

**AGENDA
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, MAY 13, 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 April 8, 2014 regular meeting minutes.
- 4. REQUEST 14-BZA-04 – A REQUEST FROM PETER AND CAROL SPAULDING, 724 EAST STATE STREET, TRAVERSE CITY, MICHIGAN, for the following:**

A dimensional variance to allow for a wraparound front porch to be located 0.57 feet from the east (side) property line located at the property mentioned.

A dimensional variance to allow for a wraparound porch, entry foyer addition, kitchen addition and side entry porch to be 6.56 feet from the west (side) property line located at the property mentioned.
- 5. PUBLIC COMMENT**
- 6. 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. Penny Hill, Assistant City Manager, 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, APRIL 8, 2014
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
Governmental Center
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT: Members Bergman, Jones, Szajner, Donaldson, Hanley, Vice-Chairperson Callison (7:03) and Chairperson Cockfield.

ABSENT: Members Lomasney, Rafferty and Wegener

1. CALL MEETING TO ORDER

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

2. APPROVAL OF MINUTES- Approval of the February 14, 2014 regular meeting minutes.

Motion by Member Donaldson, seconded by Member Szajner to approve the February 14, 2014 regular meeting minutes as presented. Upon vote the motion carried 6-0.

3. 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.

Ron Bacigalupi, Downtown Development Authority Director, presented drawings and answered questions from the Board. Motion by Member Donaldson, seconded by Member Callison to grant a dimensional variance of 5 feet to allow for a 2-story, 9000 square foot building to be located on the rear property line 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 for Variance No. 14-BZA-02. Upon vote the motion carried 7-0.

4. **REQUEST 14-BZA-03 – A REQUEST FROM PAUL D. CORRADO, CORRADO CONTRACTING, LLC, 27530 FAIRFIELD, WARREN, MICHIGAN, for:**

An Exception from 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.

*Paul Corrado presented drawings and answered questions from the Board. Motion by Member Bergman seconded by Member Donaldson to grant an exception from 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 based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 14-BZA-03. Upon vote the motion carried 7-0.*

5. **PUBLIC COMMENT**

None.

6. **ADJOURNMENT**

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 14-BZA-02**

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: 113 Park Street, Traverse City, Michigan
Property Description: PO LOT 1 ORIGINAL PLAT OF TRAVERSE CITY SEC 3 T27N R 11W BEG SW CNR LOT 1 THENSE NO 000614 E 58.34FT ALONG WESTERLY LINE OF SAID LOT 1 TO A POINT ON A LINE EXTENDED ALONG SOUTHERLY EDGE OF BLDG THENCE NORTH 895506E 56.90 FT ALONG SAID SOUTHERLY LOINE LOT 1 TO POB.
Variance Granted: A dimensional variance of 5 feet to allow for a 2-story, 9000 square foot building to be located on the rear property line
Applicant: The City of Traverse City and Snowden Development, 125 Park Street, Suite 475, 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 14-BZA-02

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-02, for the property commonly known as **113 Park Street**, Traverse City, Michigan, from the City of Traverse City and Snowden Development.

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-02:

1. A similar project at this location received a rear yard dimensional variance in March 2008 for a 4-story 18,000 square foot building to be located on the rear property line.
2. Radio Center Phase 2, 125 Park Street received a 5 foot rear yard setback variance on January 13, 2004.
3. 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 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.
4. The north wall foundation on Radio Center Phase Two was designed and constructed to accommodate the building proposed for 113 Park Street.
5. The plan, as envisioned by the Developer's Agreement, will be one continuous building from State Street to Front Street with the building at 113 Park Street having access to the Larry Hardy Parking Deck.
6. The first floor of the building will house public restrooms and offices.
7. Accommodations for "trash totes", utility meters, etc. will be in the area between Radio Center Phase 2 and the parking deck.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
EXCEPTION NO. 14-BZA-03**

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: 1407 S. Division Street
Property Description: THT PRT OF SE 1/4 SEC 9 T27N R11W DES ASCOM AT NW COR LOT 1 GATEWAY SUB TH S 58 DEG 02' 13" E 338.7 FT TH N 3 DEG 34' 8" E 550.73 FT TO N'LY ROW LINE OF 66 FT EASE TH NW'LY 96.4 FT TO SE'LY ROWLINE OF US-31 TH SW'LY ALG SAID ROW 461.36 FT M/L TO POB. SUBJ TO EASE & RESTRICT OF RECORD
Exception Authorized: An exception from 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.
Applicant: Credit Union One, 1407 S. Division Street, 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 _____, _____, 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: _____

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-03

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 14-BZA-03, for the property commonly known as **1407 South Division Street**, 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 are supported by the following Findings of Fact No 14-BZA-03:

- 1. M.D.O.T. will not allow the applicant to have a freestanding sign.
- 2. The wall signs meet the area requirements of the Sign Ordinance.
- 3. Division Street is an M.D.O.T. highway with an exceptionally large right-of-way.
- 4. The posted speed limit on this part of Division Street is 45 m.p.h.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: May 13, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 14-BZA-04

DATE: May 9, 2014

You have a request from Peter and Carol Spaulding **724 East State Street**, Traverse City, Michigan for relief from the zoning laws (§1332.04(b)) to construct a covered wrap around front porch with an entry foyer and a new kitchen addition with a side entry porch that will be in the side yard setbacks located at the property mentioned.

The property mentioned is zoned R-1b (Single Family Dwelling District) and the side yard setbacks are a minimum of one side 6 feet and an aggregate of 14 feet (one side 6' and the other side 8'). The existing home is already nonconforming with the east side of the home being 0.57 feet from the property line and the west side being 11.48 feet from the property line. The proposed wrap around front porch will be in line with the east side of the home (0.57 feet from the property line) and 6.56 feet from the west property line. The proposed entry foyer, kitchen addition and the side entry porch will be located 6.56 feet from the west (side) property line. The applicants will be requesting a dimensional variance to allow for the side yard setback encroachments.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>4-15-14</u>
Check Number: <u>1043</u>	Date of Public Hearing: <u>5-13-14</u>
Receipt Number: <u>18391</u>	Case Number: <u>14-02A-04</u>

TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): 724 E State St Traverse City MI 49686

The East 30.00 feet of Lot 2 Block G, of the Recorded Plat of Hannah, Lay, and Company's Seventh Addition to the Village of Traverse City.

REQUEST AND PROPOSED PROJECT:

A Variance to the setback requirements which would allow the construction of an addition constituting an entry foyer and an enlarged kitchen on the west side of the existing building and extending 6 feet beyond the existing footprint, leaving a setback to the neighboring property of 6.56 feet.

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request:	Appeal for Administrative Decision	_____
	Interpretation of Ordinance	_____
	Exception	_____
	Variance	<u>X</u>

Name: Peter Spaulding Phone: 734/ 834-7171 Fax: _____

Address: 724 E State Street Traverse City MI 49686

Signature of Owner: 4/15/14

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 *****



SITE PLAN

E. STATE STREET (66')

FOUND 1" IRON BAR

FOUND IRON ROD & CAP #39099

6' WIDE CONC. SIDEWALK

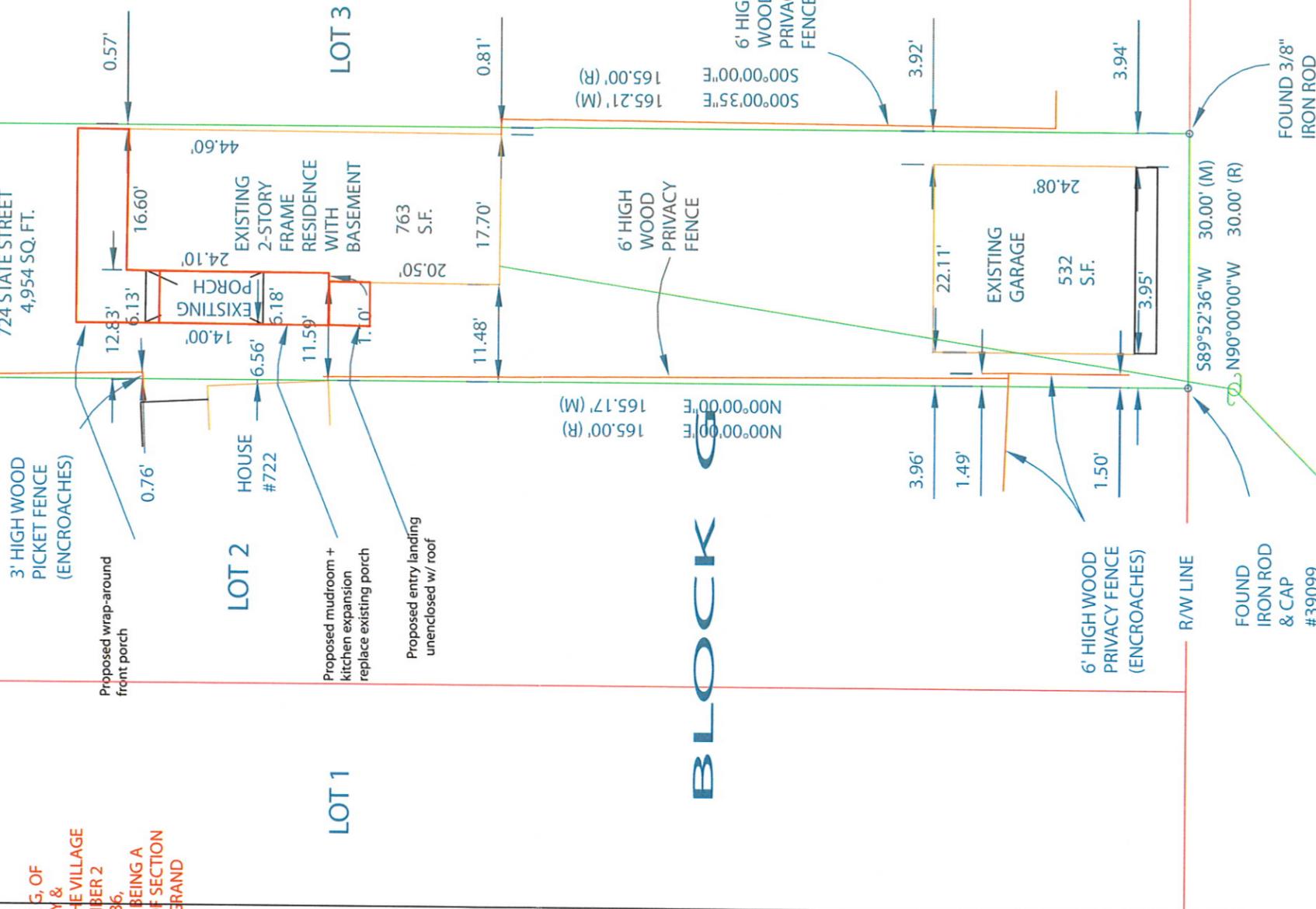
N90°00'00"E 30.00' (R)
N89°48'38"E 29.97' (M)

R/W LINE

HANNAH, LAY & CO'S SEVENTH ADDITION TO THE VILLAGE OF TRAVERSE CITY

PROPERTY DESCRIPTION:
THE EAST 30.00 FEET OF LOT 2, BLOCK G, OF THE RECORDED PLAT OF HANNAH, LAY & COMPANY'S SEVENTH ADDITION TO THE VILLAGE OF TRAVERSE CITY, AS RECORDED IN LIBER 2 OF VILLAGE PLATS ON PAGES 35 AND 36. GRAND TRAVERSE COUNTY RECORDS, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWN 27 NORTH, RANGE 11 WEST, GRAND TRAVERSE COUNTY, MICHIGAN.

PROPERTY ADDRESS:
724 STATE STREET
4,954 SQ. FT.



- LEGEND**
- IRON FND
 - IRON SET
 - ▲ P.K. FND.
 - △ P.K. SET
 - ⊙ MONUMENT FND.
 - ⊕ MONUMENT SET
 - (R) RECORD
 - (M) MEASURED



SCALE 1" = 20'



CLIENT: PETER SPAULDING

6164 GINAFRED SHORES DR., SW
FIFE LAKE, MI 49633
PHONE: (231) 342-5012 OR
(231) 342-9892



DRN: ekh

CHK: RJK

DATE: 04/14/14

14-0026

PART OF THE SW 1/4
SECTION 2, T27N, R11W
CITY OF TRAVERSE CITY
GRAND TRAVERSE COUNTY, MICHIGAN

SHEET 1 OF 1

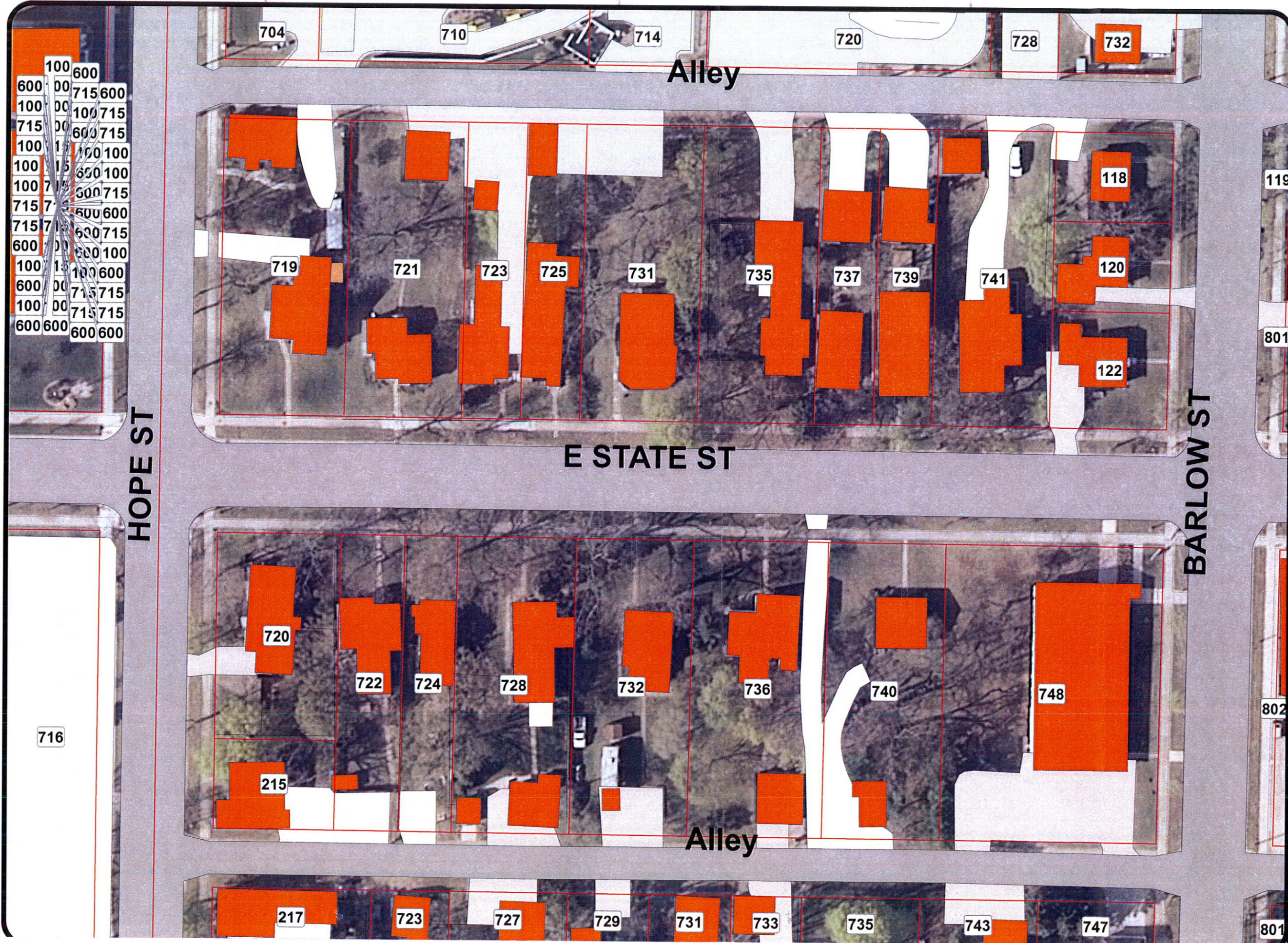


EAST ELEVATION

NORTH ELEVATION
FACING STATE STREET



724 E. STATE ST - Spaulding Residence			
SCALE: 1/4"	APPROVED BY:	DRAWN BY JS	
DATE: 4-1-14		REVISED	
NORTH and EAST ELEVATION w/ ADDITIONS			DRAWING NUMBER
JOE SPAULDING - DESIGN			2



100	600
600	00
100	00
715	00
100	15
100	15
100	715
715	715
715	715
600	00
100	15
600	00
100	00
600	600

HOPE ST

BARLOW ST

E STATE ST

Alley

Alley

Legend
Road Names
Parcels



1 inch = 50 feet

This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties expressed or implied.