

**AGENDA**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY, APRIL 8, 2014**  
**7:00 P.M.**  
**Committee Room, Governmental Center, 2<sup>nd</sup> 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 February 14, 2014 regular meeting minutes.
4. **REQUEST 14-BZA-02 – A REQUEST FROM THE CITY OF TRAVERSE CITY AND SNOWDEN DEVELOPMENT, 125 PARK STREET, SUITE 475, TRAVERSE CITY, MICHIGAN, for:**  
  
A dimensional variance of 5 feet to allow for a 2-story, 9000 square foot building to be located on the rear (east) property line located at **113 Park Street**, Traverse City, Michigan.
5. **REQUEST 14-BZA-03 – A REQUEST FROM PAUL D. CORRADO, CORRADO CONTRACTING, LLC, 27530 FAIRFIELD, WARREN, MICHIGAN, for:**  
  
An Exception for the Sign Ordinance to allow for the installation of two wall signs at a height of 19 feet located at the property commonly known as **1407 South Division Street**, Traverse City, Michigan.
6. **PUBLIC COMMENT**
7. **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. Kelli Schroeder, Human Resource Department, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4481, 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, FEBRUARY 11, 2014**  
**7:00 P.M.**  
**Committee Room, Governmental Center, 2<sup>nd</sup> Floor**  
**Governmental Center**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**  
**231-922-4464**

**PRESENT:** Members Bergman, Wegener, Jones, Szajner, Raftery, Donaldson (7:05), Lomasney, Hanley and Chairperson Cockfield.

**ABSENT:** Member Callison

**1. CALL MEETING TO ORDER**

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

**2. APPROVAL OF MINUTES-** Approval of the August 13, 2013 regular meeting minutes.

*Motion by Member Wegener, seconded by Member Lomasney to approve the August 13, 2013 regular meeting minutes as presented. Upon vote the motion carried 8-0.*

**3. 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.

*Robert McKenzie, Contractor for Steve Ursell, 1375 Fairwood Dr. Traverse City, Michigan, presented drawings and answered questions from the Board. Motion by Member Lomasney, seconded by Member Raftery to grant a dimensional variance to allow for a new driveway to be constructed on Pine Street located at the property commonly known as 303 West Sixteenth Street, Traverse City, Michigan, based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 13-BZA-16. Upon vote the motion carried 9-0.*

4. **REQUEST 13-BZA-17 – A REQUEST CHRIS FIFAREK, 13046 CENTER ROAD, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance of 2 feet to allow for the construction of a new 400 square foot (20' x 20') detached garage to be 2 feet from the rear (west) property line located at the property commonly known as 410 Wadsworth Street, Traverse City, Michigan.

*Chris Fifarek presented drawings and answered questions from the Board. Motion by Member Raftery, seconded by Member Wegener to grant a dimensional variance of 2 feet to allow for the construction of a new 400 square foot (20' x 20') detached garage to be 2 feet from the rear (west) property line located at the property commonly known as 410 Wadsworth Street, Traverse City, Michigan, based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 13-BZA-17. Upon vote the motion carried 7-1 with Member Cockfield voting in opposition. Member Donaldson abstained from the vote.*

5. **REQUEST 14-BZA-01 – A REQUEST FROM TODD AND CHRISTINE ELSENHIMER, 819 RANDOLPH STREET, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance for a rear addition to the home located at the property mentioned to be in the required 8 foot side yard setback (east side) by 1.58 feet.

*Bob Cornwell, Architect, 401 East Front Street, Traverse City, Michigan, presented drawings and answered questions from the Board. Todd and Christine Elsenhimer, 819 Randolph Street, answered questions from the Board. Motion by Member Donaldson, seconded by member Jones to grant a dimensional variance for a rear addition to the home located at the property commonly known as 819 Randolph Street, Traverse City, Michigan, to be in the required 8 foot side yard setback (east side) by 1.58 feet based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-01. Upon vote the motion carried 9-0.*

6. **CONSIDERATION OF ADOPTING RULES AND PROCEDURES FOR THE CITY OF TRAVERSE CITY BOARD OF ZONING APPEALS.**

*Staff did not include this material in the Board's Packet. It will be placed on the next regular meeting.*

7. **PUBLIC COMMENT**

*None.*

**8. ADJOURNMENT**

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

Respectfully submitted,

\_\_\_\_\_  
David Weston, Planning and Zoning Administrator

Date: \_\_\_\_\_

DRAFT

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 13-BZA-16**

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: 330 West Sixteenth Street, Traverse City, Michigan  
Property Description: THT PRT OF LOT 8 SEC 10 T27N R11W DES AS COM 50 FT  
W OF SW COR OF BLK 2 2ND FERNWOOD ADD TH W 50 FT  
TH N 165 FT TH E 50 FT TH S 165 FT TO POB  
Variance Granted: A dimensional variance to allow for a new driveway to be  
constructed on Pine Street  
Applicant: Steven Ursell, 303 West Sixteenth 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-16

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-16, for the property commonly known as **303 West Sixteenth Street**, Traverse City, Michigan, from Steven Ursell.

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-16:**

1. The parcel is a corner lot and has an existing attached garage with a driveway on Sixteenth Street.
2. There is an existing swimming pool and pool house in the rear which would need to be removed if a detached garage is constructed in the rear yard with alley access.
3. The existing driveway on Sixteenth Street crosses a sidewalk and is close to the intersection on Pine Street.
4. There is no sidewalk on Pine Street and the proposed driveway will be further away from the intersection at Sixteenth Street.

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 13-BZA-17**

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: 410 Wadsworth Street, Traverse City, Michigan  
Property Description: 2830 N 40 FT OF S 80 FT OF LOTS 17-18-19-20-21 & W 13 FT OF S 40 FT OF LOT 17, BLOCK 7 HANNAH LAY & CO'S 6TH ADD.  
Variance Granted: A dimensional variance of 2 feet to allow for the construction of a new 400 square foot (20' x 20') detached garage to be 2 feet from the rear (west) property line  
Applicant: Chris Fifarek, 13046 Center Road, 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-17

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-17, for the property commonly known as **410 Wadsworth Street**, Traverse City, Michigan, from Chris Fifarek.

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-17:**

1. The parcel is irregularly shaped with a 13 foot by 40 foot driveway accessing the alley.
2. The 13 foot by 40 foot area that accesses the alley is lined with detached garages and fences making it difficult to access a garage meeting the rear yard setback of 4 feet.
3. There is an existing detached garage which is 2 feet from the rear (west) property line.
4. There is a 20 foot public utility easement that runs from the alley north through the applicant's parcel between the existing detached garage and the home.
5. City Engineering will not permit any additional encroachments in the public utility easement.
6. The proposed garage was approved by the Historic Districts Commission on October 25, 2013.

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 14-BZA-01**

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: 819 Randolph Street, Traverse City, Michigan  
Property Description: W 33 1/3 FT OF LOT 5, BLOCK 3 HANNAH LAY & CO'S 3RD ADD.  
Variance Granted: A dimensional variance for a rear addition to the home located at the property mentioned to be in the required 8 foot side yard setback (east side) by 1.58 feet.  
Applicant: Todd and Christine Elsenhimer, 819 Randolph 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:

3. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
4. 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 14-BZA-01

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. 14-BZA-01, for the property commonly known as **819 Randolph Street**, Traverse City, Michigan, from Todd and Christine Elsenhimer.

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 14-BZA-01:**

1. The parcel is a nonconforming lot with a width of 33.33 feet.
2. The existing rear portion of the home is 1 foot, 3 inches from the east property line.
3. The proposed addition will be 6 feet, 5 inches from the east property line.
4. The existing rear portion of the home which will be demolished is 2 feet wider than what is being proposed to be reconstructed.
5. Section 1374.02(a)(4) of the Zoning Code allows staff to approve an extension of an existing side wall that encroaches in the side yard setback.
6. Assuming the conditions of Section 1374.02(a)(4) were met , the applicant could remove the existing rear portion of the home and reconstruct it in the same location 1 foot, 3 inches from the east property line without a variance from the Board of Zoning Appeals.



## Communication to the Board of Zoning Appeals

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FOR THE MEETING OF:                   APRIL 8, 2014

FROM:                                   DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT:                               REQUEST 14-BZA-02

DATE:                                   APRIL 4, 2014

You have a request from the City of Traverse City and Snowden Development, 125 Park Street, Suite 475, Traverse City, Michigan for relief from the zoning laws (§1346.04(c)), *Rear Setbacks*, to construct a two story, 9,000 square foot commercial building located at the property commonly known as **113 Park Street**, Traverse City, Michigan (the vacant parcel between Radio Center Phase One and Radio Center Phase Two).

The property mentioned is zoned C-4c (Regional Center District), and buildings in this district are required to have a minimum rear yard setback of 5 feet. The proposed building will be located on the rear (east) property line abutting the Larry Hardy Parking Deck. The applicants will be requesting a dimensional variance of 5 feet to allow for the proposed building to be located on the rear property line.

As some of you may recall a similar project at this location received a rear yard dimensional variance in March 2008, I have attached those minutes for your review. In 2008 the variance was for a 4-story, 18,000 square foot building. The variance before you is the same building but smaller, at 2-stories, 9,000 square feet. It is the opinion of the City Attorney that since the building size has changed a new request must come before the Board.

**MINUTES**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY, MARCH 11, 2008**  
**7:30 PM**  
**Commission Chamber, Governmental Center, 2<sup>nd</sup> Floor**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**  
**231-922-4778**

**PRESENT:** Members Olson, Nixon, Stephan, Peltz, Wegener, Griggs and Chairman Callahan.  
**ABSENT:** Members Easterday and Vice-Chairman Cockfield  
**STAFF PRESENT:** David Weston

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:30 p.m.*

**2. APPROVAL OF MINUTES** - Approval of the minutes for the January 15, 2008 regular meeting.

*Motion by Member Peltz, seconded by Member Stephan to approve the January 15, 2008 regular meeting minutes as presented.*

**3. REQUEST 08-01** - A request from the City of Traverse City and Snowden Companies, 125 Park Street, Traverse City, Michigan for a rear yard setback dimensional variance of 5 feet to allow for a four story, 18,000 square foot commercial building located at the property commonly known as **113 Park Street**, Traverse City, Michigan. §1346.04(c)

*Richard Lewis, City Manager presented drawings and answered questions from the Board.*

*Jerry Snowden, Snowden Companies, 125 Park Street, Traverse City, Michigan answered question from the Board.*

*Motion by Member Peltz, seconded by Member Olson to grant a rear yard dimensional variance of 5 feet to allow for a four story, 18,000 square foot commercial building located at the property commonly known as 113 Park Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting Dimensional Variance No. 08-01. Upon vote the motion carried 7-0.*

**4. REQUEST 08-02** - A request from Lynn Moon, Real Estate Agent for Bradley and Megan Anderson for a rear yard setback dimensional variance of 19 feet to allow for the construction of a 484 square foot (22' x 22') attached garage located at the property commonly known as **404 Sixth Street**, Traverse City, Michigan.

*Lynn Moon, 4022 Incochee Crest Commons, Traverse City, Michigan, presented drawings and answered questions from the Board.*

*Megan Anderson, 404 Sixth Street, Traverse City, Michigan, answered questions from the Board.*

*Motion by Member Stephan, seconded by Member Nixon for a rear yard setback dimensional variance of 19 feet to allow for the construction of a 484 square foot (22' x 22') attached garage located at the property commonly known as 404 Sixth Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Denying Dimensional Variance No. 08-02. Upon vote the motion failed 3-4 with Members Callahan, Olson, Peltz and Griggs voting in opposition.*

**5. PUBLIC COMMENT**

*None.*

**6. OTHER BUSINESS**

*None.*

**7. ADJOURNMENT**

*The meeting was adjourned at 8:35 p.m.*

Respectfully submitted,

Date: 4-15-08

  
David Weston, Secretary

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
DIMENSIONAL VARIANCE NO. 08-01**

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

Street Address: 113 North Park Street, Traverse City, Michigan.  
Variance Authorized: A five foot rear yard dimensional variance to allow for a four story, 18,000 square foot commercial building.  
Applicant Owner: City of Traverse City and Snowden Companies.

It is determined that the Applicant has demonstrated a practical difficulty as well as the basic conditions for authorizing a variance required by the Zoning Code. 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 is incorporated herein by reference.
2. The procedures and requirements for variance decisions required 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 April 15, 2008, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Date: 4-15-08

  
\_\_\_\_\_  
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 of 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 CONCLUSIONS AND FINDINGS OF FACTS NO. 08-01

The following are Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 08-01, for the property commonly known as **113 North Park Street**, Traverse City, Michigan from the City of Traverse City and Snowden Companies.

- a) Practical difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other property or uses in the same district.
- b) In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
- c) No substantial adverse effect on property value in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
- d) 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.
- e) 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.
- f) Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- g) The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
- h) 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 for request No. 08-01:**

- a) Radio Center Phase 2, 125 Park Street received a 5 foot rear yard setback variance on January 13, 2004.
- b) The Board of Zoning Appeals January 13, 2004 variance was conditioned that any wall built on the north property line or within the normal setback must meet the Michigan Building Code requirements for a party wall/fire barrier, or be reconstructed to meet those requirements at such time as a building is constructed in the alley to the north.
- c) The north wall foundation on Radio Center Phase Two was designed and constructed to accommodate the building proposed for 113 Park Street.
- d) The plan, as envisioned by the Developer's Agreement, will be one continuous building from State Street to Front Street with the building located at 113 Park Street having access to the Larry Hardy Parking Deck.
- e) The first floor of the building will house public restrooms and a sector patrol office.
- f) Accommodations for "trash totes", utility meters, etc. will be located in the area between Radio Center phase 2 and the Larry Hardy Parking Deck.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>3-20-14</u>
Check Number: <u>N/A</u>	Date of Public Hearing: <u>4-8-14</u>
Receipt Number: <u>N/A</u>	Case Number: <u>14-BZA-02</u>

### TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address): 113 PARK ST. VACANT PARCEL BETWEEN

RADIO CENTER PHASE ONE & RADIO CENTER PHASE 2

**REQUEST AND PROPOSED PROJECT:**

5' FOOT DIMENSIONAL VARIANCE TO ALLOW FOR A 2-STORY BUILDING TO BE LOCATED ON THE REAR PROPERTY LINE

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

CITY OF TRAVERSE CITY

Name: SNOWDEN COMPANY Phone: 922-4440 Fax: \_\_\_\_\_

Address: 400 BOARDMAN AVE, 125 PARK ST.

Signature of Owner: [Signature]

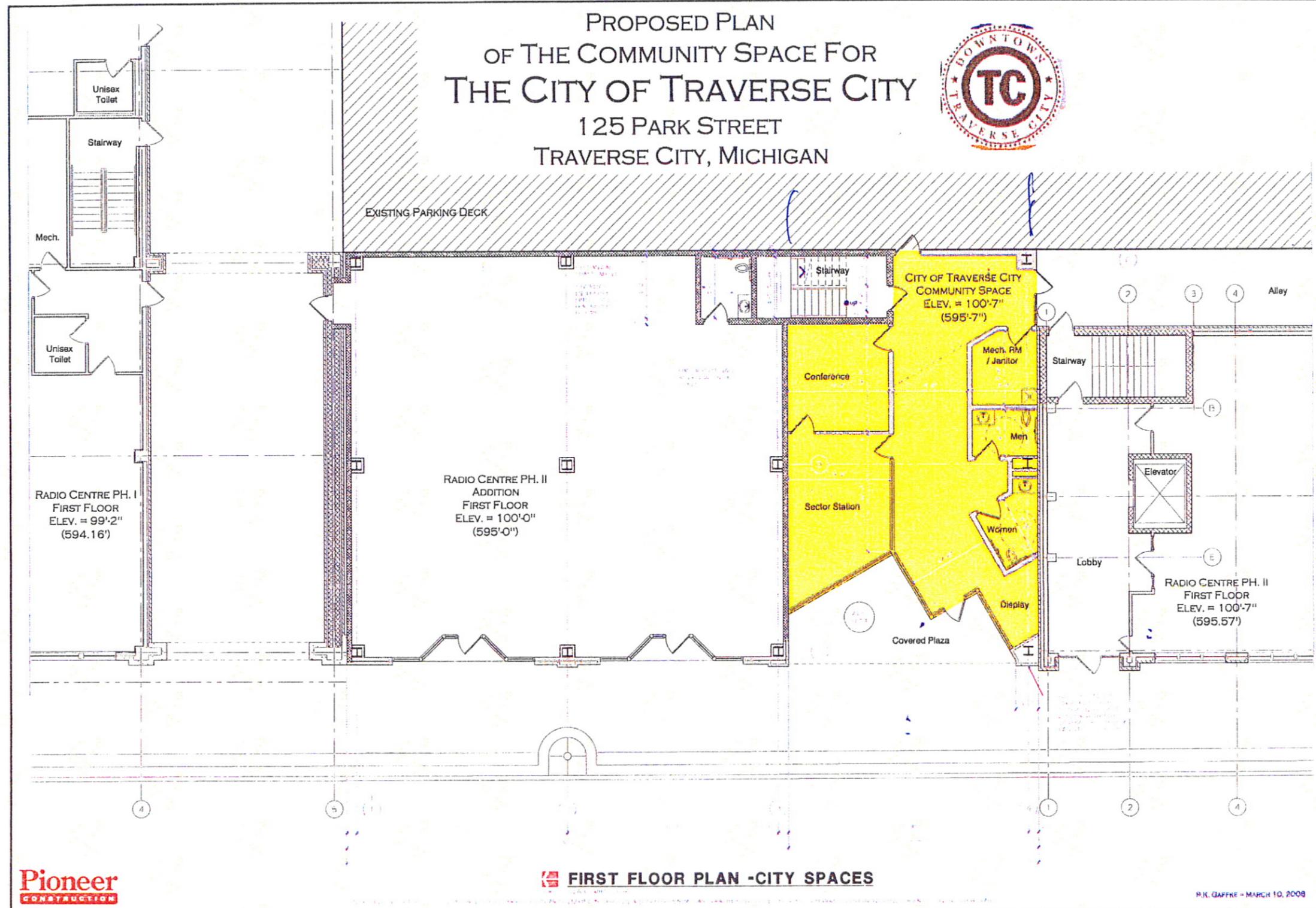
Signature of Applicant (if different): [Signature]

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 \*\*\*

PROPOSED PLAN  
 OF THE COMMUNITY SPACE FOR  
**THE CITY OF TRAVERSE CITY**  
 125 PARK STREET  
 TRAVERSE CITY, MICHIGAN







## Communication to the Board of Zoning Appeals

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FOR THE MEETING OF: April 8, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 14-BZA-02

DATE: April 4, 2014

You have a request from Paul D. Corrado, Corrado Contracting, LLC, 27530 Fairfield, Warren, Michigan, contractor for Credit Union One, **1407 South Division Street**, Traverse City, Michigan, for relief from the signage regulations to allow for the installation of new wall signs that exceed the maximum height restrictions of the City Sign Ordinance located at the property mentioned.

The property mentioned is zoned C-3 (Community Center District) and wall signs are limited to a maximum height of 18 feet. The applicant will be constructing a new bank at the property mentioned and would like to install two new wall signs at a height of 19 feet. Mr. Corrado will be requesting an exception from the Board of Zoning Appeals to allow for the wall signs to exceed the maximum height restrictions of the City Sign Ordinance.

In the past two other businesses have received sign exceptions on this corridor, SVS Vision and Wendy's. I have attached those minutes for your review.

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**MINUTES**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY APRIL 9, 2013**  
**7:00 P.M.**  
**Committee Room, Governmental Center, 2<sup>nd</sup> Floor**  
**Governmental Center**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**  
**231-922-4464**

**PRESENT:** Members Serratelli, Wegener, Chalker-Soltysiak, Lomasney, Geht and Vice-Chairperson Halbert.

**ABSENT:** Members Jones, Donaldson and Chairperson Cockfield.

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:03 p.m.*

**2. APPROVAL OF MINUTES-** Approval of the February 12, 2013 regular meeting.

*Motion by Member Wegener, seconded by Member Serratelli to approve the February 12, 2013 regular meeting minutes as presented. Upon vote the motion carried 6-0.*

**3. REQUEST 13-BZA-04 – A REQUEST FROM SVS VISION, 1545 SOUTH DIVISION STREET, SUITE 122, TRAVERSE CITY, MICHIGAN, for:**

An exception to allow for a total of 80 square feet of wall signage to be added to the building located at the property mentioned.

*Brian Duquet employee with Sign-A-Rama, 36886 Harper Street, Clinton Township, Michigan, presented and answered question from the Board. Motion by Member Serratelli, seconded by Chalker-Soltysiak to grant an exception to allow for a total of 65 square feet of wall signage to be installed to the building located at the property commonly known as 1545 South Division Street, Suite 122, Traverse City, Michigan based in the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 13-BZA-04. Upon vote the motion carried 6-0.*

4. **REQUEST 13-BZA-05 – A REQUEST FROM STEVE ALEXANDER, 121 RIVERS EDGE DRIVE, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance of 2 feet to allow for the construction of a 480 square foot (20' x 24') detached garage to be 2 feet from the side (east) property line located at the property commonly known as **219 West Ninth Street**, Traverse City, Michigan.

*The applicant withdrew his request because the full Board was not present.*

5. **REQUEST 13-BZA-06 – A REQUEST FROM NICK CARLSON, 619 WEST TWELFTH STREET, TRAVERSE CITY, MICHIGAN, for:**

An exception from one Class 1 nonconforming use to another Class 1 nonconforming use that would permit a small “craft” cheese production facility with retail and wholesale sales located at the property commonly known as **519 West Fourteenth Street**, Traverse City, Michigan.

*Nick Carlson, 612 West Twelfth Street, Traverse City, Michigan presented and answered questions from the Board.*

*Chris Wendel, 722 South Union Street, Traverse City, Michigan spoke in favor of granting the exception.*

*Barbara Brandt, 515 West Fifteenth Street, Traverse City Michigan addressed the Board and asked question.*

*Jody Treter, 1141 Veterans Drive, Traverse City, Michigan spoke in favor of granting the exception.*

*Motion by Member Lomasney, seconded by Member Chalker-Soltysiak to grant an exception from one Class 1 nonconforming use to another Class 1 nonconforming use that would permit a small “craft” cheese production facility with retail and wholesale sales located at the property commonly known as 519 West Fourteenth Street, Traverse City, Michigan based in the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 13-BZA-06. Upon vote the motion carried 6-0.*

6. **REQUEST 13-BZA-07 – A REQUEST FROM CHRISTINA M. ANDERSON, 1102 PENINSULA DRIVE, TRAVERSE CITY, MICHIGAN, for:**

A dimensional variance of 4 feet to allow for the construction of a 448 square foot (14' x 32') attached garage to be 2 feet from the side (east) property line located at the property commonly known as **1725 Indian Woods Drive**, Traverse City, Michigan.

*The applicant withdrew her request because the full Board was not present.*

7. **PUBLIC COMMENT**

*None.*

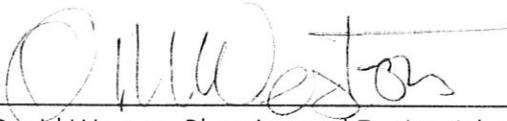
8. **OTHER BUSINESS**

*None.*

9. **ADJOURNMENT**

*The meeting was adjourned at 8:05 p.m.*

Respectfully submitted,



David Weston, Planning and Zoning Administrator

Date: 5-14-13

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
EXCEPTION NO. 13-BZA-04**

Pursuant to the City of Traverse City Code of Ordinances § 1476.15(b)(3), Exceptions, the Board of Zoning Appeals hereby grants an exception for the following:

Street Address: 1545 S. Division Street, Suite 122  
Property Description: LOTS 2-3-4 GATEWAY SUB  
Exception Authorized: An exception to allow for a total of 65 square feet of wall signage to be installed to the building located at the property commonly known as 1545 South Division Street, Suite 122, Traverse City, Michigan.  
Applicant: SVS Vision, 1545 South Division Street, Suite 122, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a unique circumstance when the evidence in the official record of the exception supports all of the affirmative findings as required in §1467.15(b)(3). 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 exception decisions by law and ordinance have been followed.

This Order shall not be deemed to City approval for anything other than the exception 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 MAY 14, 2013, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: 5-14-13

  
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-04

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for an exception, Request 13-BZA-04, for the property commonly known as **1545 South Division Street, Suite 122**, Traverse City, Michigan.

- a) The circumstances were exceptional and peculiar to the property, and result from conditions which do not exist generally throughout the City.
- b) The alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
- c) Allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured and will be contrary to the public purpose and general intent and purpose of Chapter 1476, Signs of the City of Traverse City Code of Ordinances.

**The foregoing Statement of Conclusions is supported by the following Findings of Fact:**

1. There are two freestanding signs on the property identifying Kids Creek Market Place with one of them incorporating a small joint tenant reader board.
2. No additional freestanding signs are permitted to be installed on the parcel.
3. Tenants do not have control over the freestanding signs.
4. The applicant is leasing a corner unit which has north and west exposure to Division Street.
5. Division Street is an M.D.O.T highway with an exceptionally large right-of-way.
6. The posted speed limit on this part of Division Street is 45 m.p.h.

**MINUTES  
TRAVERSE CITY BOARD OF ZONING APPEALS  
REGULAR MEETING  
TUESDAY, FEBRUARY 10, 2009  
7:30 PM**

**Commission Chamber, Governmental Center, 2<sup>nd</sup> Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684  
231-922-4778**

**PRESENT:** Members Griggs, Grant, Stephan, Talbot (alt.), Vice-Chairman Cockfield and  
Chairman Callahan  
**ABSENT:** Members Wegener, Nixon, Peltz  
**STAFF PRESENT:** David Weston

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:30 p.m.*

**2. APPROVAL OF MINUTES** - Approval of the minutes for the December 9, 2008 regular meeting.

*Motion by Member Stephen seconded by Member Cockfield to approve the December 9, 2008 regular meeting minutes, as presented. Upon vote, the motion carried 6-0.*

**3. REQUEST 09-01 - A REQUEST FROM MICHAEL BROWN, BURDCO INC., AS AGENT FOR IMPACT VENTURES CORPORATION, 822 CHARLEVOIX AVENUE, PETOSKEY, MICHIGAN for:**

An exception from the sign ordinance to allow for an existing nonconforming freestanding sign not to be brought into compliance following a substantial improvement of an existing building, exceeding a value of \$50,000.00, for the property commonly known as **Wendy's**, **1445 South Division Street**, Traverse City, Michigan.

*Mike Brown presented and answered questions from the Board.*

*Rick Sefton, owner of Wendy's, presented and answered questions from the Board.*

*Motion by Member Stephen, second by Member Griggs to grant an exception to allow for an existing nonconforming sign not to be brought into compliance following a substantial improvement to an existing building with the condition that the exception is only associated with this remodel, and future compliance requirements shall be met based on the Statement of Conclusions and Findings of Fact contained in the Order Granting for exception No. 09-01. Upon vote, the motion carried 4-2 with Members Grant and Callahan voting in opposition.*

5. PUBLIC COMMENT

*Rick Sefton, owner of Wendy's, addressed the Board.*

6. OTHER BUSINESS

*None.*

7. ADJOURNMENT

*The meeting was adjourned at 8:45 p.m.*

Respectfully submitted,

Date: 3-10-09



David Weston, Secretary

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
EXCEPTION NO. 09-01**

Pursuant to the City of Traverse City Code of Ordinances §1476.15(b)(3), Exceptions, the Board of Zoning Appeals hereby grants an exception for the following:

Street Address: 1445 South Division Street  
Property Description: LOT 1 GATEWAY SUB  
Exception Authorized: To allow for an existing nonconforming sign not to be brought into compliance following a substantial improvement to an existing building with the condition that the exception is only associated with this remodel and future compliance requirements shall be met.  
Applicant: Mike Brown, Burdco Inc., as agent for Ventures Corporation, 822 Charleviox Avenue, Petoskey, Michigan.

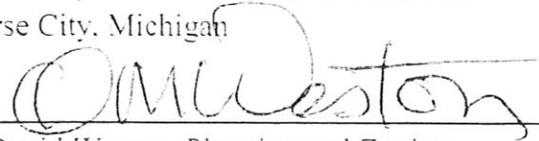
It is determined that the Applicant has demonstrated a unique circumstance when the evidence in the official record of the appeal supports all of the affirmative findings as required in §1476.15(b)(3). The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Findings of Fact is incorporated herein by reference.
2. The procedures and requirements for exception decisions required by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the exception 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 MARCH 10, 2009, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Date: 3-10-09

  
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 of 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 CONCLUSIONS AND FINDINGS OF FACTS 09-01

The following are Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for an exception, Request No. 09-01, for the property commonly known as **1445 South Division Street**, Traverse City, Michigan, from Mike Brown, Burdeo Inc., as agent for Ventures Corporation, 822 Charleviox Avenue, Petoskey, Michigan.

- a) The circumstances were exceptional and peculiar to the property and result from conditions which do not exist generally throughout the City.
- b) The alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
- c) Allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured and will be contrary to the public purpose and general intent and purpose of Chapter 1476, Signs, of the City of Traverse City Code of Ordinances.

**The foregoing Statement of Conclusions are supported by the following Findings of Fact:**

- a) The existing restaurant is located to the rear of the property.
- b) Division Street is a M.D.O.T. highway with an exceptionally large right-of-way which in turn requires any freestanding sign to be located further from the road edge and is uncommon within the city limits.
- c) The speed limit on this part of Division Street is 45 m.p.h.
- c) The commercial development to the south, Kids Creek Market Place, is built eight feet from the front property line and blocks views of the restaurant for traffic heading northbound.
- d) The remodel is consisting of some upgrades to the interior and a new facade with no changes to the footprint of the building.
- e) All of the freestanding signs on the east side of Division to the City limits, exceed the height and area requirements of the sign ordinance.
- f) Lack of visibility of the restaurant in combination with a lower and smaller sign could result in vehicles decelerating rapidly which in turn may produce safety issues.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>3-11-14</u>
Check Number: <u>9530</u>	Date of Public Hearing: <u>4-8-14</u>
Receipt Number: <u>18383</u>	Case Number: <u>14-132A-03</u>

### TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address): 1407 S. Division Street, Traverse City, MI 49684  
See Attached Legal Description

**REQUEST AND PROPOSED PROJECT:**  
New facility - Credit Union One Branch. Would like to exceed the maximum height of a wall sign to 19' from 18' without the sign being individual channel letters and logos made of metal that appear integral to the architecture of the building.

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

Name: Paul D. Corrado Phone: 586-596-8542 cell Fax: 586-758-0326

Address: 27530 Fairfield, Warren, MI 48088

Signature of Owner: [Signature]

Signature of Applicant (if different): Paul D. Corrado

Relationship of Applicant to Owner: Construction Manager

**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 \*\*\*

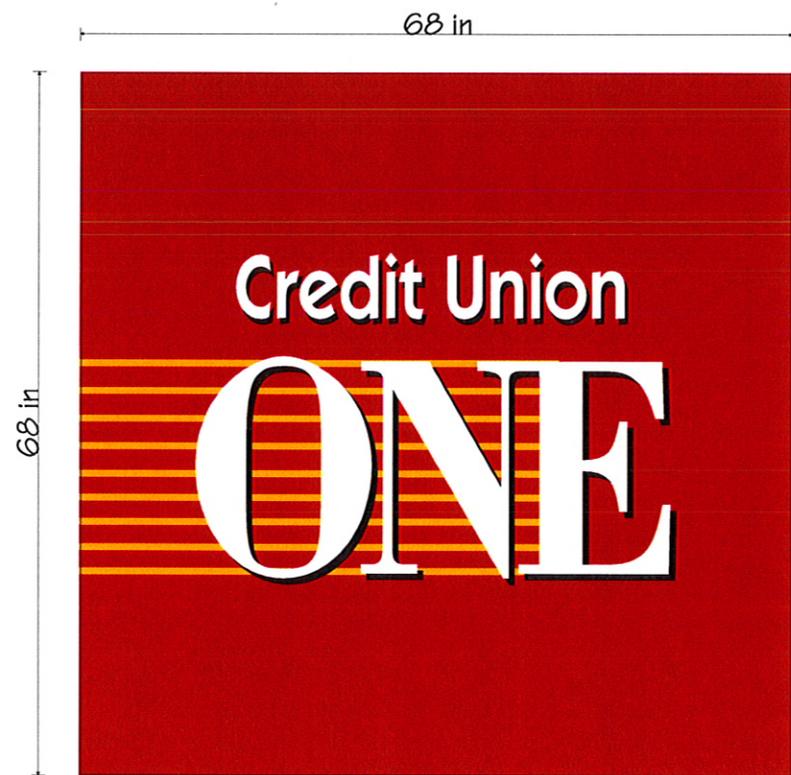
**LEGAL DESCRIPTION**

Land situated in the City of Traverse City, County of Grand Traverse, State of Michigan, more fully described as:

That portion of the East half of the Southeast quarter of Section 9, Town 27 North, Range 11 West lying East of US 31 right of way, more fully described as: Commencing at the Southeast corner of said Section 9; thence North 88°02'10" West, 1029.84 feet along South line of said Section 9 to the Easterly right of way line of Highway US 31; thence North 41°01'40" East, 935.0 feet along said right of way; thence Northeasterly 294.0 feet along the arc of a 2989.93 foot radius curve to the left, the long chord of which bears North 37°12'22" East, 293.88 feet, along said right of way to Point of Beginning; thence South 58°02'13" East, 338.7 feet to East line of said section; thence North 03°34'08" East, 550.73 feet to Northerly right of way line of a 66 foot easement; thence Northwesterly 96.4 feet along said easement right of way line to Southeasterly right of way line of Highway US 31; thence Southwesterly along said highway right of way line, 461.36 feet, more or less, to Point of Beginning.

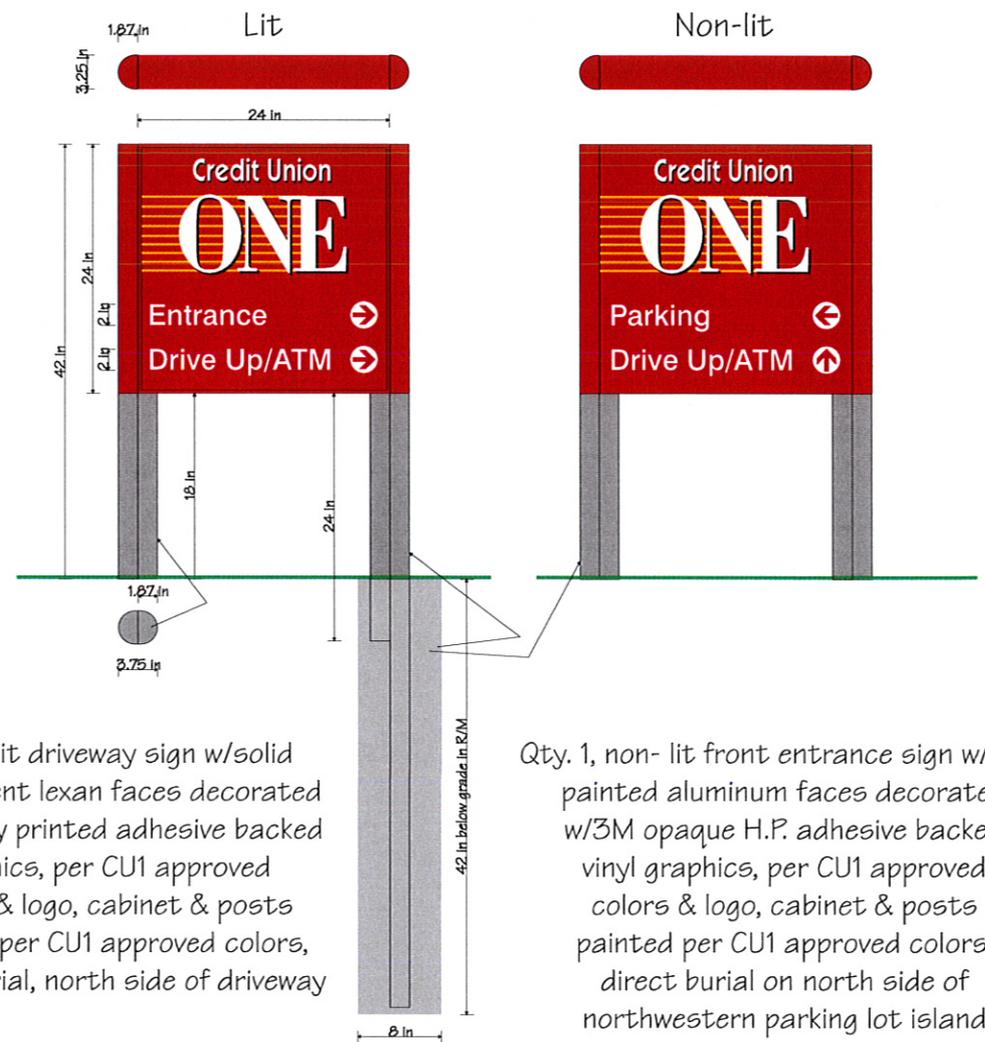
Subject to 66 foot easement for street right of way purposes, centerline of which is described as: Commencing at Northeast corner of Southeast 1/4 of Southeast 1/4, Section 9, Town 27 North, Range 11 West, City of Traverse City; thence Northwesterly along arc of 300 foot radius curve to the right to a point on Easterly right of way line of Highways US 31 and M37, which is 30 feet Northeasterly along said right of way from intersection of said right of way and North line of Government Lot 6, said Section 10 extended. Said point being the Point of Ending of said centerline.





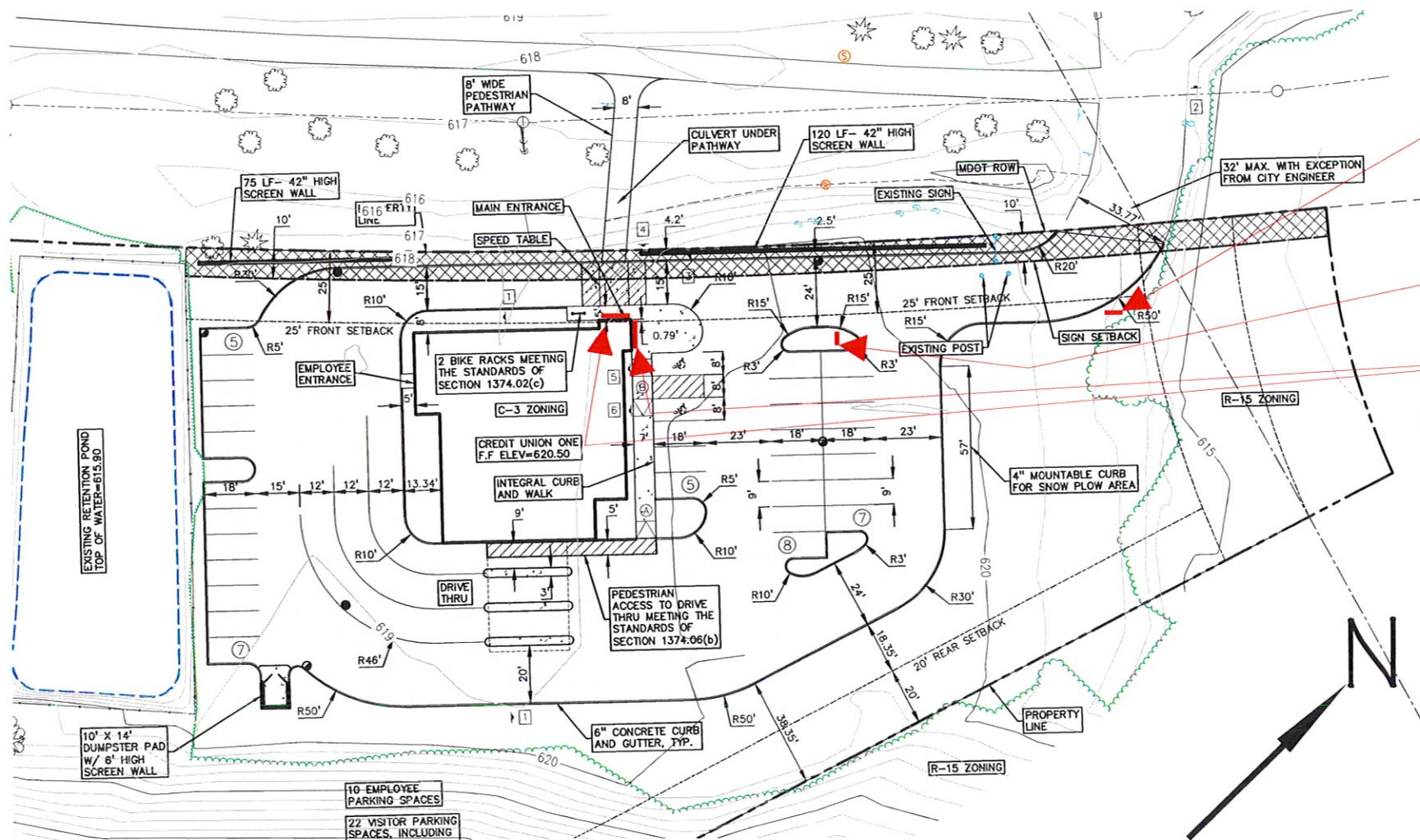
Qty. 2, single-sided, flexible faced, sign cabinets, internally illuminated w/LED modules, cabinet and retainers painted CU1 approved color, faces digitally printed on translucent vinyl face material approved CU1 colors & logo, one each for North elevation and West elevation

9.38 in



Qty. 1, lit driveway sign w/solid translucent lexan faces decorated w/digitally printed adhesive backed graphics, per CU1 approved colors & logo, cabinet & posts painted per CU1 approved colors, direct burial, north side of driveway

Qty. 1, non-lit front entrance sign w/solid painted aluminum faces decorated w/3M opaque H.P. adhesive backed vinyl graphics, per CU1 approved colors & logo, cabinet & posts painted per CU1 approved colors, direct burial on north side of northwestern parking lot island



Lit P&P entrance sign, direct buried north of driveway

Non-lit P&P wayfinding sign, direct buried in greenspace/island

Internally lit sign cabinets on North & West elevations wall mounted

10 EMPLOYEE PARKING SPACES  
22 VISITOR PARKING SPACES, INCLUDING

