

**AGENDA  
TRAVERSE CITY BOARD OF ZONING APPEALS  
REGULAR MEETING  
TUESDAY, JULY 8, 2014  
7:00 P.M.**

**Commission Chambers, Governmental Center, 2<sup>nd</sup> Floor  
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 June 10, 2014 regular meeting minutes.
- 4. REQUEST 14-BZA-08 – A REQUEST FROM DAN AND BRITTON FULLER 818 MUNSON AVENUE, TRAVERSE CITY, MICHIGAN for:**

An exception that would permit a daycare facility with a capacity of 36 children located at the property commonly known as **703 Rose Street**, Traverse City, Michigan (U.A.W. Hall).

- 5. REQUEST 14-BZA-09 - FROM DOUG MANSFIELD, MANSFIELD AND ASSOCIATES, 830 COTTAGEVIEW DRIVE, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance to allow for the construction of a 4-story, 34,644 square foot (8,666 square feet per floor), 16 unit residential building located at the property commonly known as **537 Bay 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. 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.

**AGENDA**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY, JUNE 10, 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, Jones, Lomasney, Raferty, Wegener, Donaldson, Hanley and Vice-Chairperson Callison.

**ABSENT:** Member Szajner and Chairperson Cockfield

**1. CALL MEETING TO ORDER**

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

**2. APPROVAL OF MINUTES-** Approval of the May 13, 2014 regular meeting minutes.

*Motion by Member Wegener, seconded by Member Donaldson to approve the May 13, 2014 regular meeting minutes as presented. Upon vote the motion carried 9-0.*

**3. REQUEST 14-BZA-05 – A REQUEST FROM DAVE SHELDON 911 WAYNE STREET, TRAVERSE CITY, MICHIGAN, CONTRACTOR FOR BILL LANCASTER, 438 FIFTH STREET, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance of 1 foot, 1 inch to allow for a new attached garage to be 10 feet, 3 inches from the east (side) property line located at the property mentioned.

*Dave Sheldon presented drawings and answered questions from the Board. Motion by Member Donaldson, seconded by Member Lomasney to grant a dimensional variance of 1 foot, 1 inch to allow for a new attached garage to be 10 feet, 3 inches from the east (side) property line located at the property commonly known as 438 Fifth Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-05. Upon vote the motion carried 9-0.*

**4. REQUEST 14-06 - FROM KEITH AND CHERI HUGGETT, 122 NORTH ELMWOOD AVENUE, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3<sup>rd</sup> Street located at the property mentioned.

*Keith and Cheri Huggett presented drawings and answered questions from the Board. Motion by Member Raferty, seconded by Member Jones to grant a dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3<sup>rd</sup> Street located at the property commonly known as 122 North Elmwood, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-06. Upon vote the motion carried 9-0.*

**5. REQUEST 14-07 - FROM DAVE HEIM, 2304 LEISURE LANE, TRAVERSE CITY, MICHIGAN, CONSTRUCTION DESIGN CONSULANT FOR THE GRAND TRAVERSE AREA COMMUNITY LIVING CENTER, 935 BARLOW STREET, TRAVERSE CITY MICHIGAN for:**

A dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property mentioned.

*Dave Heim presented drawings and answered questions from the Board.*

*Peter Brick, 406 East Bay Shore Drive, Traverse City, Michigan presented and answered questions from the Board.*

*Suzan Owen, Executive Director, Grand Traverse Community Living Center presented and answered questions from the Board.*

*Motion by Member Hanley, seconded by Member Matson, to grant a dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property commonly known as 935 Barlow Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-07. Upon vote the motion carried 9-0.*

**6. PUBLIC COMMENT**

*None.*

**7. ADJOURNMENT**

*The meeting was adjourned at 7:35 p.m.*

Respectfully submitted,

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David Weston, Planning and Zoning Administrator

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

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 14-BZA-05**

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: 438 Fifth Street, Traverse City, Michigan  
Property Description: LOTS 39 & 40 BLOCK 3 HANNAH LAY & CO'S 10TH ADD  
Variance Granted: A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3<sup>rd</sup> Street.  
Applicant/Owner: Dave Sheldon / Bill and Teri Lancaster.

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 14-05

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-05, for the property commonly known as **438 Fifth Street**, Traverse City, Michigan, from Dave Sheldon.

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 is supported by the following Findings of Fact No 14-05:**

1. There is an existing carport in the location where the proposed garage will be located.
2. The proposed garage will not encroach any more than the existing carport.
3. The north wall of the carport will remain.
4. The existing slab of the carport will remain.
5. The garage meets the min side yard setback of 6 feet on the east side but does not meet the aggregate of 14 feet.
6. The Historic Districts Commission approved the garage addition on May 29, 2014.

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 14-BZA-06**

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: 122 North Elmwood Avenue, Traverse City, Michigan  
Property Description: LOT 16 BLOCK 8 HANNAH LAY & CO'S 3RD ADD  
Variance Granted: A dimensional variance to allow for a detached garage addition to be on the property line and in the front yard on 3<sup>rd</sup> Street.  
Applicant/Owner: Keith and Cheri Huggett.

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 14-06

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-06, for the property commonly known as 122 North Elmwood Avenue, Traverse City, Michigan, from Keith and Cheri Huggett.

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 is supported by the following Findings of Fact No 14-06:**

1. The parcel is a corner lot with access on Elmwood Avenue and Third Street.
2. A portion of the existing garage is on the property line along Third Street.
3. Third Street functions as an alley for those properties on Front Street.
4. The Zoning Code has provisions to extend an existing sidewall in a required side yard setback for a dwelling but not a garage.
5. There are four detached garages and one home that are located on the property line between Elmwood Ave. and N. Spruce Street.

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 14-BZA-07**

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: 935 Barlow Street, Traverse City, Michigan.  
Property Description: S 46 FT OF LOTS 12 AND 13 BLK 8 HANNAH LAY & CO'S 5TH ADD.  
Variance Granted: A dimensional variance of 3 feet to allow for a 12 foot by 20 foot deck to be 12 feet from the rear property line located at the property commonly known as 935 Barlow Street.  
Applicant/Owner: Dave Heim, Designer / Grand Traverse Community Living Center.

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 14-07

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-07, for the property commonly known as **935 Barlow Street**, Traverse City, Michigan, from Dave Heim.

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 is supported by the following Findings of Fact No 14-07:**

1. The existing building is not square on the site.
2. The parcel behind 935 Barlow (920 Grant Street) is an assisted living facility and is owned by Grand Traverse Community Living Center.
3. Residents from both facilities will use the deck and it provides barrier free access between both facilities.
4. The owner could have done a boundary line adjustment between 935 Barlow and 920 Grant Street to give more property to 935 Barlow and a dimensional variance would not be required.



## Communication to the Board of Zoning Appeals

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FOR THE MEETING OF: July 8, 2014  
FROM: DAVID WESTON, ZONING ADMINISTRATOR DMW  
SUBJECT: REQUEST 14-BZA-08  
DATE: July 3, 2014

You have a request from Dan and Brittini Fuller, 818 Munson Avenue, Traverse City, Michigan, for an exception that would permit a daycare facility with a capacity of 36 children located at the property commonly known as **703 Rose Street**, Traverse City Michigan.

The property mentioned is zoned R-1b (Single Family Dwelling District) and the applicants would like convert the former U.A.W. Hall into a daycare center. Neither the former use nor the proposed use is allowed by right in this zoning district and are considered a Class 1 nonconforming use. A class 1 nonconforming use shall not be changed to another Class 1 nonconforming use unless the Board of Zoning Appeals grants an exception (Traverse City Code (§1324.05(e)(4))).

**1324.05(e)(4) Exceptions.** The Board shall have the power to grant an exception that would permit a change in use of a Class 1 nonconforming use to another nonconforming use which is more nearly conforming to the use restrictions of this Zoning Code. After a change in use has been permitted, the use shall not be changed back to the former nonconforming use or to any less conforming use. Such a change in use may be permitted only where:

- A. The change in use will not unreasonably delay future probability of compliance with this Zoning Code.
- B. There will be greater compliance with this Zoning Code if the change is permitted, and such compliance is the maximum which can reasonably be expected.
- C. The change will not be detrimental to the neighborhood or tend to alter the character of the neighborhood.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>6-12-14</u>
Check Number:	Date of Public Hearing: <u>7-8-14</u>
Receipt Number: <u>18405</u>	Case Number: <u>14-BZA-06</u>

### TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address): Commencing at the Northwest corner thereof, thence East 213.2 feet; thence South 163.87 feet; thence West 213.2 feet; thence North to the place of beginning, except the right of way for street purposes on a strip 33 feet wide on the west side and the same on the North side of the said premises, Address 705 Park St. Traverse City, MI 496

**REQUEST AND PROPOSED PROJECT:**  
Exception to use a non-conforming and use previously UAW Hall as another nonconforming land use, a childcare center with a 36 children capacity

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

Name: Dan Fuller Phone: 231-421-9148 Fax: \_\_\_\_\_

Address: 818 Munson Ave Traverse City, MI 49686

Signature of Owner: Mindy Buell, Michael's Place

Signature of Applicant (if different): Dan Fuller

Relationship of Applicant to Owner: Buyer

**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 \*\*\***

# PATHWAYS PRESCHOOL

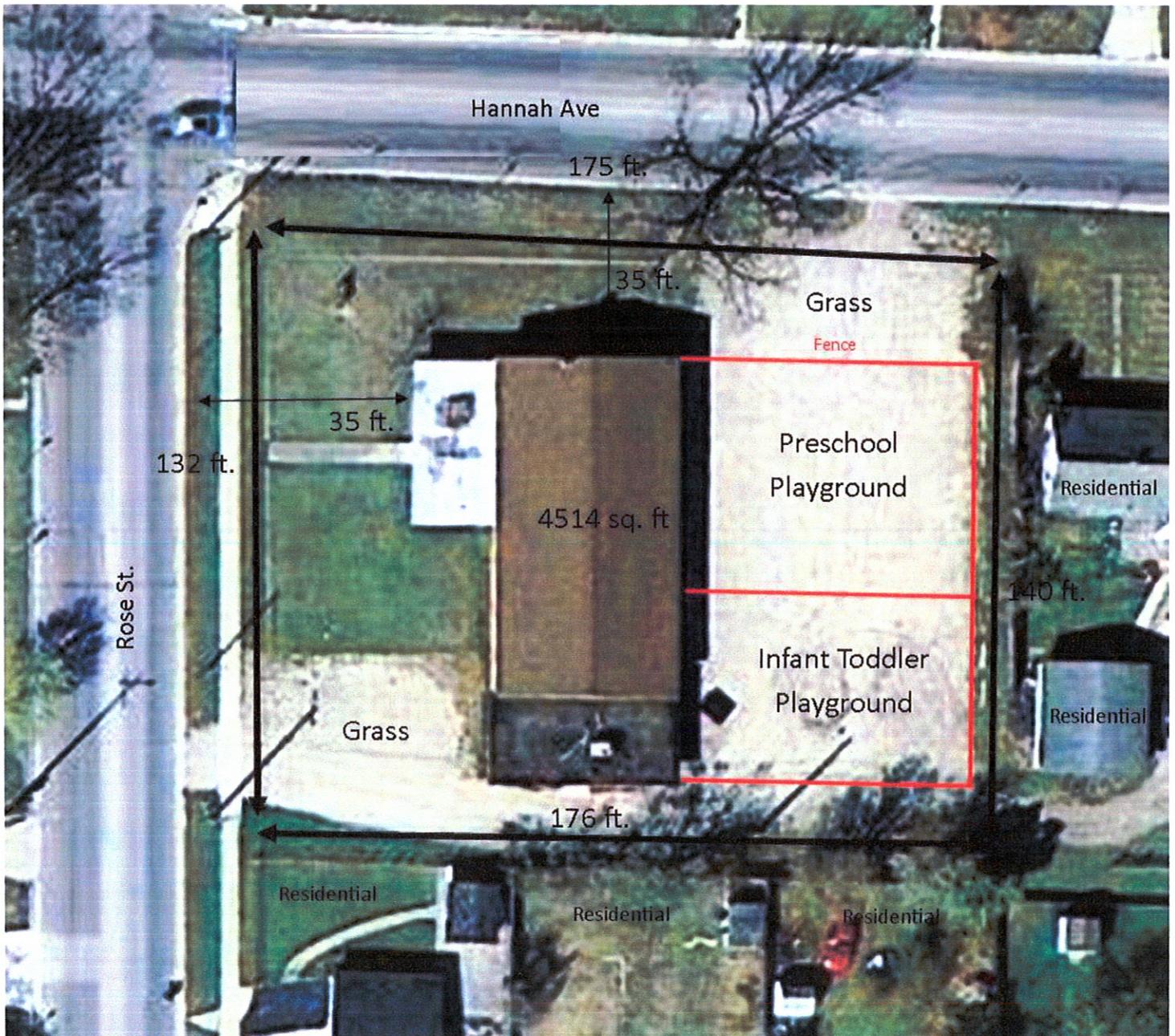
Date: 6/10/14

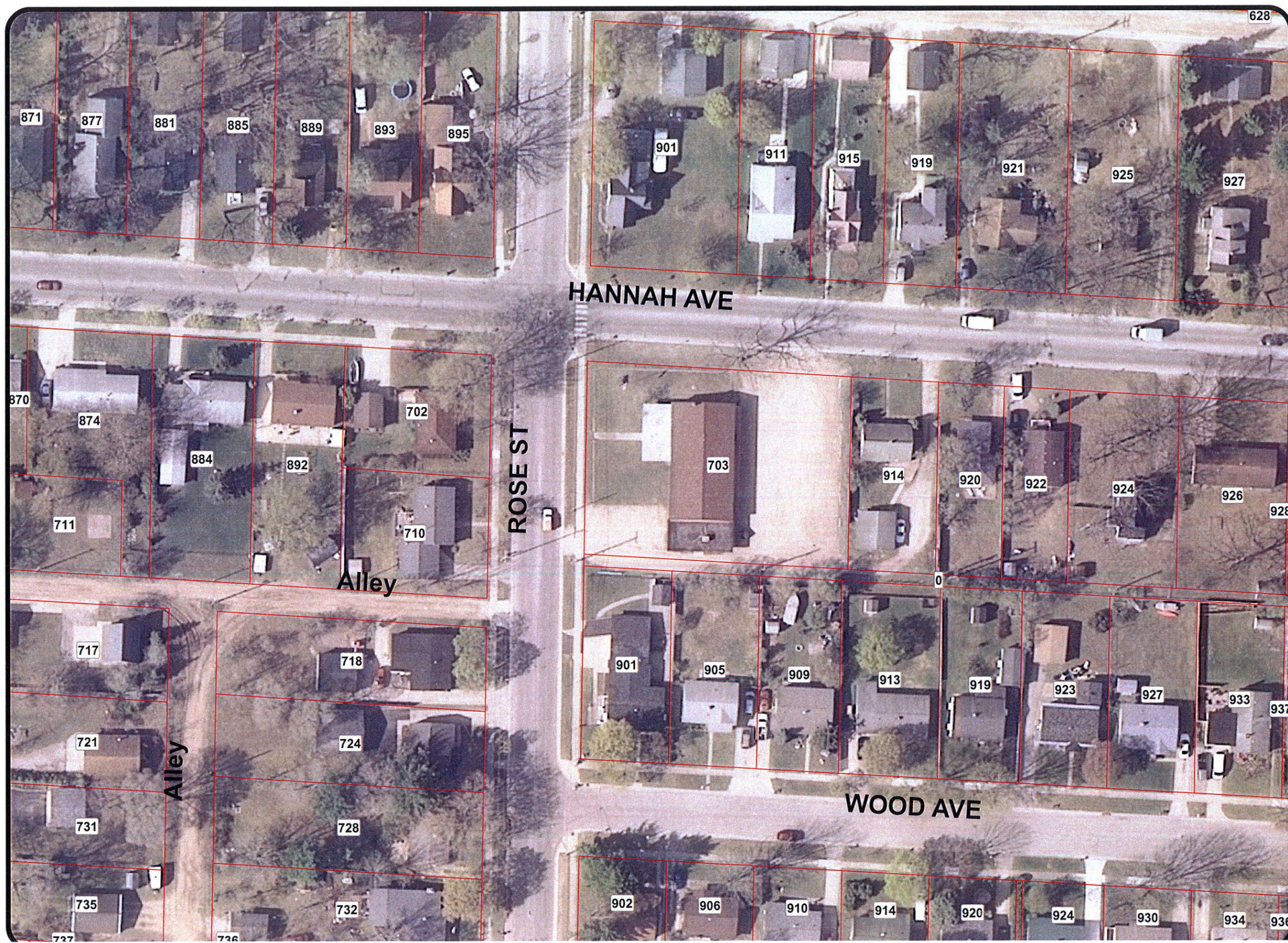
Proposed Site:

703 Rose St.

Traverse City, MI 49686

Scale: 1:422





Legend  
Road Names  
Parcels



1 inch = 61 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.



## Communication to the Board of Zoning Appeals

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FOR THE MEETING OF: July 8, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 14-BZA-08

DATE: July 3, 2014

You have a request from Doug Mansfield, Mansfield and Associates, 830 Cottage view Drive, Suite 201, Traverse City, Michigan for relief from the zoning regulations to allow for the construction of a new 4-story residential building located at the property commonly known as **537 Bay Street**, Traverse City, Michigan (TBA Credit Union).

The property mentioned is zoned C-1 (Office Service District) and new residential buildings are limited to no more than 4,500 square feet on one level and a total floor area of 13,500 square feet (§1340.09(a)). The applicant is proposing to demolish the existing credit union and construct a 4-story, 34,664 square foot (8,666 square feet per floor), 16 unit, residential building. Mr. Mansfield will be requesting a dimensional variance from the Board of Zoning Appeals to allow for a larger building.

June 21, 2014

RECEIVED

To the TC Board of Zoning Appeals,

JUN 22 2014  
PLANNING DEPT  
CITY OF  
TRAVERSE CITY

We are asking you to reject the zoning variation requested for the project at 537 Bay Street.

The zoning regulations are in place to protect our neighborhoods & maintain the integrity of our community as it balances recreational and business needs.

We also feel the July 8 meeting is an unfortunate time to discuss this issue.

Sincerely, *John Boyer* & Ellen Boyer  
(over)

RECEIVED

JUN 25 2014

PLANNING DEPT  
CITY OF  
TRAVERSE CITY

June 24, 2014

Board of Zoning Appeals  
City of Traverse City  
400 Boardman Ave.  
Traverse City, MI 49684

RE: Mansfield & Associates request for relief from Zoning regulations regarding 537 Bay Street

To Whom It May Concern:

There is a reason for zoning in the first place. That is why we have a zoning process to begin with. The best uses are seriously considered and the resulting regulations support those uses.

I understand that anyone can appeal to get exceptions, but there should always be a very strong and undeniable reason to make that exception. I have not heard, and cannot see, what that undeniable reason would be in this case. This is not going to be housing that will be affordable to the average Traverse City resident, and the very large nature of the building, effectively creating a walled-in effect for the residential neighborhood it borders, is not appropriate.

There are places in the City that are zoned for this use, and that is where this activity should be located. Again, there are reasons for zoning in the first place. As regulations like this are allowed to crumble here and there, precedents are set, and the serious thought and often hard won criterion that make our community strong, are minimized and eroded. Please don't let that happen here.

The onus should be on the entity requesting the variance to prove beyond question that an exception should be made. It should not be on the residents to defend.

Sincerely,



Trish Dormitzer  
524 Second St.  
Traverse City, MI



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: _____
Check Number: _____	Date of Public Hearing: _____
Receipt Number: _____	Case Number: _____

### TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address):

537 Bay Street Traverse City, MI 49684  
Lot 31, Block 1, Hannah Lay & Company's fourth addition to Traverse City  
and the east half of vacated Maple Street lying south of Bay Street and north of Randolph Street

**REQUEST AND PROPOSED PROJECT:**

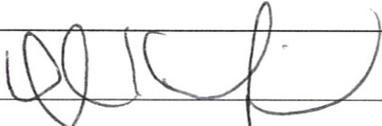
Relief from Section 1340.09 Special Requirements for Development  
 \_\_\_\_\_

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

Name: Douglas L. Mansfield Phone: (231) 218-5560 Fax: (231) 946-8926  
Mansfield Land Use Consultants

Address: 830 Cottageview Drive -Suite 201 Traverse City, MI 49684

Signature of Owner: \_\_\_\_\_

Signature of Applicant (if different): 

Relationship of Applicant to Owner: Contractual Agent

**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 \*\*\*

June 17, 2014

City of Traverse City  
Mr. David Weston, Zoning Administrator  
Governmental Center  
400 Boardman Avenue  
Traverse City, MI 49684

Re: Request for ZBA Relief from Standard  
Proposed Redevelopment of TBA Credit Union Site  
537 Bay Street  
Traverse City, MI 49684

Dear David,

With this letter I would respectfully ask to be placed on the agenda of the next regular meeting of the Zoning Board of Appeals for the City of Traverse City regarding the request of relief from two parts of one of the standards in the regulations for development in the C-1 Zoning District. Specifically that requirement in the Zoning Ordinance under Section 1340.09 SPECIAL REQUIREMENTS stating.

*"To preserve and reinforce the context of historic buildings and land to establish development patterns of the Office Service district, all new buildings and additions to existing buildings are to be designed, constructed and used in accordance with the following standards:*

*(a) Except for buildings located on Garfield Avenue, no building shall have a gross floor area of more than 4,500 square feet on one level, and no more than 9,000 square feet gross floor area total, except a third floor and an additional 4,500 square feet are allowed if such floor is designed and used for residential purposes."*

In this instance we have run into a situation where zoning is not meeting its intent, and causing sincere hardship for this project without any gain to the City or adjacent neighbors. Secondly it needs to be made very clear that the developers believe they can meet every requirement of this ordinance although to great expense to the project and again the City and other taxing jurisdictions. While these expenses, outlined in the latter half of this request, are substantial they can be absorbed in the sales of the units given the great location and extreme demand of such a product. In such, defeating this request will not defeat the project. However, while we cannot contract with the ZBA, we can virtually guarantee that the approval of this request will provide that much more money can be invested in this development and make it better for all.

To take the intent of this language one needs to better understand the vicinity the parcel lies in. Bay Street, lying east of Division Street, U.S.-31 Highway, is bounded on its northerly right of way with open space which creates a buffer to Grandview Parkway U.S. -31, M-72 Highways. On its south right of way, starting from Division and heading east, is the Elks Club, which was historically the Osteopathic Hospital, is some 12,000 square feet in area and one story in height and surrounded by a mass of asphalt drives and parking areas. It is not necessarily a historic or otherwise architecturally important structure.

To the east of the Elks Club are the offices of Smith Johnson Attorneys. It is a very strong building built in the 1980's having an approximate area of 6,500 square feet on the ground level and rises two stories. While one may say that the building was developed with historic elements it is not a building that is historic to the area of the City.

Finally on this triangularly shaped block of land is the TBA Credit Union building itself. A very contemporary structure of the mid 1980's, it again does not represent the historic character of the area.

In the next block and along this shoreline one will note the Real Estate One Building, a three story structure which has been rehabilitated several times over its lifespan and again would have no historical value.

To conclude this discussion on the context of Bay Street, at least two of the three key structures located in this district exceed the 4,500 square foot maximum footprint allowed within the zoning district, and are now non-conforming as of the date of the ratification of the Ordinance.

Randolph Street to the south of the subject property is bounded on its north right-of-way by a vacant lot that used to be a gas station, the parking lot and utility area (backside) of the Elks Club, the parking lot of the Smith Johnson Attorney's office and the current TBA Credit Union Building. Again nothing in context with the intent of this ordinance and now non-conforming with the ordinance. Along the south right-of-way, one would observe another gas station facility, a party store several small scale (more in character) homes, a bakery, a very contemporary home and again the Real Estate One building as Randolph Street terminates into Bay Street at almost a thirty degree angle.

Beyond the fantastic location, views, size and fun geometry of this property, the good thing about this parcel is that the zoning does allow for variety of land uses, with no residential density limit, generous setbacks, and height allowances. The difficult issue in achieving, or taking advantage, of these elements is the "catch twenty two" method of mixing the requirement that no building shall have a footprint or ground area over 4,500 square feet, with the allowable lot coverage, required parking, circulation and again "fun" but challenging geometry of the site. It has been reaffirmed through discussions with staff that this overall square footage may be increased to take full advantage of the parcel size by incorporating a separating "fire wall" thus creating two individual buildings immediately adjacent to each other. But what needs to be realized is that by incorporating the fire wall and creating two individual building is that this then causes extreme and redundant cost to be incurred over what we be found in the development of a single larger building and for no public value. These elements are confirmed from the various agencies and are true redundancies that would NOT be required if that single ordinance regarding the 4,500 square foot building limit was removed from the development of this site.

Creating a "Land Division" including the required survey, deed, permit fee and title work

The need to create another corporation for the separate development

The need to create a separate set of condominium documents.

In terms of the site work required it will involve:

A second domestic water tap at the main, water shutoff, water lead and inclusive restoration.

A second fire suppression line and water tap at main, PIV Valve, Fire Lead, restoration, valve room and siamese connection

A second sanitary sewer lead including the cost of connecting to existing main, wye, cleanout, service lead, inspection manhole and restoration

A second Electrical Service and Panel

A second Telephone/Data Service

A second Gas Service

A separate Storm Water System

As to the redundant Building Improvements required:

There is nearly 200 l.f. of the 4 story firewall.

A second entrance including heat/air/card key system/intercom

Four more Fire Extinguishers and enclosures

Two more four story stairwells

The extended hallways including heat/air, lighting and maintenance

A second elevator

A second generator

Separate signage

And a nearly doubling of Permit Fees

The cost of these elements, coupled with the loss of revenue of the sale of the residential space to house them (approximately 2,500sf), is currently estimated at an expense of between \$1,000,000 and \$1,200,000. This is not to underestimate the cost of maintenance, inspection fees and capital replacement cost that the owners will face in the future.

The second portion of this requirement that we are seeking relief from is the condition that the structure can only be 3 stories and have a total square footage of 13,500 square feet. Recently the City amended the height allowance in this district, allowing for a maximum building height of 45 feet. This is great, but we cannot understand why the limitation cited above is still in place. There is no appreciable reason, in a residential building, that one would need floor to floor vertical distances of 15 feet. While we intend to take full advantage of the height allowance and can indeed do so, the development would be more viable, exciting, interesting and sustainable if we were allowed to construct another floor and add 3 more units while staying at the maximum 45 ft. Again in reviewing the attached drawings one will note that there is no appreciable, or otherwise required, changes to the development except for the floor to floor separation.

The strict application of this requirement will eliminate 3 great units from the preferred Development Plan as attached and lose the City and other taxing jurisdictions about another 1 million dollars in taxable value for nothing gained.

All this being said, the developers can meet this the strict application of these requirements, but the question is what is this value to the City or public?

As one can see from the attached drawings, nothing with any significance changes in the site development or building elevation.

The City and other various taxing jurisdictions will lose the tax revenue of the lost value.

There will be two associations bound to having to deal with cost and community issues.

There is nothing gained pursuant to preserving or reinforcing the context of the historical building and land as made in the intent of this language.

In such the development team respectfully ask for relief from the above stated Section 1340.09 SPECIAL REQUIREMENT as found in the Zoning Ordinance. Please note that we have also included our analysis for the incorporation of Pervious Concrete for your review. We thank you in advance for your time and consideration and look forward to further discussions at your meeting. Should you have any questions or concerns before that time please do not hesitate to contact me.

Respectfully,



Douglas L. Mansfield, President  
Mansfield Land Use Consultants

**Porous Pavement Permeability**

Project: **Clous Condominiums**  
 Project No.: **14028**  
 Location: **City of Traverse City, Grand Traverse County**  
 Client: **Clous**

Intensity = i = 100-yr, 24-hour **5.08 in** (Bulletin 71, G.T. Co) Intensity i = **0.212 in/hr**  
 Soils Type = **Predominant USDA Soils: LeB (Lake beach & Eastport sands, 100%). Permeability rates of the most limiting layer to transmit water = 5.95 in/hr to 19.98 in/hr. Depth to water table > 80 in.**

Conversion = To convert in/hr to gpm, divide by 96.25

Porous Pavement: Permeability rates range from 3-8 gpm per square foot  
 Area of porous pavement on this site = 3,572 sft

**100-year Storm, 24-hour Duration**

**0.212 in/hr / 96.25 = 0.0022 gpm/sft X 3,572 sft equals **8 gpm****

**100-year Storm, 1-hour Duration**

**5.080 in/hr / 96.25 = 0.0528 gpm/sft X 3,572 sft equals **189 gpm****

**Minimum Permeability of Site Soils**

**5.950 in/hr / 96.25 = 0.0618 gpm/sft X 3,572 sft equals **221 gpm****

**Maximum Permeability of Site Soils**

**19.980 in/hr / 96.25 = 0.2076 gpm/sft X 3,572 sft equals **742 gpm****

**Low Range of Porous Pavment Permeability = 3 gpm/sft**

**289 in/hr 3.0000 gpm/sft X 3,572 sft equals **10716 gpm****

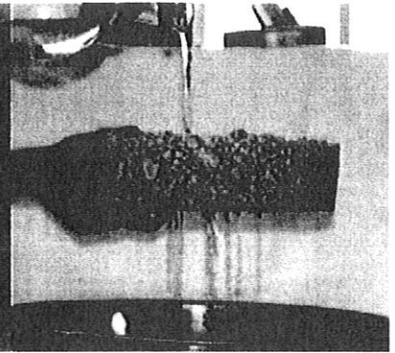
**High Range of Porous Pavment Permeability = 8 gpm/sft**

**770 in/hr 8.0000 gpm/sft X 3,572 sft equals **28576 gpm****

**Summary:** Conservatively, the low range of permeability for the porous pavement, and the minimum range of the on-site soils exceed the precipitation rate of a 100-year, 1-hour duration storm. The permeability rate of the porous pavement and subbase material far exceed the rate of the existing soils on this site. The City's Zoning Code defines the following: "**Impervious Surface** means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of the absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces." The calculations shown above indicate that the porous pavement has a range of permeability rates that far exceeds the permeability rate of the underlying existing soils and is not preventing or impeding the infiltration of storm water into the ground. Therefore, the porous pavement is performing better than vegetation bearing soils. I am confident that based on my research and the literature that I've read that the porous pavement should be considered pervious material meeting the intent of the City's Zoning Code.

*Jim Finckley P.E.*

# Go Green with Pervious Concrete!

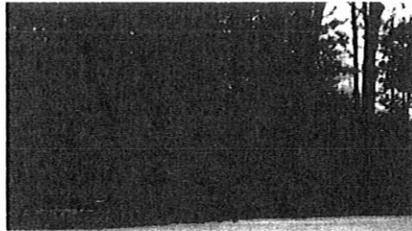


- Superior durability, strength and long life span = cost savings
- Reduces or eliminates the need for stormwater management and irrigation systems
- Helps property owners minimize sewer system usage and avoid municipal stormwater impact fees
- Makes more efficient use of the land
- Reduces operational costs

Pervious concrete lets the "river run through it," so to speak, so that rainwater returns to and replenishes groundwater, instead of creating puddles and stormwater runoff, an environmental liability.

In pervious concrete, carefully controlled amounts of water and cementitious materials are used to create a paste that forms a thick coating around aggregate particles. A pervious concrete mixture contains little or no sand, creating a substantial void content — between 15% to 25%. Using sufficient paste to coat and bind the aggregate particles together creates a system of

highly permeable, interconnected voids that drains quickly. Pervious concrete allows 3 to 8 gallons of water per minute to pass through each square foot of the material.



## USES

Applications for pervious concrete include:

### Hardscape

Low-volume pavements  
Residential roads, alleys, and driveways  
Low-water crossings  
Parking lots  
Sidewalks and pathways  
Patios  
Tennis courts  
Swimming pool decks  
Pavement edge drains

### Floors

Foundations/floors for greenhouses, fish hatcheries, aquatic amusement centers, and zoos

### Walls

Load bearing and other walls  
Sound barriers

### Other

Sub-base for conventional concrete pavement  
Slope stabilization  
Artificial reefs  
Well linings  
Hydraulic structures  
Tree grates in sidewalks  
Groins and seawalls



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## SUSTAINABILITY

Pervious concrete has many environmental benefits. See associated sustainability solutions and technical briefs (right) for more detail.

**Stormwater Management.** By allowing water to soak through and infiltrate, pervious paving reduces stormwater flow and pollutant loads. Can contribute to LEED Credit 6.

**Minimize Site Disturbance.** By integrating paving and drainage, less site area may need to be used to manage stormwater, allowing a more compact site development footprint. May contribute to LEED Credit SS 5.

**Local.** Materials are usually extracted and manufactured locally. May contribute to LEED Credit M 5.

**Recycled content.** Fly ash, slag cement, or silica fume can substitute partially for cement, and recycled aggregates can replace newly mined gravel. Recycled content can contribute to LEED Credit M 4.

**Cool.** The voids reduce mass reducing the heat build up associated with heat islands. Lighter colored cements can increase reflectivity. Not specifically approved for achieving LEED Credit SS 7.

## CONSIDERATIONS

The properties of pervious concrete vary with design and depend on the materials used and the compaction procedures. General guidelines for specifications are provided below.

**Permeability.** Typical flow rates for water through pervious concrete are 3 to 8 gallons per sq foot per minute, but can be double that amount if desired.

**Compressive Strength.** Pervious concretes can develop compressive strengths in the range of 500 to 4000 psi — suitable for a wide range of applications.

**Flexural Strength.** Flexural strength of pervious concrete ranges between 150 and 550 psi.

**Shrinkage.** Drying shrinkage of pervious concrete is faster but much less than that experienced with conventional concrete. Many pervious concretes are made without control joints and are allowed to crack randomly.

**Freeze-Thaw Resistance.** Freeze-thaw resistance depends on the saturation level of the voids in the concrete at the time of freezing. In the field, it appears that the rapid draining characteristics of

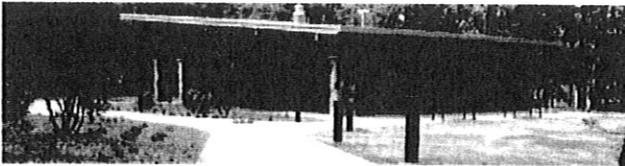
pervious concrete prevent saturation from occurring. Where substantial moisture and freeze-thaw conditions are anticipated, pervious concrete should be placed on a 6 to 18-in.-thick layer of drainable rock base such as 1-in. crushed stone.

**Abrasion Resistance.** Because of the rougher surface texture and open structure of pervious concrete, abrasion and raveling of aggregate particles can be a problem, particularly where snowplows are used to clear pavements. Surface raveling in new pervious concrete can occur when rocks loosely bound to the surface pop out under traffic loads. This raveling is considerably reduced after the first few weeks.

## CASE STUDIES:

### State of Michigan -- Otsego Lake State Park

Team Elmer's provided pervious concrete for the State of Michigan's first test park project. Otsego Lake State Park had the



new product poured in five campsites and a bathhouse. In past years, campers would complain about "rivers" that resulted from heavy rains, making paths difficult to travel, and transporting water, soil, and possible pollutants to the nearby lake. Now those campers are delighted to note safe, flat, dry concrete surfaces — ideal for firepits and walking — and free of stormwater runoff.

### Mary's Kitchen Port -- Traverse City

Gourmet food retailer Mary's Kitchen Port co-owners Mike Boudjalis and Kathy Baier recently installed Team Elmer's pervious concrete in their back parking lot. "It's so much fun to stand in the rain and watch it drain," Mike says, "especially since we had water come into our building 25 years ago!" He and Kathy recall when the store flooded because the parking lot storm drain was overloaded. They were filling five-gallon buckets from the parking lot and lugging them to the street to dump. Mike says he's seen a huge decrease in the amount of rainwater running into the storm drain now. Maintenance has thus far been easier than that for traditional asphalt. "The snow doesn't stick to it as much," he says. "There's almost no buildup. It's cleaner."

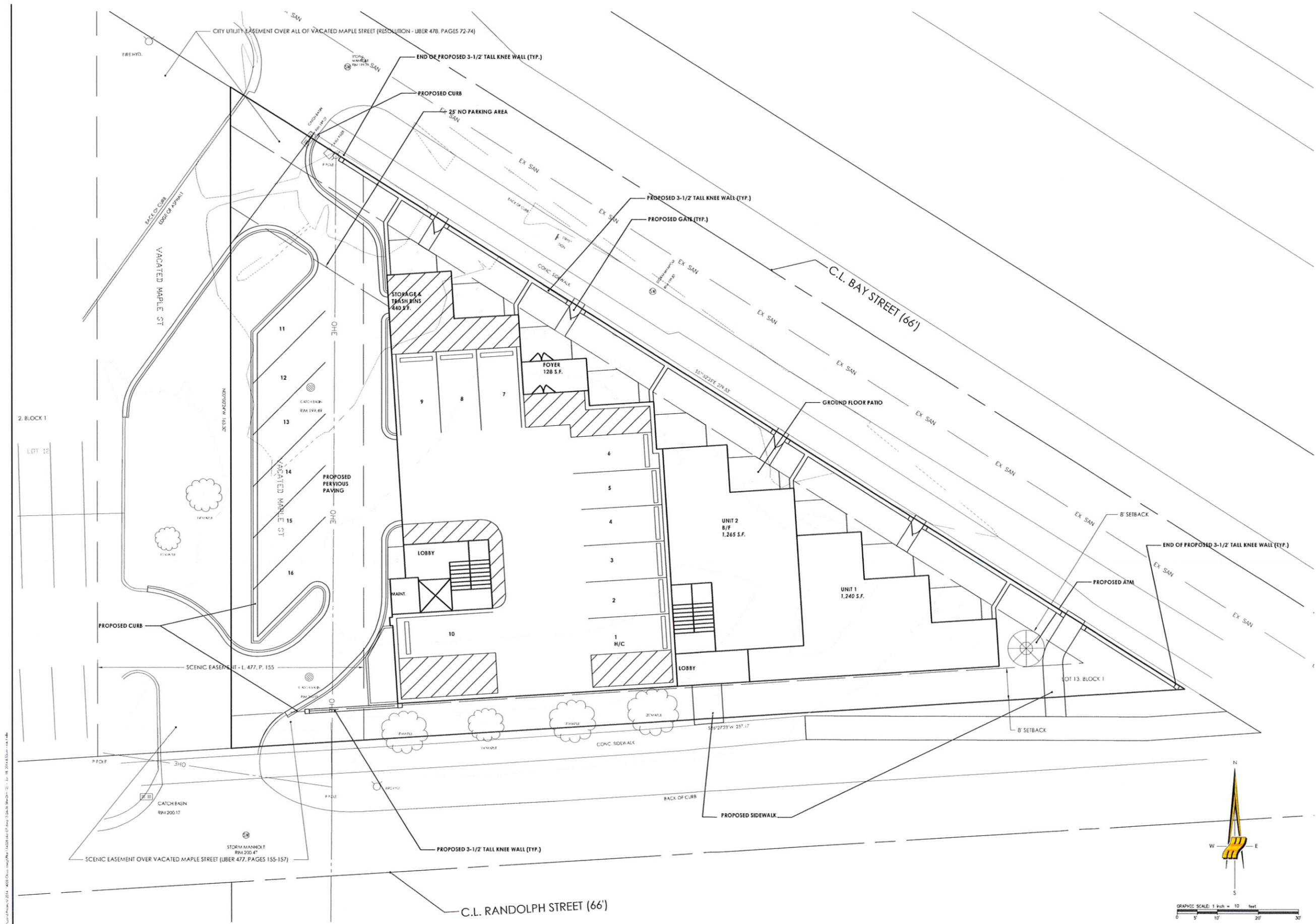


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# Mansfield

Land Use Consultants

REV.	DATE	BY	CHKD.	DESCRIPTION
0				Original Design

PREFERRED DEVELOPMENT PLAN  
**Proposed Condominium**  
 Site Plan - Ground Floor Detail  
 Section 3, Town 27 North, Range 11 West  
 City of Traverse City, Grand Traverse County, Michigan

CONCEPTUAL  
 DLM  
 4/26/14  
 14028  
 SHT 3 OF 5

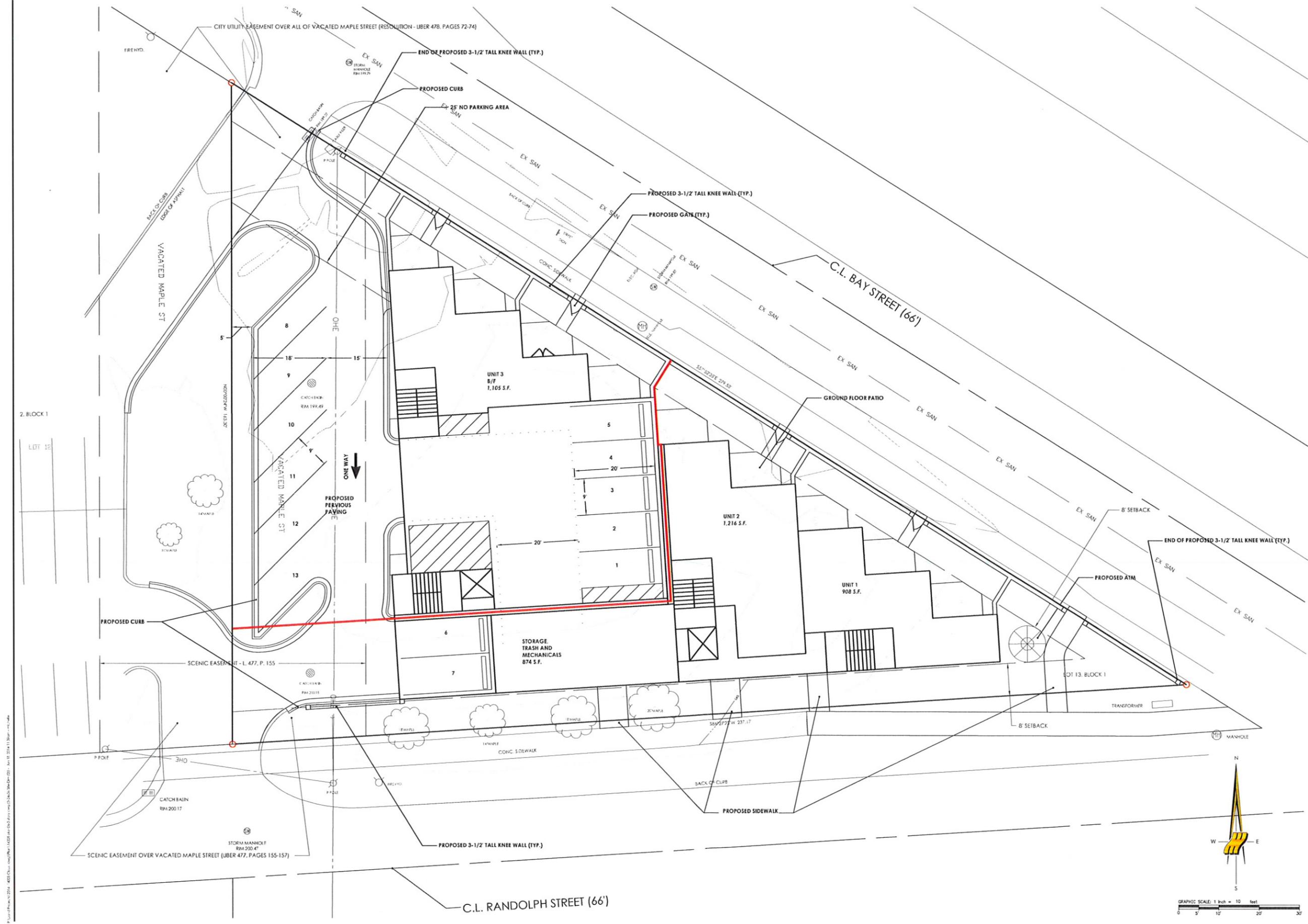
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# Mansfield

Land Use Consultants

REV	DATE	BY	DESCRIPTION
0			Original Design

DEVELOPMENT MEETING REQUIREMENTS - 3 STORY  
**Proposed Condominium**  
 Site Plan - Ground Floor Detail  
 Section 3, Town 27 North, Range 11 West  
 City of Traverse City, Grand Traverse County, Michigan

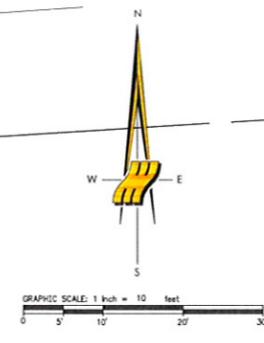
CONCEPTUAL

DATE	DRAWN	CHECKED	DATE

426.14

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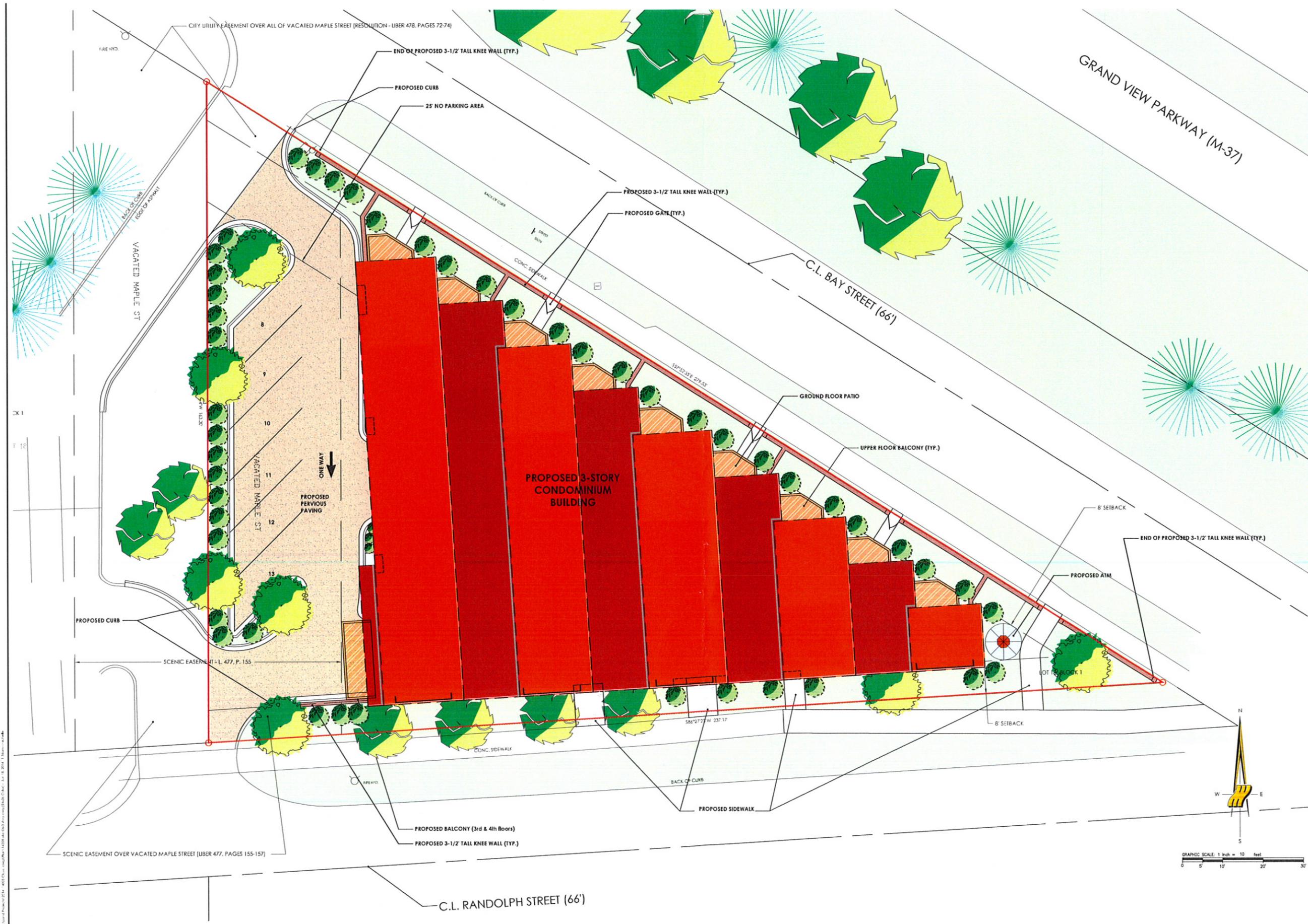
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**Mansfield**  
 Land Use Consultants

REV.	DATE	BY	CHK	DESC.
1	11/14/14	MM	MM	Original design

**DEVELOPMENT MEETING REQUIREMENTS - 3 STORY  
 Proposed Condominium  
 Site Plan**

Section 3, Town 27 North, Range 11 West  
 City of Traverse City, Grand Traverse County, Michigan

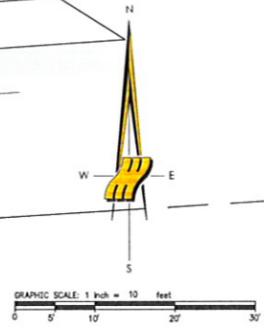
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