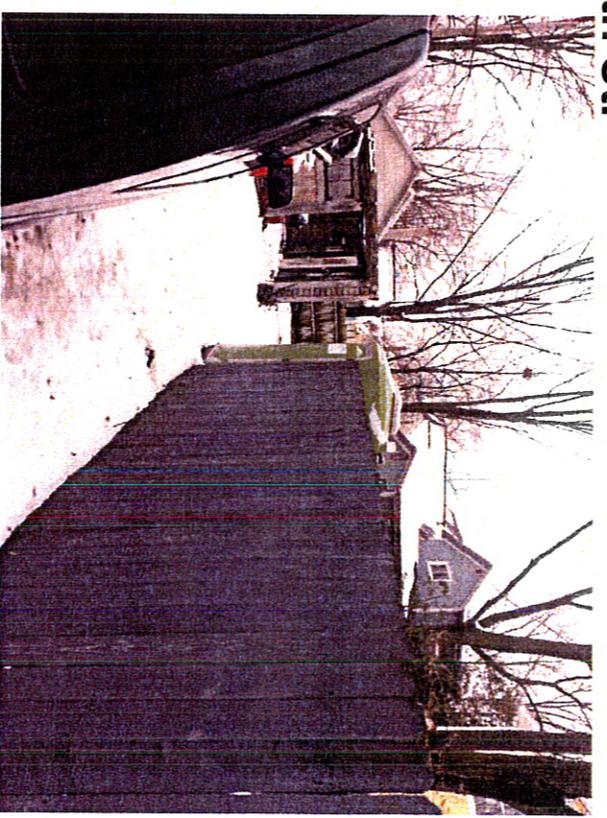
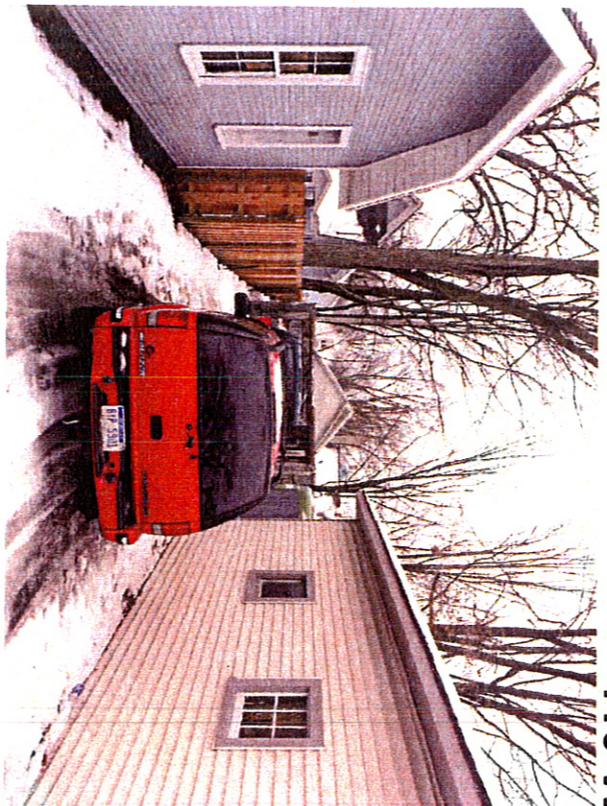
Relationship of Applicant to Owner: OWNER'S SON

APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***

410 Wadsworth St.



SITEPLAN

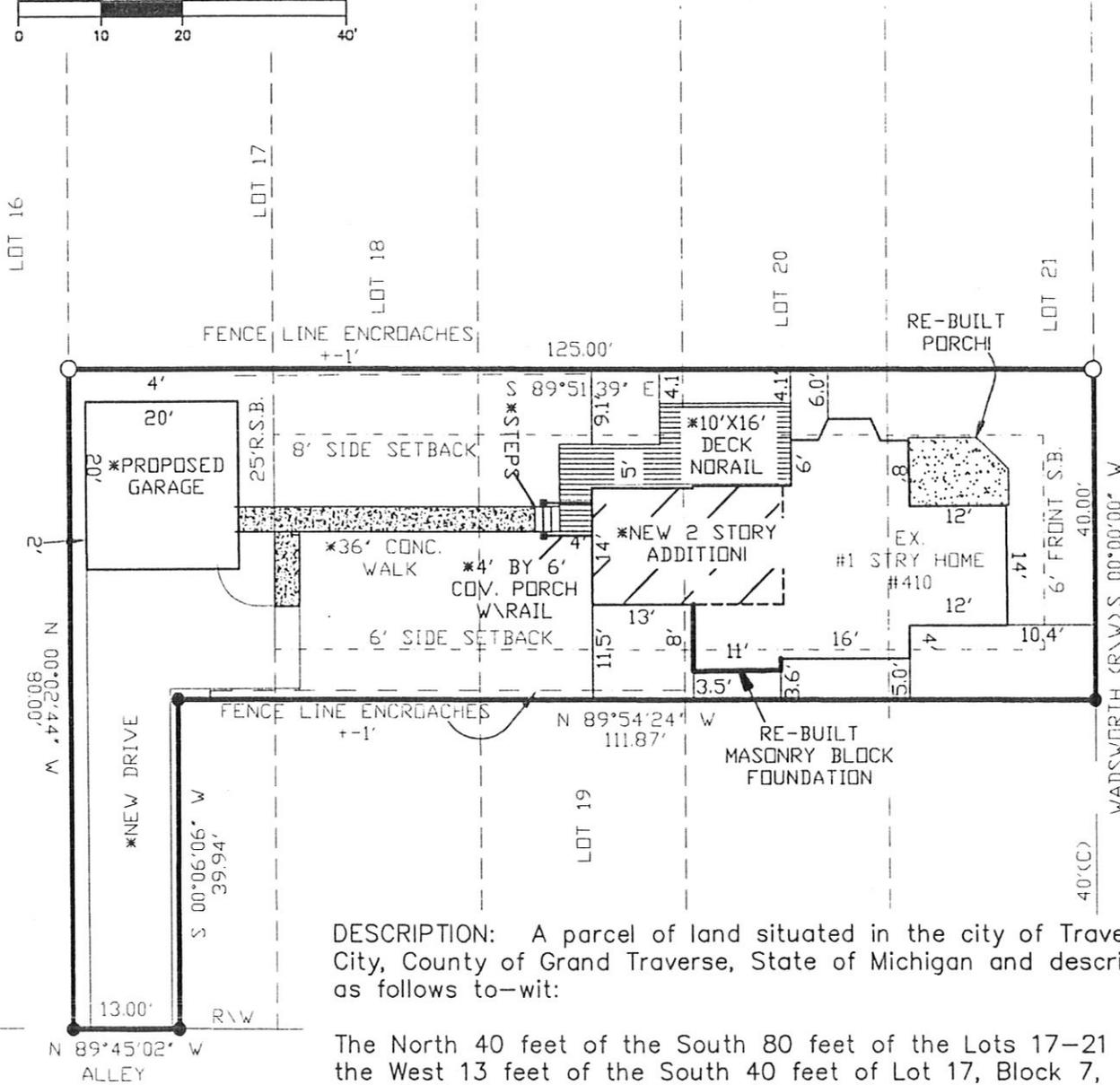
Legend

- IRON SET
- IRON FOUND
- ⊙ MONUMENT FOUND
- △ NAIL SET
- ▲ NAIL FOUND
- ⊕ GOVERNMENT 1/4 CORNER
- SECTION CORNER
- ⊕ CENTER 1/4 CORNER
- (R) RECORD
- (M) MEASURED

Scale: 1" = 20'

SITE DATA:
 PIN #51-638-073-00
 410 WADSWORTH

SETBACKS
 SIDE=6' & 8'
 FRONT=6'
 REAR=25'
 *=PROPOSED 2012-2013



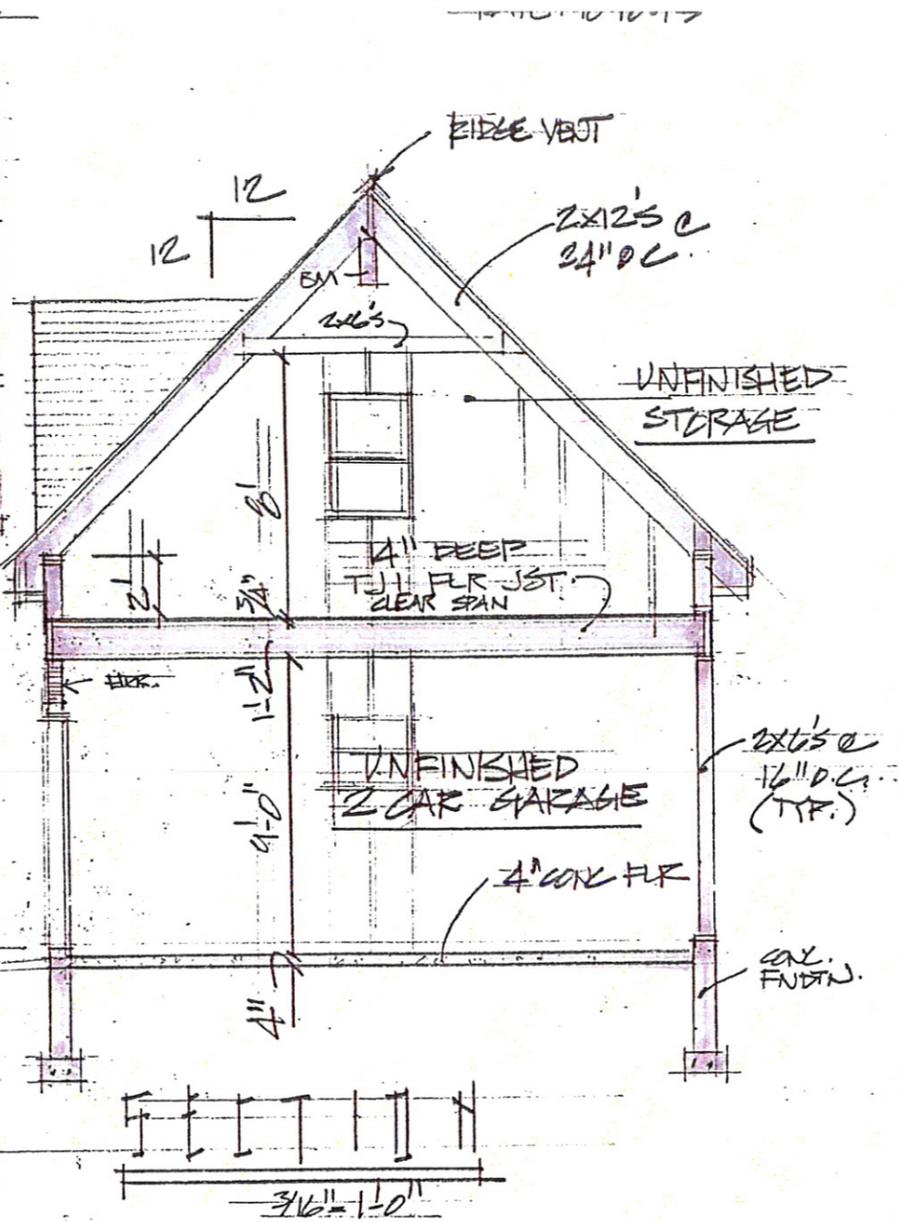
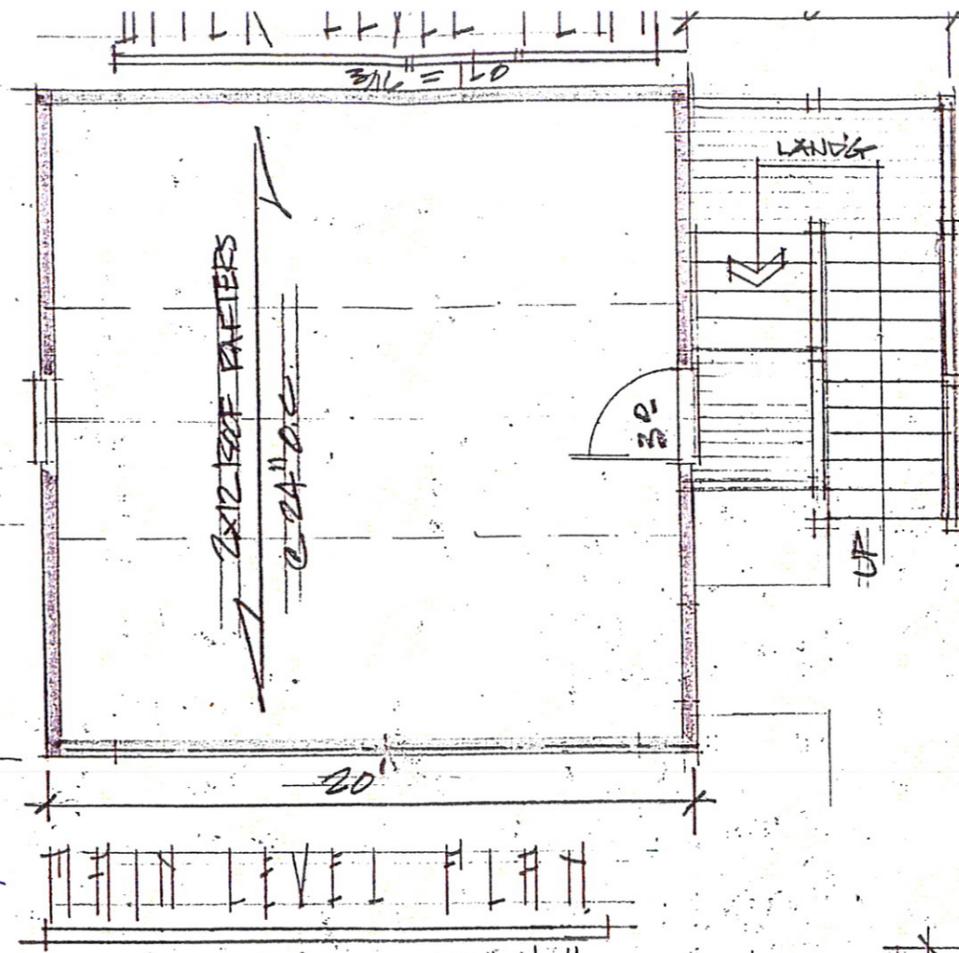
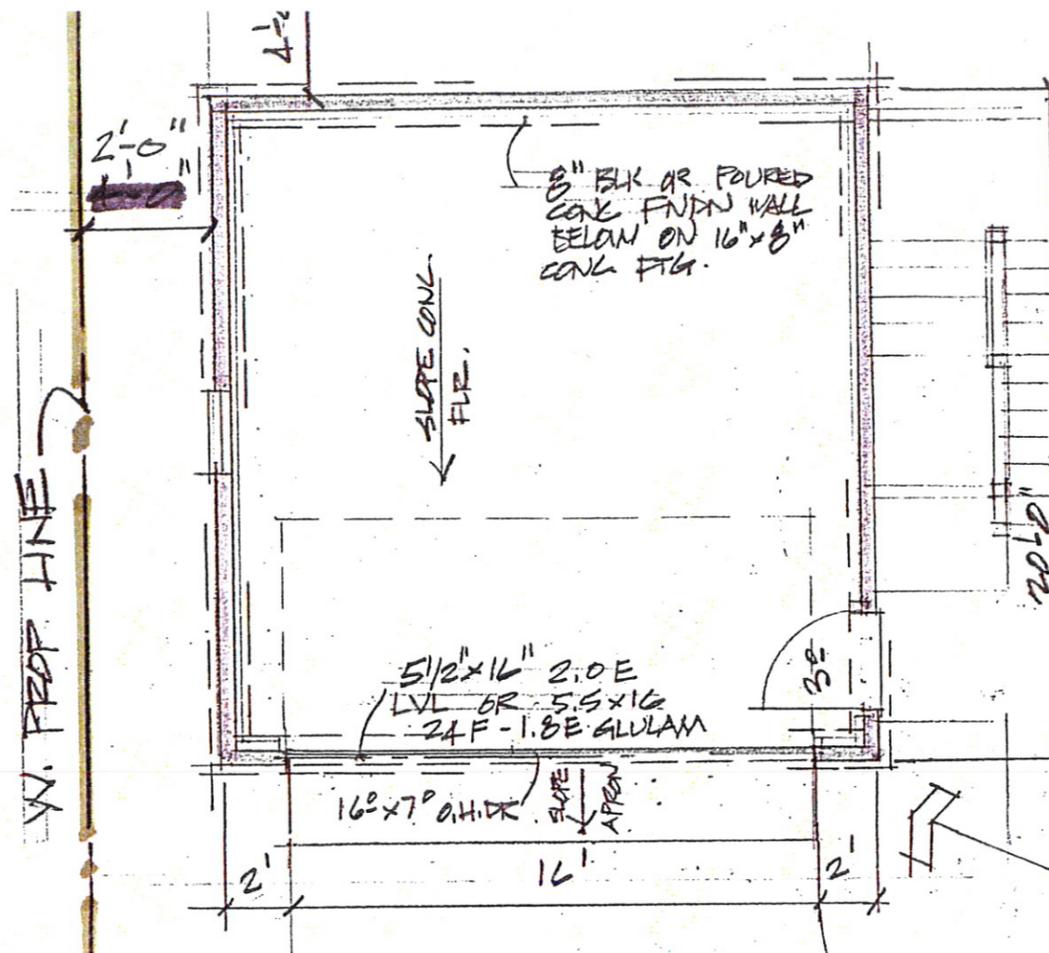
DESCRIPTION: A parcel of land situated in the city of Traverse City, County of Grand Traverse, State of Michigan and described as follows to-wit:

The North 40 feet of the South 80 feet of the Lots 17-21 & the West 13 feet of the South 40 feet of Lot 17, Block 7, Hannah Lay & Cos 6th addition to the city of Traverse City.

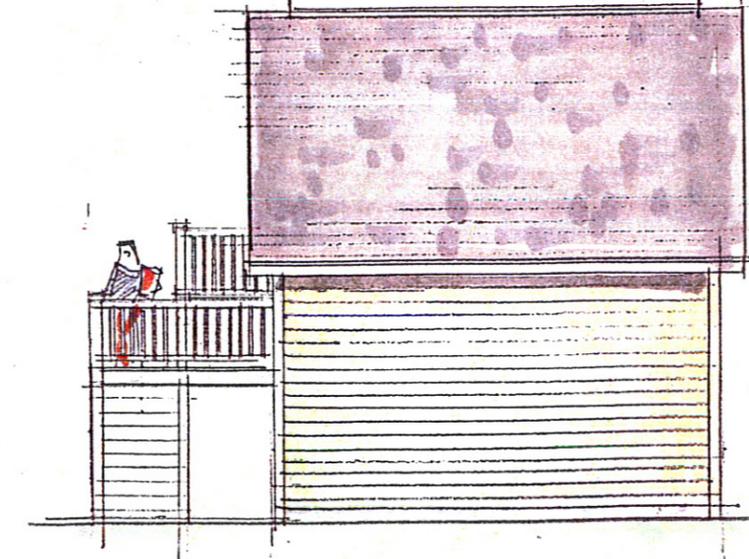
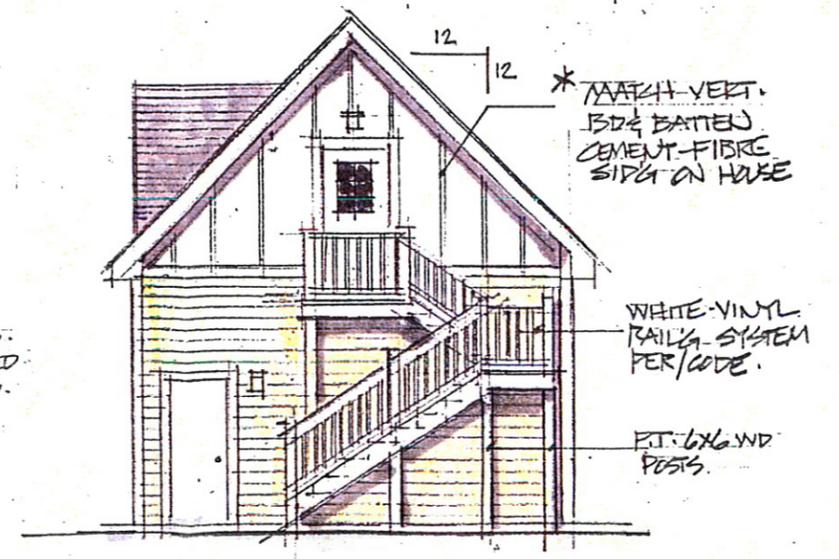
SUBJECT TO all agreements, covenants, easements, right-of-ways, reservations and restrictions of record, if any.

ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF BOB MITCHELL & ASSOCIATES IS PROHIBITED.

Jesse E. Mitchell
 Professional Surveyor No. 54433



PRELIMINARY GARAGE PLAN
 410 WADSWORTH
 TRAVERSE CITY, MI 49684
 CHRIS FIFAREK - CONTRACTOR



SOUTH ELEVATION

EAST ELEV.

NORTH ELEV.

BOARD OF ZONING APPEALS RULES AND PROCEDURE

TRAVERSE CITY BOARD OF ZONING APPEALS

(To Be Adopted December 10, 2013)

PURPOSE:

These Board of Zoning Appeals Rules and Procedure are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Board with the operation of the Board so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

RULES OF PROCEDURE.

The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

- (a) **Appeals Generally.** For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.
- (b) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator within twenty-one days after written notice is given of the action being appealed. The appeal shall be placed upon the Board's agenda in the second month immediately following the month in which the appeal is filed.
- (c) **Filing Fees.** The filing fee for appeals shall be established by resolution of the City Commission.
- (d) **Notices.** Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen days prior to the first meeting of the Board at which it will be formally considered.
- (e) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.
- (f) **Regular Meetings.** The Board's regular meeting date is the second Tuesday of each month at 7:00 p.m. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the Committee Room of the Governmental Center, unless otherwise indicated.
- (g) **Exceptions to Regular Meeting Dates.** If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received 21 days before the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrator.
- (h) **Application Contents.** In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:
 - (1) A site plan or site diagram reflecting accurate dimensions of the property, the

- location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor.
- (2) The name, address and telephone number of the applicant and all authorized agents of the applicant.
 - (3) The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.
 - (4) All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (i) **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Before deliberating any appeal, the Chairman shall ask if any member has such a conflict.
 - (j) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
 - (k) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.
 - (l) **Instructions.** The Zoning Administrator shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.
 - (m) **Other Rules.** The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.

I hereby certify that the above document was adopted by the Traverse City Board of Zoning Appeals at their December 10, 2013, Regular Meeting.

David Weston, Secretary
Traverse City Board of Zoning Appeals